January 12, 2007 - Introduced by Representative SCHNEIDER. Referred to Committee on Criminal Justice.

AN ACT to amend 440.03 (13) (c) and 440.08 (2) (a) (intro.); and to create 440.03 (13) (b) 37m., 440.03 (17) and 440.08 (2) (a) 38j. of the statutes; relating to: prohibiting persons convicted of certain felonies from providing martial arts instruction to minors.

Analysis by the Legislative Reference Bureau

This bill prohibits a person from providing martial arts instruction to a minor for a fee without a license granted by the Department of Regulation and Licensing (DRL). Under the bill, martial arts instruction means instruction in self-defense or combat, but not instruction in the use of a firearm, bow and arrow, or crossbow. The bill requires the Department of Justice to conduct a criminal background check on a person who applies for a license. Under the bill, DRL is required to grant a license to an applicant who pays a fee, if DRL determines that the applicant has not been convicted of certain disqualifying offenses specified in the bill, including certain violent crimes, crimes against children, and drug crimes.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 440.03 (13) (b) 37m. of the statutes is created to read:
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440.03 (13) (b) 37m. Martial arts instructor.

SECTION 2. 440.03 (13) (c) of the statutes is amended to read:

440.03 (13) (c) The department shall require an applicant for a private detective license or a private security permit under s. 440.26, an applicant for a juvenile martial arts instructor permit under sub. (17), and a person for whom the department conducts an investigation under par. (b), to be photographed and fingerprinted on 2 fingerprint cards, each bearing a complete set of the person’s fingerprints. The department of justice may submit the fingerprint cards to the federal bureau of investigation for the purpose of verifying the identity of the persons fingerprinted and obtaining records of their criminal arrests and convictions.

SECTION 3. 440.03 (17) of the statutes is created to read:

440.03 (17) (a) In this subsection:

1. “Disqualifying offense” means any of the following:

a. A serious crime, as defined in s. 969.08 (10) (b).

b. A felony under ch. 961.

c. A violation of the law of another state or the United States that would be a serious crime, as defined in s. 969.08 (10) (b), or a felony under ch. 961 if committed in this state.

2. “Martial arts instruction” means instruction in self-defense or combat, but does not include instruction in the use of a firearm, bow and arrow, or crossbow.

(b) No person may, for a fee, provide martial arts instruction to a minor if the person has been convicted of a disqualifying offense.

(c) No person may, for a fee, provide martial arts instruction to a minor unless the person has been issued a permit under this subsection.
(d) Except as provided in par. (e), the department shall grant a juvenile martial
arts instructor permit to a person if the person pays the fee specified in s. 440.05 (1).

(e) Pursuant to s. 440.03 (13) (b), the department shall investigate an applicant
for a permit under this subsection. Notwithstanding ss. 111.321, 111.322, and
111.335, the department may not issue a juvenile martial arts instructor permit to
a person who has been convicted of a disqualifying offense, and shall revoke a permit
issued to a person under this subsection if, after a permit is issued, the person is
convicted of a disqualifying offense.

(f) If a person who holds a permit under this subsection is convicted of a
disqualifying offense, the person shall notify the department within 14 days of the
date of the conviction.

(g) The department may conduct periodic audits to determine whether any
person who holds a permit under this subsection has been convicted of a
disqualifying offense.

SECTION 4. 440.08 (2) (a) (intro.) of the statutes is amended to read:

440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.51, 442.04,
444.03, 444.11, 448.065, 447.04 (2) (c) 2., 448.065, 449.17 (1m) (d), and 449.18 (2) (d),
the renewal dates and renewal fees for credentials are as follows:

SECTION 5. 440.08 (2) (a) 38j. of the statutes is created to read:

440.08 (2) (a) 38j. Juvenile martial arts instructor: September 1 of each
even-numbered year; $53.

SECTION 6. Effective date.

(1) The treatment of section 440.03 (17) (b) and (c) of the statutes takes effect
on the first day of the 4th month beginning after the effective date of this subsection.