



**SENATE SUBSTITUTE AMENDMENT 1,
TO 2011 SENATE BILL 93**

May 23, 2011 – Offered by Senator GALLOWAY.

1 **AN ACT to repeal** 23.33 (3) (e), 165.81 (2), 167.31 (1) (b), 167.31 (1) (g), 167.31 (2)
2 (a), 167.31 (2) (b), 167.31 (4) (am) 2. and 3., 167.31 (4) (bg), (bn) and (bt), 167.31
3 (4) (cm) and (d), 941.23, 941.235, 941.237, 941.295, 948.605 (1) (a) and (am),
4 948.605 (2) (b) 1. to 5. and 7. and 973.137 (1); **to renumber** 29.091, 29.621 (4),
5 167.30, 943.13 (1e) (a) and 947.01; **to renumber and amend** 167.31 (4) (am)
6 1., 943.13 (2) and 948.605 (2) (b) 8.; **to amend** 29.089 (2), 29.314 (3) (a), 29.314
7 (4) (a), 48.685 (2) (bb), 50.065 (2) (bb), 59.54 (6), 66.0409 (3) (b), 110.07 (1) (a)
8 1., 110.07 (1) (a) 3., 110.07 (1) (b), 165.60, 165.82 (1) (intro.), 167.31 (2) (c), 167.31
9 (2) (d), 167.31 (2) (e), 167.31 (3) (title), 167.31 (3) (a), 167.31 (3) (b), 167.31 (4)
10 (a), 167.31 (4) (b), 167.31 (4) (c), 167.31 (4) (f), 345.11 (1s), 345.20 (2) (f), 813.12
11 (6) (am) 1., 813.122 (9) (am) 1., 813.125 (5r) (a), 895.527 (5) (a), 938.34 (14q),
12 938.396 (2g) (n), 938.78 (3), 939.22 (10), 939.632 (1) (e) 3., 941.299 (1) (a), 943.13
13 (1m) (b), 943.13 (3), 947.011 (2) (a) 1., 947.011 (2) (c) 1., 947.011 (2) (d), 948.60

1 (1), 948.605 (2) (a), 948.605 (2) (b) (intro.), 948.605 (2) (b) 6., 968.255 (1) (a) 2.,
2 971.37 (1m) (a) 2. and 973.055 (1) (a) 1.; and **to create** 20.455 (2) (gs), 29.091
3 (1), 29.314 (1) (ah), 29.621 (4) (a), 66.0409 (6), 165.25 (12), 167.30 (2), 167.31 (4)
4 (at), 175.60, 939.22 (11m), 941.232, 943.13 (1e) (aL), 943.13 (1e) (cm), 943.13
5 (1m) (c), 943.13 (2) (bm), 943.13 (6), 946.71, 947.01 (2) and 948.605 (2) (b) 1m.
6 and 1r. of the statutes; **relating to:** going armed with weapons, possessing or
7 transporting a firearm, bow, or crossbow under certain circumstances,
8 disorderly conduct limitations, electric weapons, optional licenses to carry
9 concealed weapons, providing an exemption from emergency rule procedures,
10 requiring the exercise of rule-making authority, making an appropriation, and
11 providing penalties.

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

12 **SECTION 1.** 20.455 (2) (gs) of the statutes is created to read:

13 20.455 (2) (gs) *Background check for optional licenses to carry concealed*
14 *weapons.* All moneys received as fee payments under s. 175.60 (7) (c) and (d), (13),
15 and (15) (b) 4. a. and b. to provide services under s. 175.60.

16 **SECTION 2.** 23.33 (3) (e) of the statutes is repealed.

17 **SECTION 3.** 29.089 (2) of the statutes is amended to read:

18 29.089 (2) Except as provided in sub. (3) and except if the firearm is a handgun
19 as defined in s. 175.35 (1) (b), no person may have in his or her possession or under
20 his or her control a firearm on land located in state parks or state fish hatcheries
21 unless the firearm is unloaded and enclosed within a carrying case.

22 **SECTION 4.** 29.091 of the statutes is renumbered 29.091 (2).

23 **SECTION 5.** 29.091 (1) of the statutes is created to read:

1 29.091 (1) In this section:

2 (a) “Firearm” does not include a handgun.

3 (b) “Gun” does not include a handgun.

4 (c) “Handgun” has the meaning given in s. 175.35 (1) (b).

5 **SECTION 6.** 29.314 (1) (ah) of the statutes is created to read:

6 29.314 (1) (ah) “Handgun” has the meaning given in s. 175.35 (1) (b).

7 **SECTION 7.** 29.314 (3) (a) of the statutes is amended to read:

8 29.314 (3) (a) *Prohibition.* No person may use or possess with intent to use a
9 light for shining deer, elk, or bear while the person is hunting deer, elk, or bear or in
10 possession of a firearm that is not a handgun, bow and arrow, or crossbow.

11 **SECTION 8.** 29.314 (4) (a) of the statutes is amended to read:

12 29.314 (4) (a) *Prohibition.* No person may use or possess with intent to use a
13 light for shining wild animals while the person is hunting or in possession of a
14 firearm that is not a handgun, bow and arrow, or crossbow.

15 **SECTION 9.** 29.621 (4) of the statutes is renumbered 29.621 (4) (b).

16 **SECTION 10.** 29.621 (4) (a) of the statutes is created to read:

17 29.621 (4) (a) In this subsection:

18 1. “Firearm” does not include a handgun.

19 2. “Gun” does not include a handgun.

20 3. “Handgun” has the meaning given in s. 175.35 (1) (b).

21 **SECTION 11.** 48.685 (2) (bb) of the statutes is amended to read:

22 48.685 (2) (bb) If information obtained under par. (am) or (b) 1. indicates a
23 charge of a serious crime, but does not completely and clearly indicate the final
24 disposition of the charge, the department, county department, agency contracted
25 with under s. 48.651 (2), child welfare agency, school board, or entity shall make

1 every reasonable effort to contact the clerk of courts to determine the final disposition
2 of the charge. If a background information form under sub. (6) (a) or (am) indicates
3 a charge or a conviction of a serious crime, but information obtained under par. (am)
4 or (b) 1. does not indicate such a charge or conviction, the department, county
5 department, agency contracted with under s. 48.651 (2), child welfare agency, school
6 board, or entity shall make every reasonable effort to contact the clerk of courts to
7 obtain a copy of the criminal complaint and the final disposition of the complaint.
8 If information obtained under par. (am) or (b) 1., a background information form
9 under sub. (6) (a) or (am), or any other information indicates a conviction of a
10 violation of s. 940.19 (1), 940.195, 940.20, 941.30, 942.08, 947.01 (1), or 947.013
11 obtained not more than 5 years before the date on which that information was
12 obtained, the department, county department, agency contracted with under s.
13 48.651 (2), child welfare agency, school board, or entity shall make every reasonable
14 effort to contact the clerk of courts to obtain a copy of the criminal complaint and
15 judgment of conviction relating to that violation.

16 **SECTION 12.** 50.065 (2) (bb) of the statutes is amended to read:

17 50.065 (2) (bb) If information obtained under par. (am) or (b) indicates a charge
18 of a serious crime, but does not completely and clearly indicate the final disposition
19 of the charge, the department or entity shall make every reasonable effort to contact
20 the clerk of courts to determine the final disposition of the charge. If a background
21 information form under sub. (6) (a) or (am), or any disclosure made pursuant to a
22 disclosure policy described under sub. (6) (am), indicates a charge or a conviction of
23 a serious crime, but information obtained under par. (am) or (b) does not indicate
24 such a charge or conviction, the department or entity shall make every reasonable
25 effort to contact the clerk of courts to obtain a copy of the criminal complaint and the

1 final disposition of the complaint. If information obtained under par. (am) or (b), a
2 background information form under sub. (6) (a) or (am), any disclosure made
3 pursuant to a disclosure policy described under sub. (6) (am), or any other
4 information indicates a conviction of a violation of s. 940.19 (1), 940.195, 940.20,
5 941.30, 942.08, 947.01 (1), or 947.013 obtained not more than 5 years before the date
6 on which that information was obtained, the department or entity shall make every
7 reasonable effort to contact the clerk of courts to obtain a copy of the criminal
8 complaint and judgment of conviction relating to that violation.

