

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:

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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.

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.

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.

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1 (d) Except as provided in par. (e), the department shall grant a juvenile martial
2 arts instructor permit to a person if the person pays the fee specified in s. 440.05 (1).

3 (e) Pursuant to s. 440.03 (13) (b), the department shall investigate an applicant
4 for a permit under this subsection. Notwithstanding ss. 111.321, 111.322, and
5 111.335, the department may not issue a juvenile martial arts instructor permit to
6 a person who has been convicted of a disqualifying offense and shall revoke a permit
7 issued to a person under this subsection if, after the permit is issued, the person is
8 convicted of a disqualifying offense.

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

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

15 **SECTION 4.** 440.08 (2) (a) (intro.) of the statutes, as affected by 2007 Wisconsin
16 Acts 20 and 189, is amended to read:

17 440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.51, 442.04,
18 444.03, 444.11, ~~448.065~~, 447.04 (2) (c) 2., 448.065, 449.17 (1m) (d), 449.18 (2) (d), and
19 461.02 (3) (a) and (b) and (4), the renewal dates for credentials are as follows:

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

21 440.08 (2) (a) 38j. Juvenile martial arts instructor: September 1 of each
22 even-numbered year.

23 **SECTION 6. Effective date.**

