

ASSEMBLY BILL 47 (LRB -0745)

An Act to amend 440.03 (13) (c) and 440.08 (2) (a) (intro.); and to create 440.03 (13) (b) 32m., 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. (FE)

2009

02-17.	A.	Introduced by Representative Schneider ; cosponsored by Senators Olsen and Plale .	
02-17.	A.	Read first time and referred to committee on Criminal Justice	60
03-02.	A.	Fiscal estimate received.	
03-04.	A.	Fiscal estimate received.	
03-05.	A.	Public hearing held.	
04-16.	A.	Executive action taken.	
04-23.	A.	Report passage recommended by committee on Criminal Justice, Ayes 9, Noes 0	138
04-23.	A.	Referred to committee on Rules	138
05-08.	A.	Placed on calendar 5-13-2009 by committee on Rules.	
05-13.	A.	Read a second time	181
05-13.	A.	Ordered to a third reading	181
05-13.	A.	Rules suspended	181
05-13.	A.	Read a third time and passed	181
05-13.	A.	Ordered immediately messaged	181
05-13.	S.	Received from Assembly	169
05-18.	S.	Read first time and referred to committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing	177
10-29.	S.	Public hearing held.	

2010

01-19.	S.	Executive action taken.	
01-19.	S.	Report introduction and adoption of Senate Amendment 1 recommended by committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing, Ayes 5, Noes 0 (LRB a1152)	486
01-19.	S.	Report concurrence as amended recommended by committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing, Ayes 5, Noes 0	486
01-19.	S.	Available for scheduling.	
01-27.	S.	Placed on calendar 1-28-2010 by committee on Senate Organization.	
01-28.	S.	Read a second time.	
01-28.	S.	Senate amendment 1 adopted .	
01-28.	S.	Ordered to a third reading.	
01-28.	S.	Rules suspended.	
01-28.	S.	Read a third time and concurred in as amended.	
01-28.	S.	Ordered immediately messaged.	
01-28.	A.	Received from Senate amended and concurred in as amended (Senate amendment 1 adopted).	
01-28.	A.	Senate amendment 1 concurred in .	
01-28.	A.	Action ordered immediately messaged.	

CS

2009

ENROLLED BILL

09en A B-47

ADOPTED DOCUMENTS:

Orig Engr SubAmdt

09-0745/1 ✓

Amendments to above (if none, write "NONE"): SAI - a1152/1 ✓

Corrections - show date (if none, write "NONE"): NONE

CCC in enrolling (2-2-2010)

Topic Rel

1-29-10

Date

J. R. Smith

Enrolling Drafter



2009 ASSEMBLY BILL 47

February 17, 2009 - Introduced by Representative SCHNEIDER, cosponsored by Senators OLSEN and PLALE. Referred to Committee on Criminal Justice.

1 **AN ACT to amend** 440.03 (13) (c) and 440.08 (2) (a) (intro.); and **to create** 440.03
2 (13) (b) 32m., 440.03 (17) and 440.08 (2) (a) 38j. of the statutes; **relating to:**
3 prohibiting persons convicted of certain felonies from providing martial arts
4 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. Under the bill, the Department of Justice must conduct a criminal background check on a person who applies for a license. DRL must 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:

5 **SECTION 1.** 440.03 (13) (b) 32m. of the statutes is created to read:

ASSEMBLY BILL 47

1 440.03 (13) (b) 32m. Juvenile martial arts instructor.

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

3 440.03 (13) (c) The department shall require an applicant for a private
4 detective license or a private security permit under s. 440.26, an applicant for a
5 juvenile martial arts instructor permit under sub. (17), and a person for whom the
6 department conducts an investigation under par. (b), to be photographed and
7 fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's
8 fingerprints. The department of justice may submit the fingerprint cards to the
9 federal bureau of investigation for the purpose of verifying the identity of the persons
10 fingerprinted and obtaining records of their criminal arrests and convictions.