9 **SECTION 13.** 59.54 (6) of the statutes is amended to read:

10 59.54 (6) PEACE AND ORDER. The board may enact and enforce ordinances to
11 preserve the public peace and good order within the county including, but not limited
12 by enumeration, ordinances prohibiting conduct that is the same as or similar to
13 conduct that is prohibited by ss. 947.01 (1) and 947.02, and provide a forfeiture for
14 a violation of the ordinances.

15 **SECTION 14.** 66.0409 (3) (b) of the statutes is amended to read:

16 66.0409 (3) (b) Nothing in this section prohibits a city, village or town that is
17 authorized to exercise village powers under s. 60.22 (3) from enacting an ordinance
18 or adopting a resolution that restricts the discharge of a firearm. Any ordinance or
19 resolution that restricts the discharge of a firearm does not apply and may not be
20 enforced if the actor's conduct is justified or, had it been subject to a criminal penalty,
21 would have been subject to a defense described in s. 939.45.

22 **SECTION 15.** 66.0409 (6) of the statutes is created to read:

23 66.0409 (6) Unless other facts and circumstances apply, no person may be in
24 violation of, or be charged with a violation of, an ordinance of a political subdivision
25 relating to disorderly conduct or other inappropriate behavior for loading, carrying,

1 or going armed with a firearm, without regard to whether the firearm is loaded or
2 is concealed or openly carried. Any ordinance in violation of this subsection does not
3 apply and may not be enforced.

4 **SECTION 16.** 110.07 (1) (a) 1. of the statutes is amended to read:

5 110.07 (1) (a) 1. Enforce and assist in the administration of this chapter and
6 chs. 194, 218, 341 to 349 and 351, and ss. 23.33, 125.07 (4) (b), 125.085 (3) (b), 167.31
7 (2) ~~(b) to~~ (c) and (d) and 287.81 and ch. 350 where applicable to highways, or orders
8 or rules issued pursuant thereto.

9 **SECTION 17.** 110.07 (1) (a) 3. of the statutes is amended to read:

10 110.07 (1) (a) 3. Have authority to enter any place where vehicles subject to this
11 chapter, ss. 167.31 (2) ~~(b) to~~ (c) and (d) and 287.81 and chs. 194, 218 and 341 to 350
12 are stored or parked at any time to examine such vehicles, or to stop such vehicles
13 while en route at any time upon the public highways to examine the same and make
14 arrests for all violations thereof.

15 **SECTION 18.** 110.07 (1) (b) of the statutes is amended to read:

16 110.07 (1) (b) All municipal judges, judges, district attorneys and law
17 enforcement officers shall assist in enforcing this chapter, ss. 167.31 (2) ~~(b) to~~ (c) and
18 (d) and 287.81 and chs. 194, 218 and 341 to 351, and orders or rules issued pursuant
19 thereto and shall report to the department the disposition of every uniform traffic
20 citation issued for cases involving those chapters.

21 **SECTION 19.** 165.25 (12) of the statutes is created to read:

22 165.25 (12) RULES REGARDING CONCEALED WEAPONS LICENSES. Promulgate by
23 rule a list of states that issue a permit, license, approval, or other authorization to
24 carry a concealed weapon if the permit, license, approval, or other authorization

1 requires, or designates that the holder chose to submit to, a background search that
2 is comparable to a background check as defined in s. 175.60 (1) (ac).

3 **SECTION 20.** 165.60 of the statutes is amended to read:

4 **165.60 Law enforcement.** The department of justice is authorized to enforce
5 ss. 101.123 (2), (2m), and (8), 175.60 (17) (b), 944.30, 944.31, 944.33, 944.34, 945.02
6 (2), 945.03 (1m), and 945.04 (1m) and ch. 108 and, with respect to a false statement
7 submitted or made under s. 175.60 (7) (b) or (15) (b) 2., to enforce s. 946.32 and is
8 invested with the powers conferred by law upon sheriffs and municipal police officers
9 in the performance of those duties. This section does not deprive or relieve sheriffs,
10 constables, and other local police officers of the power and duty to enforce those
11 sections, and those officers shall likewise enforce those sections.

12 **SECTION 21.** 165.81 (2) of the statutes is repealed.

13 **SECTION 22.** 165.82 (1) (intro.) of the statutes is amended to read:

14 165.82 (1) (intro.) Notwithstanding s. 19.35 (3), the department of justice shall
15 impose the following fees, plus any surcharge required under sub. (1m), for criminal
16 history searches for purposes unrelated to criminal justice or to s. 175.35 or 175.60:

17 **SECTION 23.** 167.30 of the statutes is renumbered 167.30 (1).

18 **SECTION 24.** 167.30 (2) of the statutes is created to read:

19 167.30 (2) Subsection (1) does not apply to the discharge of a firearm if the
20 actor's conduct is justified or, had it been subject to a criminal penalty, would have
21 been subject to a defense described in s. 939.45.

22 **SECTION 25.** 167.31 (1) (b) of the statutes is repealed.

23 **SECTION 26.** 167.31 (1) (g) of the statutes is repealed.

24 **SECTION 27.** 167.31 (2) (a) of the statutes is repealed.

25 **SECTION 28.** 167.31 (2) (b) of the statutes is repealed.

1 **SECTION 29.** 167.31 (2) (c) of the statutes is amended to read:

2 167.31 (2) (c) Except as provided in sub. (4), no person may load or discharge
3 a firearm or shoot a bolt or an arrow from a bow or crossbow in or from a vehicle.

4 **SECTION 30.** 167.31 (2) (d) of the statutes is amended to read:

5 167.31 (2) (d) Except as provided in sub. (4) (a), ~~(b)~~, (c), (e), and (g), no person
6 may discharge a firearm or shoot a bolt or an arrow from a bow or crossbow from or
7 across a highway or within 50 feet of the center of a roadway.

8 **SECTION 31.** 167.31 (2) (e) of the statutes is amended to read:

9 167.31 (2) (e) A person who violates ~~pars. (a) to par. (c)~~ or (d) is subject to a
10 forfeiture of not more than \$100.

11 **SECTION 32.** 167.31 (3) (title) of the statutes is amended to read:

12 167.31 (3) (title) ~~PROHIBITIONS~~ PROHIBITION; AIRCRAFT.

13 **SECTION 33.** 167.31 (3) (a) of the statutes is amended to read:

14 167.31 (3) (a) Except as provided in sub. (4), no person may place, possess or
15 transport a firearm, ~~bow or crossbow~~ in or on an a commercial aircraft, unless the
16 firearm is unloaded and encased ~~or unless the bow or crossbow is unstrung or is~~
17 ~~enclosed in a carrying case.~~

18 **SECTION 34.** 167.31 (3) (b) of the statutes is amended to read:

19 167.31 (3) (b) Except as provided in sub. (4), no person may load or discharge
20 a firearm or shoot a bolt or an arrow from a bow or crossbow in or from an a
21 commercial aircraft.

