

2009 DRAFTING REQUEST

Bill

Received: 11/12/2008

Received By: tkuczens

Wanted: As time permits

Identical to LRB:

For: Marlin Schneider (608) 266-0215

By/Representing: Marlin Schneider

This file may be shown to any legislator: NO

Drafter: tkuczens

May Contact:

Addl. Drafters:

Subject: Occupational Reg. - prof lic

Extra Copies:

Submit via email: YES

Requester's email: Rep.Schneider@legis.wisconsin.gov

Carbon copy (CC:) to: tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Regulating martial arts instruction to a minor

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tkuczens 11/13/2008	wjackson 11/20/2008		_____			State
/1			mduchek 11/21/2008	_____	cduerst 11/21/2008	sbasford 12/03/2008	

FE Sent For:

*at intro
2/16*

<END>

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/?	tkuczens	1 WLj 11/20	MSD 11/20	MSD/JF 11/20			

FE Sent For:

<END>

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

11/12/08 Re-Draft for Rep. Schneider 2009 AB-17

2009
~~2007~~ ASSEMBLY BILL 17

STAYS

in 11/13/08

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

Regen

1 AN ACT *to amend* 440.03 (13) (c) and 440.08 (2) (a) (intro.); and *to create* 440.03
2 (13) (b) 37m., 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. 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.

Under

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) 37m. of the statutes is created to read:

e 32m

ASSEMBLY BILL 17

1

440.03 (13) (b) ^{32mo} ~~37m~~ ^{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
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.

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
serious crime, as defined in s. 969.08 (10) (b), or a felony under ch. 961 if committed
in this state.

19

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.

21

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

23

(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.

24

ASSEMBLY BILL 17

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} a 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 Acts 20 and 189} is amended to read:

16 440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.51, 442.04,
17 444.03, 444.11, 448.065, 447.04 (2) (c) 2., 448.065, 449.17 (1m) (d), and 449.18 (2) (d),
18 the renewal dates and renewal fees for credentials are as follows: ^{and 40602(3)(a) and (b) and (4)}

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

20 440.08 (2) (a) 38j. Juvenile martial arts instructor: September 1 of each
21 even-numbered year; \$53

22 SECTION 6. Effective date.

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

Basford, Sarah

From: Schneider, Marlin
Sent: Wednesday, December 03, 2008 10:48 AM
To: LRB.Legal
Subject: Draft Review: LRB 09-0745/1 Topic: Regulating martial arts instruction to a minor

Please Jacket LRB 09-0745/1 for the ASSEMBLY.