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

12 440.03 (17) (a) In this subsection:

13 1. "Disqualifying offense" means any of the following:

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

15 b. A felony under ch. 961.

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

INSERT SAI-1 ✓

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

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

INS. SAI-2 ✓

23 (c) No person may, for a fee, provide martial arts instruction to a minor unless
24 the person has been issued a permit under this subsection.

ASSEMBLY BILL 47

(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 the 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, as affected by 2007 Wisconsin Acts 20 and 189, 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), 449.18 (2) (d), and 461.02 (3) (a) and (b) and (4), the renewal dates 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.

SECTION 6. Effective date.

INSERT SAI-3 ✓

INS SAI-1 ✓

INS. SAI-5 ✓

INS. SAI-6 ✓

INSERT SAI-7 ✓

INS. SAI-8 ✓

INS. SAI-9 ✓



State of Wisconsin
2009-2010 LEGISLATURE

CORRECTIONS IN:

**SENATE AMENDMENT 1,
TO 2009 ASSEMBLY BILL 47**

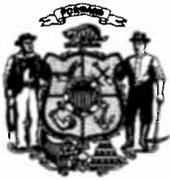
Prepared by the Legislative Reference Bureau
(February 2, 2010)

In enrolling, the following correction was made:

- 1.** Page 1, line 13: delete "delete "is"" and substitute "delete the second "is"".

****NOTE: Clarifies that senate amendment 1 deletes the *second* instance of the word "is" on page 3, line 7, of assembly bill 47, producing the same phrase in that line — "becomes a disqualified offender" — as it produces on page 3, line 9, of the bill.

(END)



**SENATE AMENDMENT 1,
TO 2009 ASSEMBLY BILL 47**

January 19, 2010 – Offered by COMMITTEE ON JUDICIARY, CORRECTIONS, INSURANCE,
CAMPAIGN FINANCE REFORM, AND HOUSING.

1 At the locations indicated, amend the bill as follows:

✓✓
SAI-1

2 ✓ 1. Page 2, line 13: delete lines 13 to 18 and substitute:

3 "1. "Disqualified offender" means any of the following:

4 a. A person who is required to comply with the reporting requirements under
5 s. 301.45 (1g).

6 b. A person who has been convicted of a violation of s. 940.01 or a violation of
7 the law of another state or the United States that would be a violation of s. 940.01
8 if committed in this state."

9 ✓ 2. Page 2, line 22: delete "~~has been convicted of a disqualifying offense~~" and
10 substitute "is a disqualified offender".

SAI-2 ✓✓

11 ✓ 3. Page 3, line 6: delete "~~has been convicted of a disqualifying offense~~" and
12 substitute "is a disqualified offender".

SAI-3 ✓✓✓

13 ✓ 4. Page 3, line 7: delete "is" and substitute "becomes".

SAI-4
✓✓

1 ✓ 5. Page 3, line 8: delete "~~convicted of a disqualifying offense~~" and substitute
 2 "a disqualified offender". SAI-5 ✓✓

3 ✓ 6. Page 3, line 9: delete "is ~~convicted of~~" and substitute "becomes". SAI-6 ✓✓

4 ✓ 7. Page 3, line 10: delete "~~disqualifying offense~~" and substitute "disqualified
 5 offender". SAI-7 ✓✓

6 ✓ 8. Page 3, line 13: delete "~~has been convicted of~~" and substitute "is". SAI-8 ✓✓

7 ✓ 9. Page 3, line 14: delete "~~disqualifying offense~~" and substitute "disqualified
 8 offender". SAI-9 ✓✓

(END)

LRB a1152/1

TKK

CCC in
enrollingTODAY
by noon
(if possible)

CCC

to

SA1

to

AB47

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"becomes a disqualified offender" — as it produces

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<END>

cjs



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBa1152/1
TKK:kjf:ph

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