22 **SECTION 35.** 167.31 (4) (a) of the statutes is amended to read:

23 167.31 (4) (a) Subsections (2) (c) and (d) and (3) (a) and (b) do not apply to any
24 of the following who, in the line of duty, place, possess, transport, load or discharge

1 a firearm in, on or from a vehicle, motorboat or commercial aircraft or discharge a
2 firearm from or across a highway or within 50 feet of the center of a roadway:

3 **SECTION 36.** 167.31 (4) (am) 1. of the statutes is renumbered 167.31 (4) (am)
4 and amended to read:

5 167.31 (4) (am) Subsections (2) ~~(a)~~, (c) and (d) and (3) (a) and (b) do not apply
6 to a peace officer who, in the line of duty, loads or discharges a firearm in, on, or from
7 a vehicle, motorboat or commercial aircraft or discharges a firearm from or across a
8 highway or within 50 feet of the center of a roadway.

9 **SECTION 37.** 167.31 (4) (am) 2. and 3. of the statutes are repealed.

10 **SECTION 38.** 167.31 (4) (at) of the statutes is created to read:

11 167.31 (4) (at) Subsections (2) (c) and (d), (3) (a) and (b), and (3m) (a) do not
12 apply to the discharge of a firearm if the actor's conduct is justified or, had it been
13 subject to a criminal penalty, would have been subject to a defense described in s.
14 939.45.

15 **SECTION 39.** 167.31 (4) (b) of the statutes is amended to read:

16 167.31 (4) (b) Subsections (2) ~~(a), (b) and~~ (c), (3) (a) and (b), and (3m) (a) do not
17 apply to the holder of a scientific research license under s. 169.25 or a scientific
18 collector permit under s. 29.614 who is using a net gun or tranquilizer gun in an
19 activity related to the purpose for which the license or permit was issued.

20 **SECTION 40.** 167.31 (4) (bg), (bn) and (bt) of the statutes are repealed.

21 **SECTION 41.** 167.31 (4) (c) of the statutes is amended to read:

22 167.31 (4) (c) Subsection (2) ~~(b) and~~ (c) does not apply to the holder of a Class A
23 or Class B permit under s. 29.193 (2) who is hunting from a stationary vehicle.

24 **SECTION 42.** 167.31 (4) (cm) and (d) of the statutes are repealed.

25 **SECTION 43.** 167.31 (4) (f) of the statutes is amended to read:

1 167.31 (4) (f) Subsection (2) (d) does not prohibit a person from possessing a
2 loaded firearm within 50 feet of the center of a roadway if the person does not violate
3 sub. (2) ~~(b) or~~ (c).

4 **SECTION 44.** 175.60 of the statutes is created to read:

5 **175.60 Optional license to carry a concealed weapon. (1) DEFINITIONS.**

6 In this section:

7 (ac) “Background check” means the searches the department conducts under
8 sub. (9g) to determine a person’s eligibility for an optional license to carry a concealed
9 weapon.

10 (ag) “Carry” means to go armed with.

11 (b) “Department” means the department of justice.

12 (bm) “Handgun” means any weapon designed or redesigned, or made or
13 remade, and intended to be fired while held in one hand and to use the energy of an
14 explosive to expel a projectile through a smooth or rifled bore. “Handgun” does not
15 include a machine gun, as defined in s. 941.27 (1), a short-barreled rifle, as defined
16 in s. 941.28 (1) (b), or a short-barreled shotgun, as defined in s. 941.28 (1) (c).

17 (bv) “Law enforcement agency” does not include the department.

18 (c) “Law enforcement officer” has the meaning given in s. 165.85 (2) (c).

19 (d) “Licensee” means an individual holding a valid optional license issued
20 under this section to carry a concealed weapon.

21 (f) “Out-of-state license” means a valid permit, license, approval, or other
22 authorization issued by another state if all of the following apply:

23 1. The permit, license, approval, or other authorization is for the carrying of a
24 concealed weapon.

1 2. The state is listed in the rule promulgated by the department under s. 165.25
2 (12) and, if that state does not require a background search for the permit, license,
3 approval, or authorization, the permit, license, approval, or authorization
4 designates that the holder chose to submit to a background search.

5 (g) “Out-of-state licensee” means an individual who is 21 years of age or over,
6 who is not a Wisconsin resident, and who has been issued an out-of-state license.

7 (i) “State identification card number” means the unique identifying driver
8 number assigned to a person by the department of transportation under s. 343.17 (3)
9 (a) 4. or, if the person has no driver number, the number assigned to the person on
10 an identification card issued under s. 343.50.

11 (j) “Weapon” means a handgun, an electric weapon, as defined in s. 939.222
12 (11m), a knife other than a switchblade knife under s. 941.24, or a billy club.

13 **(2) ISSUANCE AND SCOPE OF LICENSE.** (a) The department shall issue an optional
14 license to carry a concealed weapon to any individual who is not disqualified under
15 sub. (3) and who completes the application process specified in sub. (7). An optional
16 license to carry a concealed weapon issued under this section shall meet the
17 requirements specified in sub. (2m).

18 (b) The department may not impose conditions, limitations, or requirements
19 that are not expressly provided for in this section on the issuance, scope, effect, or
20 content of a license.

21 (c) This section does not limit an individual’s right to carry a firearm that is not
22 concealed. Except as provided in s. 948.605 (2) (b) 1r., the optional license issued
23 under this section conveys no additional rights under Wisconsin state law to carry
24 a firearm that is concealed than an individual who does not have a license issued
25 under this section has to carry a firearm that is concealed.

1 (d) For purposes of 18 USC 922 (q) (2) (B) (ii), an out-of-state licensee is
2 licensed by the state.

3 **(2m)** LICENSE DOCUMENT; CONTENT OF LICENSE. (a) Subject to pars. (b), (bm), (c),
4 and (d), the department shall design a single license document for licenses issued and
5 renewed under this section. The department shall complete the design of the license
6 document no later than the first day of the 2nd month beginning after the effective
7 date of this paragraph [LRB inserts date].

8 (b) A license document for a license issued under this section shall contain all
9 of the following on one side:

10 1. The full name, date of birth, and residence address of the licensee.

11 2. A physical description of the licensee, including sex, height, hair color, and
12 eye color.

13 3. The date on which the license was issued.

14 4. The date on which the license expires.

15 5. The name of this state.

16 6. A unique identification number for each licensee.

17 (bm) The reverse side of a license document issued under this section shall
18 notify the licensee that he or she shall inform the department of any address change.

19 (c) The license document may not contain the licensee's social security number.

20 (d) 1. The contents of the license document shall be included in the document
21 in substantially the same way that the contents of an operator's license document
22 issued under s. 343.17 are included in that document.

23 2. The license document issued under this section shall be tamper proof in
24 substantially the same way that the operator's license is tamper proof under s.
25 343.17 (2).

1 (e) The department of justice may contract with the department of
2 transportation to produce and issue license documents under this section. Neither
3 the department of transportation nor any employee of the department of
4 transportation may store, maintain, or access the information provided by the
5 department of justice for the production or issuance of license documents other than
6 to the extent necessary to produce or issue the license documents.

7 **(3) RESTRICTIONS ON ISSUING A LICENSE.** The department shall issue an optional
8 license under this section to an individual who submits an application under sub. (7)
9 unless any of the following applies:

10 (a) The individual is less than 21 years of age.

11 (b) The individual is prohibited under federal law from possessing a firearm
12 that has been transported in interstate or foreign commerce.

13 (c) The individual is prohibited from possessing a firearm under s. 941.29.

14 (d) The individual is not a Wisconsin resident.

15 **(5) APPLICATION AND RENEWAL FORMS.** (a) The department shall design an
16 application form for use by individuals who apply for an optional license under this
17 section and a renewal form for use by individuals applying for renewal of an optional
18 license under sub. (15). The department shall complete the design of the application
19 form no later than the first day of the 2nd month beginning after the effective date
20 of this paragraph [LRB inserts date], and shall complete the design of the renewal
21 form no later than the first day of the 36th month beginning after the effective date
22 of this paragraph [LRB inserts date]. The forms shall require the applicant to
23 provide only his or her name, address, date of birth, state identification card number,
24 race, sex, height, hair color, and eye color and shall include all of the following:

1 1. A statement that the applicant is ineligible for a license if sub. (3) (a), (b), (c),
2 or (d) applies to the applicant.

3 2. A statement explaining self-defense and defense of others under s. 939.48,
4 with a place for the applicant to sign his or her name to indicate that he or she has
5 read and understands the statement.

6 3. A statement, with a place for the applicant to sign his or her name, to indicate
7 that the applicant has read and understands the requirements of this section.

8 4. A statement that an applicant may be prosecuted if he or she intentionally
9 gives a false answer to any question on the application or intentionally submits a
10 falsified document with the application.

11 5. A statement of the penalties for intentionally giving a false answer to any
12 question on the application or intentionally submitting a falsified document with the
13 application.

14 6. A statement of the places under ss. 941.232 (2) and 948.605 (2) (b) where a
15 licensee is prohibited from carrying a weapon, as well as an explanation of the
16 provisions under ss. 941.232 (3) and 943.13 (1m) (c) that could limit the places where
17 the licensee may carry a weapon, with a place for the applicant to sign his or her name
18 to indicate that he or she has read and understands the statement.

19 (b) The department shall make the forms described in this subsection available
20 on the Internet and, upon request, by mail.

21 **(7) SUBMISSION OF APPLICATION.** An individual may apply for an optional license
22 under this section with the department by submitting, by mail or other means made
23 available by the department, to the department all of the following:

24 (a) A completed application in the form prescribed under sub. (5) (a).

1 (b) A statement that states that the information that he or she is providing in
2 the application submitted under par. (a) and any document submitted with the
3 application is true and complete to the best of his or her knowledge.

4 (c) A license fee in an amount, as determined by the department by rule, that
5 is equal to the cost of issuing the license but does not exceed \$52. The department
6 shall determine the costs of issuing a license by using a 5-year planning period.

7 (d) A fee for a background check that is equal to the fee charged under s. 175.35
8 (2i).

9 **(9)** PROCESSING OF APPLICATION. (a) Upon receiving an application submitted
10 under sub. (7), the department shall conduct a background check.

11 (b) Within 21 days after receiving a complete application under sub. (7), the
12 department shall do one of the following:

13 1. Issue the license and promptly send the licensee his or her license document
14 by 1st class mail.

15 2. Deny the application, but only if sub. (3) (a), (b), (c), or (d) applies to the
16 applicant. If the department denies the application, the department shall inform the
17 applicant in writing, stating the reason and factual basis for the denial.

18 **(9g)** BACKGROUND CHECKS. (a) The department shall conduct a background
19 check regarding an applicant for an optional license using the following procedure:

20 1. The department shall create a confirmation number associated with the
21 applicant.

22 2. The department shall use the transaction information for management of
23 enforcement system and the national crime information center system.

24 3. As soon as practicable, the department shall do the following:

1 a. If the background check indicates sub. (3) (b) or (c) applies to the applicant,
2 create a unique nonapproval number for the applicant.

3 b. If the completed background check does not indicate that sub. (3) (b) or (c)
4 applies to the applicant, create a unique approval number for the applicant.

5 (b) The department shall maintain a record of all completed application forms
6 and a record of all approval or nonapproval numbers regarding background checks
7 under this subsection.

8 **(9r) EMERGENCY LICENSE.** (a) An individual who requires an emergency
9 optional license may petition the court in the county in which he or she resides for
10 such a license. Unless the court knows that the individual is ineligible for a license
11 under sub. (3), a court may issue an emergency optional license to an individual if
12 the court determines that immediate licensure is warranted to protect the individual
13 from death or great bodily harm, as defined in s. 939.22 (14).

14 (b) An emergency optional license issued under this subsection is valid for 30
15 days unless it is void under par. (c).

16 (c) If the holder of an emergency optional license issued under par. (a) applies
17 for an optional license under sub. (7) and is determined to be ineligible under sub.
18 (3) for the license, the emergency optional license is void.

19 **(11) UPDATED INFORMATION.** (a) In this subsection:

20 1. "Clerk" means the clerk of the circuit court or, if it has enacted a law or an
21 ordinance in conformity with s. 346.63, the clerk of the court for a federally
22 recognized American Indian tribe or band in this state, a city, a village, or a town.

23 2. "Court automated information systems" means the systems under s. 758.19
24 (4).

1 (b) The court automated information systems, or the clerk or register in
2 probate, if the information is not contained in or cannot be transmitted by the court
3 automated information systems, shall promptly notify the department of the name
4 of any individual with respect to whom any of the following occurs and the specific
5 reason for the notification:

6 1. The individual is found by a court to have committed a felony or any other
7 crime that would disqualify the individual from having a license under this section.

8 2. The individual is found incompetent under s. 971.14.

9 3. The individual is found not guilty of any crime by reason of mental disease
10 or mental defect under s. 971.17.

11 4. The individual is involuntarily committed for treatment under s. 51.20 or
12 51.45.

13 5. The individual is found incompetent under ch. 54.

14 6. The individual becomes subject to an injunction described in s. 941.29 (1) (f)
15 or is ordered not to possess a firearm under s. 813.125 (4m).

16 7. A court has prohibited the individual from possessing a dangerous weapon
17 under s. 969.02 (3) (c).

18 8. A court has ordered the individual not to possess a firearm under s. 51.20 (13)
19 (cv) 1., 51.45 (13) (i) 1., 54.10 (3) (f) 1., or 55.12 (10) (a).

20 (c) Upon receiving a notice under par. (b), the department shall immediately
21 determine if the individual who is the subject of the notice is a licensee, using the list
22 maintained under sub. (12) (a).

23 **(12) MAINTENANCE, USE, AND PUBLICATION OF RECORDS BY THE DEPARTMENT.** (a) The
24 department shall maintain a computerized record listing the names and the
25 information specified in sub. (2m) (b) of all individuals who have been issued an

1 optional license under this section. Subject to par. (b) 2., neither the department nor
2 any employee of the department may store, maintain, format, sort, or access the
3 information in any way other than by the names, dates of birth, or sex of licensees
4 or by the identification numbers assigned to licensees under sub. (2m) (b) 6.

5 (b) 1. A law enforcement officer may not request or be provided information
6 under par. (a) concerning a specific licensee except for one of the following purposes:

7 a. To investigate whether an individual submitted an intentionally false
8 statement under sub. (7) (b) or (15) (b) 2.

9 b. To investigate whether an individual complied with sub. (14) (b) 3.

10 2. A person who is a law enforcement officer in a state other than Wisconsin
11 may request and be provided information for the following purposes:

12 a. To confirm that a license produced by an individual at the request of a law
13 enforcement officer in a state other than Wisconsin is valid.

14 b. If an individual is carrying a concealed weapon and claims to hold a valid
15 license issued under this section but does not have his or her license document, to
16 confirm that the individual holds a valid license under this section.

17 (c) Notwithstanding s. 19.35, the department of justice, the department of
18 transportation, or any employee of either department may not make information
19 obtained under this section available to the public except in the context of a
20 prosecution for an offense in which the person's status as a licensee is relevant or
21 through a report created under sub. (19).

22 **(12g) PROVIDING LICENSEE INFORMATION TO LAW ENFORCEMENT AGENCIES.** (a) The
23 department shall provide information concerning a specific licensee to a law
24 enforcement agency, but only if the law enforcement agency is requesting the
25 information for any of the following purposes:

1 1. If the law enforcement agency is not a Wisconsin law enforcement agency,
2 to confirm that a license produced by an individual at the request of a law
3 enforcement officer is valid.

4 2. If the law enforcement agency is not a Wisconsin law enforcement agency,
5 to confirm that an individual holds a valid license under this section if an individual
6 is carrying a concealed weapon and claims to hold a valid license issued under this
7 section but does not have his or her license document.

8 3. If the law enforcement agency is a Wisconsin law enforcement agency, to
9 investigate whether an individual submitted an intentionally false statement under
10 sub. (7) (b) or (15) (b) 2.

11 (b) 1. Notwithstanding s. 19.35, neither a law enforcement agency nor any of
12 its employees may make information regarding an individual that was obtained from
13 the department under par. (a) 3. available to the public except in the context of a
14 prosecution for an offense in which the person's status as a licensee is relevant.

15 2. Neither a law enforcement agency nor any of its employees may store or
16 maintain information regarding an individual that was obtained from the
17 department under par. (a) 3. based on the individual's status as a licensee.

18 3. Neither a law enforcement agency nor any of its employees may sort or access
19 information regarding vehicle stops, investigations, civil or criminal offenses, or
20 other activities involving the agency based on the status as licensees of any
21 individuals involved.

22 **(13) LOST OR DESTROYED LICENSE.** If a license document is lost, a licensee no
23 longer has possession of his or her license, or a license document is destroyed,
24 unreadable, or unusable, a licensee may submit to the department a statement
25 requesting a replacement license document, the license document or any portions of

1 the license document if available, and a \$15 replacement fee. The department shall
2 issue a replacement license document to the licensee within 14 days of receiving the
3 statement and fee. If the licensee does not submit the original license document to
4 the department, the department shall terminate the unique approval number of the
5 original request and issue a new unique approval number for the replacement
6 request.

7 **(14) LICENSE REVOCATION AND SUSPENSION.** (a) The department shall revoke a
8 license issued under this section if the department determines that sub. (3) (b), (c),
9 or (d) applies to the licensee.

10 (am) The department shall suspend a license issued under this section if a court
11 has prohibited the licensee from possessing a dangerous weapon under s. 969.02 (3)
12 (c). If the individual whose license was suspended is no longer subject to the
13 prohibition under s. 969.02 (3) (c), sub. (3) (b), (c), or (d) does not apply to the
14 individual, and the suspended license would not have expired under sub. (15) (a) had
15 it not been suspended, the department shall restore the license within 5 business
16 days of notification that the licensee is no longer subject to the prohibition.

17 (b) 1. If the department suspends or revokes a license issued under this section,
18 the department shall send the individual whose license has been suspended or
19 revoked notice of the suspension or revocation by certified mail within one day after
20 the suspension or revocation.

21 2. If the department suspends or revokes a license under this section, the
22 suspension or revocation takes effect when the individual whose license has been
23 suspended or revoked receives the notice under subd. 1.

24 3. Within 7 days after receiving the notice, the individual whose license has
25 been suspended or revoked shall do one of the following:

1 a. Deliver the license document personally or by certified mail to the
2 department.

3 b. Mail a signed statement to the department stating that he or she no longer
4 has possession of his or her license document and stating the reasons why he or she
5 no longer has possession.

6 **(14g)** DEPARTMENTAL REVIEW. The department shall promulgate rules providing
7 for the review of any action by the department denying an application for, or
8 suspending or revoking, a license under this section.

9 **(14m)** APPEALS TO THE CIRCUIT COURT. (a) An individual aggrieved by any action
10 by the department denying an application for, or suspending or revoking, a license
11 under this section, may appeal directly to the circuit court of the county in which the
12 individual resides without regard to whether the individual has sought review under
13 the process established in sub. (14g).

14 (b) To begin an appeal under this subsection, the aggrieved individual shall file
15 a petition for review with the clerk of the applicable circuit court within 30 days of
16 receiving notice of denial of an application for a license or of suspension or revocation
17 of a license. The petition shall state the substance of the department's action from
18 which the individual is appealing and the grounds upon which the individual
19 believes the department's action to be improper. The petition may include a copy of
20 any records or documents that are relevant to the grounds upon which the individual
21 believes the department's action to be improper.

22 (c) A copy of the petition shall be served upon the department either personally
23 or by registered or certified mail within 5 days after the individual files his or her
24 petition under par. (b).

1 (d) The department shall file an answer within 15 days after being served with
2 the petition under par. (c). The answer shall include a brief statement of the actions
3 taken by the department. The department shall include with the answer when filed
4 a copy of any documents or records on which the department based its action.

5 (e) The court shall review the petition, the answer, and any records or
6 documents submitted with the petition or the answer. The review under this
7 paragraph shall be conducted by the court without a jury but the court may schedule
8 a hearing and take testimony.

9 (f) The court shall reverse the department's action if the court finds any of the
10 following:

11 1. That the department failed to follow any procedure, or take any action,
12 prescribed under this section.

13 2. That the department erroneously interpreted a provision of law and a correct
14 interpretation compels a different action.

15 3. That the department's action depends on a finding of fact that is not
16 supported by substantial evidence in the record.

17 4. a. If the appeal is regarding a denial, that the denial was based on factors
18 other than the factors under sub. (3).

19 b. If the appeal is regarding a suspension or revocation, that the suspension or
20 revocation was based on criteria other than those under sub. (14) (a) or (am).

21 (g) 1. The court's decision shall provide whatever relief is appropriate
22 regardless of the original form of the petition.

23 2. If the court reverses the department's action, the court may order the
24 department to pay the aggrieved individual all court costs and reasonable attorney
25 fees.

1 **(15) LICENSE EXPIRATION AND RENEWAL.** (a) Except as provided in par. (e) and
2 sub. (9r) (b), an optional license issued under this section is valid for a period of 5
3 years from the date on which the license is issued unless the license is suspended or
4 revoked under sub. (14).

5 (b) The department shall design a notice of expiration form. At least 90 days
6 before the expiration date of a license issued under this section, the department shall
7 mail to the licensee a notice of expiration form and a form for renewing the license.
8 The department shall renew the license if, no later than 90 days after the expiration
9 date of the license, the licensee does all of the following:

10 1. Submits a renewal application on the form provided by the department.

11 2. Submits a statement reporting that the information provided under subd.

12 1. is true and complete to the best of his or her knowledge and that he or she is not
13 disqualified under sub. (3).

14 4. Pays all of the following:

15 a. A renewal fee in an amount, as determined by the department by rule, that
16 is equal to the cost of renewing the license but does not exceed \$27. The department
17 shall determine the costs of renewing a license by using a 5-year planning period.

18 b. A fee for a background check that is equal to the fee charged under s. 175.35
19 (2i).

20 (c) The department shall conduct a background check of a licensee as provided
21 under sub. (9g) before renewing the licensee's license under par. (b).

22 (d) The department shall issue a renewal license by 1st class mail within 21
23 days of receiving a renewal application, statement, and fees under par. (b).

24 (e) The license of a member of the U.S. armed forces, a reserve unit of the armed
25 forces, or the national guard who is deployed overseas while on active duty may not

1 expire until at least 90 days after the end of the licensee's overseas deployment
2 unless the license is suspended or revoked under sub. (14).

3 **(17) PENALTIES.** (a) Any person who violates sub. (2m) (e), (12), or (12g) may
4 be fined not more than \$500 or sentenced to a term of imprisonment of not more than
5 30 days or both.

6 (ar) Any law enforcement officer who uses excessive force based solely on an
7 individual's status as a licensee may be fined not more than \$500 or sentenced to a
8 term of imprisonment of not more than 30 days or both. The application of the
9 criminal penalty under this paragraph does not preclude the application of any other
10 civil or criminal remedy.

11 (b) Any person required under sub. (14) (b) 3. to relinquish or deliver an
12 optional license document to the department who intentionally violates the
13 requirements of that subdivision shall be fined not more than \$500 and may be
14 imprisoned for not more than 30 days or both.

15 **(18) RECIPROCITY AGREEMENTS.** The department may enter into reciprocity
16 agreements with other states as to matters relating to licenses or other authorization
17 to carry concealed weapons.

18 **(19) STATISTICAL REPORT.** By March 1 of each year, the department shall submit
19 a statistical report to the legislature under s. 13.172 (2) and to the governor that
20 indicates the number of optional licenses applied for, issued, denied, suspended, and
21 revoked under this section during the previous calendar year. For the licenses
22 denied, the report shall indicate the reasons for the denials and the part of the
23 application process in which the reasons for denial were discovered. For the licenses
24 suspended or revoked, the report shall indicate the reasons for the suspensions and
25 revocations. The department may not include in the report any information that may

1 be used to identify an applicant or a licensee, including, but not limited to, a name,
2 address, birth date, or social security number.

3 **(21) IMMUNITY.** The department of justice, the department of transportation,
4 and the employees of each department; clerks, as defined in sub. (11) (a) 1., and their
5 staff; and court automated information systems, as defined under sub. (11) (a) 2., and
6 their employees are immune from liability arising from any act or omission under
7 this section, if done so in good faith.

8 **SECTION 45.** 345.11 (1s) of the statutes is amended to read:

9 345.11 **(1s)** The uniform traffic citation shall be used by a traffic officer
10 employed under s. 110.07 for a violation of s. 167.31 (2) ~~(b)~~, (c) or (d) when committed
11 on a highway.

12 **SECTION 46.** 345.20 (2) (f) of the statutes is amended to read:

13 345.20 **(2)** (f) Sections 23.50 to 23.85 apply to actions in circuit court to recover
14 forfeitures and weapons surcharges imposed under ch. 814 for violations of s. 167.31
15 (2) ~~(b)~~, (c), or (d). No points may be assessed against the driving record of a person
16 convicted of a violation of s. 167.31 (2) ~~(b)~~, (c), or (d). The report of conviction shall
17 be forwarded to the department.

18 **SECTION 47.** 813.12 (6) (am) 1. of the statutes is amended to read:

19 813.12 **(6)** (am) 1. If an injunction is issued or extended under sub. (4) or if a
20 tribal injunction is filed under s. 806.247 (3), the clerk of the circuit court shall notify
21 the department of justice of the injunction and shall provide the department of
22 justice with information concerning the period during which the injunction is in
23 effect and information necessary to identify the respondent for purposes of a firearms
24 restrictions record search under s. 175.35 (2g) (c) or a background check under s.
25 175.60 (9g) (a).

1 **SECTION 48.** 813.122 (9) (am) 1. of the statutes is amended to read:

2 813.122 **(9)** (am) 1. If an injunction is issued or extended under sub. (5), the
3 clerk of the circuit court shall notify the department of justice of the injunction and
4 shall provide the department of justice with information concerning the period
5 during which the injunction is in effect and information necessary to identify the
6 respondent for purposes of a firearms restrictions record search under s. 175.35 (2g)
7 (c) or a background check under s. 175.60 (9g) (a).

8 **SECTION 49.** 813.125 (5r) (a) of the statutes is amended to read:

9 813.125 **(5r)** (a) If an order prohibiting a respondent from possessing a firearm
10 is issued under sub. (4m), the clerk of the circuit court shall notify the department
11 of justice of the existence of the order prohibiting a respondent from possessing a
12 firearm and shall provide the department of justice with information concerning the
13 period during which the order is in effect and information necessary to identify the
14 respondent for purposes of a firearms restrictions record search under s. 175.35 (2g)
15 (c) or a background check under s. 175.60 (9g) (a).

16 **SECTION 50.** 895.527 (5) (a) of the statutes is amended to read:

17 895.527 **(5)** (a) Section 167.30 (1), 941.20 (1) (d) or 948.605 or any rule
18 promulgated under those sections regulating or prohibiting the discharge of
19 firearms.

20 **SECTION 51.** 938.34 (14q) of the statutes is amended to read:

21 938.34 **(14q)** CERTAIN BOMB SCARES AND FIREARM VIOLATIONS. In addition to any
22 other disposition imposed under this section, if the juvenile is found to have violated
23 s. 947.015 and the property involved is owned or leased by the state or any political
24 subdivision of the state, or if the property involved is a school premises, as defined
25 in s. 948.61 (1) (c), or if the juvenile is found to have violated s. ~~941.235~~ or 948.605,

1 immediately suspend the juvenile's operating privilege, as defined in s. 340.01 (40),
2 for 2 years. The court shall immediately forward to the department of transportation
3 the notice of suspension, stating that the suspension is for a violation of s. 947.015
4 involving school premises, or for a violation of s. ~~941.235~~ or 948.605. If otherwise
5 eligible, the juvenile is eligible for an occupational license under s. 343.10.

6 **SECTION 52.** 938.396 (2g) (n) of the statutes is amended to read:

7 938.396 (2g) (n) *Firearms restriction record search or background check*. If a
8 juvenile is adjudged delinquent for an act that would be a felony if committed by an
9 adult, the court clerk shall notify the department of justice of that fact. No other
10 information from the juvenile's court records may be disclosed to the department of
11 justice except by order of the court. The department of justice may disclose any
12 information provided under this subsection only as part of a firearms restrictions
13 record search under s. 175.35 (2g) (c) or a background check under s. 175.60 (9g) (a).

14 **SECTION 53.** 938.78 (3) of the statutes is amended to read:

15 938.78 (3) **RELEASE OF INFORMATION WHEN ESCAPE OR ABSENCE; RULES.** If a juvenile
16 adjudged delinquent under s. 48.12, 1993 stats., or s. 938.12 or found to be in need
17 of protection or services under s. 48.13 (12), 1993 stats., or s. 48.13 (14), 1993 stats.,
18 or s. 938.13 (12) or (14) on the basis of a violation of s. 943.23 (1m) or (1r), 1999 stats.,
19 or s. 941.10, 941.11, 941.20, 941.21, ~~941.23, 941.235, 941.237~~, 941.24, 941.26, 941.28,
20 ~~941.295~~, 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03, 943.04, 943.10 (2)
21 (a), 943.23 (1g), 943.32 (2), 948.02, 948.025, 948.03, 948.05, 948.055, 948.085 (2),
22 948.60, 948.605, or 948.61 or any crime specified in ch. 940 has escaped from a
23 juvenile correctional facility, residential care center for children and youth, inpatient
24 facility, as defined in s. 51.01 (10), juvenile detention facility, or juvenile portion of
25 a county jail, or from the custody of a peace officer or a guard of such a facility, center,

1 or jail, or has been allowed to leave a juvenile correctional facility, residential care
2 center for children and youth, inpatient facility, juvenile detention facility, or
3 juvenile portion of a county jail for a specified time period and is absent from the
4 facility, center, home, or jail for more than 12 hours after the expiration of the
5 specified period, the department or county department having supervision over the
6 juvenile may release the juvenile's name and any information about the juvenile that
7 is necessary for the protection of the public or to secure the juvenile's return to the
8 facility, center, home, or jail. The department shall promulgate rules establishing
9 guidelines for the release of the juvenile's name or information about the juvenile to
10 the public.

11 **SECTION 54.** 939.22 (10) of the statutes is amended to read:

12 939.22 (10) "Dangerous weapon" means any firearm, whether loaded or
13 unloaded; any device designed as a weapon and capable of producing death or great
14 bodily harm; any ligature or other instrumentality used on the throat, neck, nose, or
15 mouth of another person to impede, partially or completely, breathing or circulation
16 of blood; any electric weapon, ~~as defined in s. 941.295 (4)~~; or any other device or
17 instrumentality which, in the manner it is used or intended to be used, is calculated
18 or likely to produce death or great bodily harm.

19 **SECTION 55.** 939.22 (11m) of the statutes is created to read:

20 939.22 (11m) "Electric weapon" means any device which is designed,
21 redesigned, used or intended to be used, offensively or defensively, to immobilize or
22 incapacitate persons by the use of electric current.

23 **SECTION 56.** 939.632 (1) (e) 3. of the statutes is amended to read:

24 939.632 (1) (e) 3. Any misdemeanor under s. 940.19 (1), 940.225 (3m), 940.32
25 (2), 940.42, 940.44, 941.20 (1), ~~941.23, 941.235,~~ 941.24 or 941.38 (3).

1 **SECTION 57.** 941.23 of the statutes is repealed.

2 **SECTION 58.** 941.232 of the statutes is created to read:

3 **941.232 Carrying a weapon at certain locations. (1)** In this section:

4 (a) “Carry” means to go armed with.

5 (b) “Weapon” means a handgun, an electric weapon, a knife other than a
6 switchblade knife under s. 941.24, or a billy club.

7 **(2)** (a) Except as provided in par. (b), any person other than a law enforcement
8 officer who knowingly carries a weapon or a firearm that is not a weapon into any
9 of the following places is guilty of a Class C misdemeanor:

10 1. Any portion of a building that is a police station, sheriff’s office, or state
11 patrol station.

12 2. A prison, jail, house of correction, or secured correctional facility.

13 3. A county, state, or federal courthouse.

14 4. A place beyond a security checkpoint in an airport.

15 (b) The prohibitions under par. (a) do not apply to any of the following:

16 1. A weapon in a vehicle driven or parked in a parking facility located in a
17 building that is used as, or any portion of which is used as, a location under par. (a).

18 2. A weapon in a courthouse if a judge is carrying the weapon or if another
19 individual, whom a judge has permitted in writing to carry a weapon, is carrying the
20 weapon.

21 3. A weapon in a courthouse if a district attorney, or an assistant district
22 attorney, is carrying the weapon.

23 **(3)** (a) Except as provided in par. (b), an employer may prohibit an employee
24 from carrying a concealed weapon or a particular type of concealed weapon in the

1 course of the employee's employment or during any part of the course of the
2 employee's employment.

3 (b) An employer may not prohibit an employee, as a condition of employment,
4 from carrying a concealed weapon, a particular type of concealed weapon, or
5 ammunition or from storing a weapon, a particular type of weapon, or ammunition
6 in the employee's own motor vehicle, regardless of whether the motor vehicle is used
7 in the course of employment or whether the motor vehicle is driven or parked on
8 property used by the employer.

9 (c) An employer that does not prohibit one or more employees from carrying a
10 concealed weapon under par. (a) is immune from any liability arising from its
11 decision.

12 **SECTION 59.** 941.235 of the statutes is repealed.

13 **SECTION 60.** 941.237 of the statutes is repealed.

14 **SECTION 61.** 941.295 of the statutes is repealed.

15 **SECTION 62.** 941.299 (1) (a) of the statutes is amended to read:

16 941.299 (1) (a) "Correctional officer" ~~has the meaning given in s. 941.237 (1)~~
17 (b) means any person employed by the state or any political subdivision as a guard
18 or officer whose principal duties are the supervision and discipline of inmates.

19 **SECTION 63.** 943.13 (1e) (a) of the statutes is renumbered 943.13 (1e) (ar).

20 **SECTION 64.** 943.13 (1e) (aL) of the statutes is created to read:

21 943.13 (1e) (aL) "Carry" means to go armed with.

22 **SECTION 65.** 943.13 (1e) (cm) of the statutes is created to read:

23 943.13 (1e) (cm) "Nonresidential building" includes any privately or publicly
24 owned building on the grounds of a university or college.

25 **SECTION 66.** 943.13 (1m) (b) of the statutes is amended to read:

1 943.13 (1m) (b) Enters or remains on any land of another after having been
2 notified by the owner or occupant not to enter or remain on the premises. This
3 paragraph does not apply to an individual if the owner's or occupant's intent is to
4 prevent the individual from carrying a firearm on the owner's or occupant's land.

5 **SECTION 67.** 943.13 (1m) (c) of the statutes is created to read:

6 943.13 (1m) (c) 1. While carrying a firearm, enters or remains at a residence
7 that the actor does not own or occupy after the owner of the residence, if he or she
8 has not leased it to another person, or the occupant of the residence has notified the
9 actor not to enter or remain at the residence while carrying a firearm. In this
10 subdivision, "residence," with respect to a single-family residence, includes the
11 residence building and the parcel of land upon which the residence building is
12 located, and "residence," with respect to a residence that is not a single-family
13 residence, does not include any common area of the building in which the residence
14 is located or any common areas of the rest of the parcel of land upon which the
15 residence building is located.

16 2. While carrying a firearm, enters or remains in any part of a nonresidential
17 building that the actor does not own or occupy after the owner of the building, if that
18 part of the building has not been leased to another person, or the occupant of that
19 part of the building has notified the actor not to enter or remain in that part of the
20 building while carrying a firearm. This subdivision does not apply to a part of a
21 building occupied by the state or one of its political subdivisions or, if the firearm is
22 in a vehicle driven or parked in the parking facility, to any part of a building used as
23 a parking facility.

24 3. While carrying a firearm, enters or remains in any part of a building that is
25 owned, occupied, or controlled by the state or any local governmental unit, excluding

1 any building or portion of a building under s. 941.232 (2) (a), if the state or local
2 governmental unit has notified the actor not to enter or remain in the building or part
3 of the building while carrying a firearm. This subdivision does not apply to a person
4 who leases residential or business premises in the building or, if the firearm is in a
5 vehicle driven or parked in the parking facility, to any part of the building used as
6 a parking facility.

7 **SECTION 68.** 943.13 (2) of the statutes is renumbered 943.13 (2) (am), and
8 943.13 (2) (am) (intro.) and 1., as renumbered, are amended to read:

9 943.13 (2) (am) (intro.) A person has received notice from the owner or occupant
10 within the meaning of sub. (1m) (b), (e) or (f) if he or she has been notified personally,
11 either orally or in writing, or if the land is posted. Land is considered to be posted
12 under this subsection paragraph under either of the following procedures:

13 1. If a sign at least 11 inches square is placed in at least 2 conspicuous places
14 for every 40 acres to be protected. The sign must ~~carry~~ provide an appropriate notice
15 and the name of the person giving the notice followed by the word “owner” if the
16 person giving the notice is the holder of legal title to the land and by the word
17 “occupant” if the person giving the notice is not the holder of legal title but is a lawful
18 occupant of the land. Proof that appropriate signs as provided in this paragraph
19 subdivision were erected or in existence upon the premises to be protected prior to
20 the event complained of shall be prima facie proof that the premises to be protected
21 were posted as provided in this paragraph subdivision.

22 **SECTION 69.** 943.13 (2) (bm) of the statutes is created to read:

23 943.13 (2) (bm) 1. In this paragraph, “sign” means a sign that states a
24 restriction imposed under subd. 2. that is at least 8.5 inches by 11 inches and colored
25 orange as described in s. 29.301 (2).

1 2. For the purposes of sub. (1m) (c) 2., an owner or occupant of a part of a
2 nonresidential building has notified an individual not to enter or remain in that part
3 of the building while carrying a firearm if the owner or occupant has posted a sign
4 that is located in a prominent place near all of the entrances to the part of the
5 building to which the restriction applies and any individual entering the building
6 can be reasonably expected to see the sign.

7 3. For purposes of sub. (1m) (c) 3., the state or a local governmental unit has
8 notified an individual not to enter or remain in a part of the building while carrying
9 a firearm if the state or local governmental unit has posted a sign that is located in
10 a prominent place near all of the entrances to that part of the building to which the
11 restriction applies and individual entering the building can be reasonably expected
12 to see the sign.

13 **SECTION 70.** 943.13 (3) of the statutes is amended to read:

14 943.13 (3) Whoever erects on the land of another signs which are the same as
15 or similar to those described in sub. (2) (am) without obtaining the express consent
16 of the lawful occupant of or holder of legal title to such land is subject to a Class C
17 forfeiture.

18 **SECTION 71.** 943.13 (6) of the statutes is created to read:

19 943.13 (6) A person that does not, under this section, prohibit an individual
20 who is carrying a firearm from entering or remaining on property that the person
21 owns or occupies is immune from any liability arising from its decision.

22 **SECTION 72.** 946.71 of the statutes is created to read:

23 **946.71 Unlawful use of optional license for carrying concealed**
24 **weapons.** (1) In this section, "license" means an optional license issued under s.
25 175.60 (2) or (9r).

1 **(2)** Whoever does any of the following is guilty of a Class A misdemeanor:

2 (a) Intentionally represents as valid any revoked, suspended, fictitious, or
3 fraudulently altered license.

4 (b) If the actor holds a license, intentionally sells or lends the license to any
5 other individual or knowingly permits another individual to use the license.

6 (c) Intentionally represents as one's own any license not issued to him or her.

7 (d) If the actor holds a license, intentionally permits any unlawful use of that
8 license.

9 (e) Intentionally reproduces by any means a copy of a license for a purpose that
10 is prohibited under this subsection.

11 (f) Intentionally defaces or intentionally alters a license.

12 **SECTION 73.** 947.01 of the statutes is renumbered 947.01 (1).

13 **SECTION 74.** 947.01 (2) of the statutes is created to read:

14 947.01 **(2)** Unless other facts and circumstances apply, a person is not in
15 violation of, and may not be charged with a violation of, sub. (1) for loading, carrying,
16 or going armed with a firearm without regard to whether the firearm is loaded or is
17 concealed or openly carried.

18 **SECTION 75.** 947.011 (2) (a) 1. of the statutes is amended to read:

19 947.011 **(2)** (a) 1. Engage in conduct that is prohibited under s. 947.01 (1) within
20 500 feet of any entrance to a facility being used for the service with the intent to
21 disrupt the service.

22 **SECTION 76.** 947.011 (2) (c) 1. of the statutes is amended to read:

23 947.011 **(2)** (c) 1. Engage in conduct that is prohibited under s. 947.01 (1) within
24 500 feet of any entrance to a facility being used for the service.

25 **SECTION 77.** 947.011 (2) (d) of the statutes is amended to read:

1 947.011 (2) (d) No person may impede vehicles that are part of a funeral
2 procession if the person's conduct violates s. 947.01 (1).

3 **SECTION 78.** 948.60 (1) of the statutes is amended to read:

4 948.60 (1) In this section, "dangerous weapon" means any firearm, loaded or
5 unloaded; any electric weapon, ~~as defined in s. 941.295 (4)~~; metallic knuckles or
6 knuckles of any substance which could be put to the same use with the same or
7 similar effect as metallic knuckles; a nunchaku or any similar weapon consisting of
8 2 sticks of wood, plastic or metal connected at one end by a length of rope, chain, wire
9 or leather; a cestus or similar material weighted with metal or other substance and
10 worn on the hand; a shuriken or any similar pointed star-like object intended to
11 injure a person when thrown; or a manrikigusari or similar length of chain having
12 weighted ends.

13 **SECTION 79.** 948.605 (1) (a) and (am) of the statutes are repealed.

14 **SECTION 80.** 948.605 (2) (a) of the statutes is amended to read:

15 948.605 (2) (a) Any individual who knowingly possesses a firearm at a place
16 that the individual knows, or has reasonable cause to believe, is ~~a school zone in or~~
17 on the grounds of a school is guilty of a Class I felony. Any individual who knowingly
18 possesses a firearm at a place that the individual knows, or has reasonable cause to
19 believe, is within 1,000 feet of the grounds of a school is subject to a Class B forfeiture.

20 **SECTION 81.** 948.605 (2) (b) (intro.) of the statutes is amended to read:

21 948.605 (2) (b) (intro.) Paragraph (a) does not apply to the possession of a
22 firearm by any of the following:

23 **SECTION 82.** 948.605 (2) (b) 1. to 5. and 7. of the statutes are repealed.

24 **SECTION 83.** 948.605 (2) (b) 1m. and 1r. of the statutes are created to read:

1 948.605 (2) (b) 1m. An individual who possesses the firearm in accordance with
2 18 USC 922 (q) (2) (b) (i), (iii), (iv), (v), (vi), or (vii).

3 1r. Except if the individual is in or on the grounds of a school, a licensee, as
4 defined in s. 175.60 (1) (d), or an out-of-state licensee, as defined in s. 175.60 (1) (g).

5 **SECTION 84.** 948.605 (2) (b) 6. of the statutes is amended to read:

6 948.605 (2) (b) 6. ~~By a law enforcement officer or~~ A state-certified commission
7 warden acting in his or her official capacity; ~~or.~~

8 **SECTION 85.** 948.605 (2) (b) 8. of the statutes is renumbered 948.605 (2) (b) 3m.
9 and amended to read:

10 948.605 (2) (b) 3m. ~~By a person~~ An individual who is legally hunting in a school
11 forest if the school board has decided that hunting may be allowed in the school forest
12 under s. 120.13 (38).

13 **SECTION 86.** 968.255 (1) (a) 2. of the statutes is amended to read:

14 968.255 (1) (a) 2. Arrested for any misdemeanor under s. 167.30 (1), 940.19,
15 941.20 (1), ~~941.23, 941.237,~~ 941.24, 948.60, or 948.61.

16 **SECTION 87.** 971.37 (1m) (a) 2. of the statutes is amended to read:

17 971.37 (1m) (a) 2. An adult accused of or charged with a criminal violation of
18 s. 940.19, 940.20 (1m), 940.201, 940.225, 940.23, 940.285, 940.30, 940.42, 940.43,
19 940.44, 940.45, 940.48, 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49,
20 947.01 (1), 947.012 or 947.0125 and the conduct constituting the violation involved
21 an act by the adult person against his or her spouse or former spouse, against an
22 adult with whom the adult person resides or formerly resided or against an adult
23 with whom the adult person has created a child.

24 **SECTION 88.** 973.055 (1) (a) 1. of the statutes is amended to read:

1 973.055 (1) (a) 1. The court convicts the person of a violation of a crime specified
2 in s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.19, 940.20 (1m), 940.201, 940.21,
3 940.225, 940.23, 940.235, 940.285, 940.30, 940.305, 940.31, 940.42, 940.43, 940.44,
4 940.45, 940.48, 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49, 947.01 (1),
5 947.012 or 947.0125 or of a municipal ordinance conforming to s. 940.201, 941.20,
6 941.30, 943.01, 943.011, 943.14, 943.15, 946.49, 947.01 (1), 947.012 or 947.0125; and

7 **SECTION 89.** 973.137 (1) of the statutes is repealed.

8 **SECTION 90. Nonstatutory provisions.**

9 (1) Using the procedure under section 227.24 of the statutes, the department
10 of justice shall promulgate rules required under section 165.25 (12) of the statutes,
11 as created by this act, for the period before the effective date of the permanent rules
12 promulgated under those sections, but not to exceed the period authorized under
13 section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a),
14 (2) (b), and (3) of the statutes, the department is not required to provide evidence that
15 promulgating a rule under this subsection as an emergency rule is necessary for the
16 preservation of public peace, health, safety, or welfare and is not required to provide
17 a finding of an emergency for a rule promulgated under this subsection.

18 **SECTION 91. Effective dates.** This act takes effect on the day after publication,
19 except as follows:

20 (1) The treatment of sections 20.455 (2) (gs), 165.60, 165.82 (1) (intro.), 175.60
21 (except 175.60 (2m) and (5)), 813.12 (6) (am) 1., 813.122 (9) (am) 1., 813.125 (5r) (a),
22 938.396 (2g) (n), and 946.71 of the statutes takes effect on the first day of the 4th
23 month beginning after publication.

24

(END)