

## 2011 DRAFTING REQUEST

### Bill

Received: 05/04/2011

Received By: **chanaman**

Wanted: **As time permits**

Companion to LRB: **-2033**

For: **Pam Galloway (608) 266-2502**

By/Representing: **Jen Esser**

May Contact:

Drafter: **chanaman**

Subject: **Criminal Law - guns and weapons**

Addl. Drafters: **rkite**

Extra Copies: **RNK**

Submit via email: **YES**

Requester's email: **Sen.Galloway@legis.wisconsin.gov**

Carbon copy (CC:) to: **Larry.Konopacki@legis.wisconsin.gov**

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### Pre Topic:

No specific pre topic given

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### Topic:

Concealed carried weapons

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### Instructions:

See attached

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### 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>
/?	chanaman 05/04/2011 rkite 05/04/2011	kfollett 05/04/2011		_____			S&L Crime
/1	chanaman 05/09/2011	csicilia 05/09/2011	phenry 05/04/2011	_____	mbarman 05/04/2011		S&L Crime
/2			rschlue	_____	sbasford	sbasford	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			05/09/2011 _____		05/09/2011	05/09/2011	

FE Sent For:

**<END>**

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/?	chanaman 05/04/2011 rkite 05/04/2011	kfollett 05/04/2011		_____			S&L Crime
/1		<i>2 js 5/4</i> phenry 05/04/2011	<i>SHD</i>	_____	mbarman 05/04/2011		

*PLEASE  
JACKET  
FOR  
SENATE*

FE Sent For:

<END>

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/?	chanaman 05/04/2011 rkite	11/5/11 5/4	5/4 ph	5/4 m0/11/11			

FE Sent For:

<END>

## Hanaman, Cathlene

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**From:** Konopacki, Larry  
**Sent:** Tuesday, May 03, 2011 11:28 PM  
**To:** Hanaman, Cathlene  
**Cc:** Esser, Jennifer  
**Subject:** Comments on LRB 1066/9 and LRB 2007/3

Hi Cathlene, sorry to have been out of contact today. Below are a list of "final" instructions on the two carry drafts as approved by Jen in Sen. Galloway's office. I have tried to be as specific as possible with respect to these changes due to Jen and Tim's target deadline. Please feel free to contact me if you have any questions. You can call my cell phone if you cannot reach me at my office - 358-4500.

**Both:**  
Jen asked that both drafts be re-drafted with new LRB numbers.

### LRB 1066/9:

- p. 16 In 11-12 and In 24-25 and p. 17 In 8-9 - remove these lines.
- p. 16 In 17 - do not strike out "and encased".
- p. 17 In 5-6 - do not strike out "and encased" or "unstrung or is enclosed in a carrying case" and delete "not armed with a bolt or an arrow".
- p. 18 In 6 - after "transportation," add "encasing,".
- p 42 In 9-12 - if "except as provided in s. 943.13 (1n)" is included with regard to public buildings, then "except as provided in s. 943.13 ( 1m)" should be included with regard to private buildings. I would recommend replacing (16) (a) with the following: "Except as provided in par. (am) and s. 943.13 (1m) and (1n), a licensee or an out-of-state licensee may carry a concealed weapon or a weapon that is not concealed anywhere on publicly owned property and in publicly owned buildings in this state."
- p. 42 In 14 - after "that is not concealed" add "or a firearm that is not a weapon". Subd. pars. 2. a., b., and c. starting on line 21 should only apply to "weapons" as it is currently drafted, but may have to be modified slightly to clarify that point after the addition of "firearms that are not weapons" under subd. 1. For instance, you might replace subd. par. 2. a. with "A weapon, if the weapon is in a parking facility located in a building that is used as, or any portion of which is used as, a location under subd. 1. if the weapon is in a vehicle driven or parked in the parking facility." Similar changes could be made to subd. pars. b. and c.
- p. 42 In 17-19 - remove ", unless the weapon is unloaded and encased for shipment as baggage to be transported by aircraft"
- p. 44 In 18 and In 21 - remove ", if done in good faith".
- p. 52 In 11-12 - remove ", if the firearm is a handgun, as defined in s. 175.60 (1) (b)"
- p. 52 In 22-23 - remove "and if the firearm is a handgun, as defined in s. 175.60 (1) (b)" - (s. 941.237 only creates a prohibition against handguns (not all firearms) in taverns and the term "handgun is defined in that section.)
- p. 54 In 21 through p. 57 In 4 - delete the definition of "weapon" and replace all instances of the word "weapon" with "firearm".

### LRB 2007/3:

- p. 12 In 16-23 - repeal s. 941.23.
- p. 13 In 5 - after "weapon" add "or a firearm that is not a weapon".
- p. 13 In 11-12 - remove ", unless the weapon is unloaded and encased for shipment as baggage to be transported by aircraft"

- p. 13 In 14 and In 15, replace "provides" with "does not provide" Also, this subdivision should expressly apply only to those areas of such buildings that are beyond the electronic screening.
- p. 13 In 18 -24 - subd. 1., 2., and 3 may have to be modified slightly because of the addition of "firearms that are not weapons" under par. (a). For instance, you might replace subd. 1. with "A weapon, if the weapon is in a parking facility located in a building that is used as, or any portion of which is used as, a location under par. (a) if the weapon is in a vehicle driven or parked in the parking facility." Similar changes could be made to subds. 2. and 3.
- p. 14 In 14 through p. 16 In 13 - delete the definition of "handgun" and replace all instances of the word "handgun" with "firearm".
- p. 16 In 25 and p. 17 In 1 - replace "handgun" with "firearm".
- p. 18 In 5-9 - delete the definitions of "handgun" and "school premises".
- p. 18 In 12-14 - delete the added text ("that is not a handgun") and replace "a school zone" with "the grounds of a school" on In 14. Also revise the title to sub (2) to read "Possession of a firearm on the grounds of a school".
- p. 18 In 16-18 - replace these lines with:  
 "948.605 (2) (a) 2. subd. 1. does not apply to possession of a firearm by any of the following:  
 a. A person who possesses the firearm in accordance with 18 USC 922 (q) (2) (B) (i), (iii), (iv), (v), (vi), or (vii).  
 b. A state-certified commission warden acting in his or her official capacity.  
 C. A person who is legally hunting in a school forest if the school board has decided that hunting may be allowed in the school forest under s. 120.13 (38).
- Add the provisions from p. 44 In 16-18 of LRB 1066/9, as amended above, to s. 943.13 under this draft.
- Add the provisions from p. 41 In 22 through p. 42 In 8 of LRB 1066/9 where appropriate in this draft (probably a new section of ch. 941), replacing each instance of "licensee or an out-of-state licensee" with "person" and applying the same penalty to a violation of an employer restriction under this provision as would apply under LRB 1066/9.
- Add the provisions from p. 44 In 19-21 of LRB 1066/9, as amended above, where appropriate in this draft.

Thanks,

Larry

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Larry A. Konopacki  
 Wisconsin Legislative Council  
 (608) 267-0683  
 larry.konopacki@legis.wisconsin.gov

**Hanaman, Cathlene**

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**From:** Konopacki, Larry  
**Sent:** Wednesday, May 04, 2011 8:22 AM  
**To:** Hanaman, Cathlene  
**Cc:** Esser, Jennifer  
**Subject:** last last changes

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Cathlene, below are a couple additional changes that came in last-minute.

- Under the permit bill, require out-of-state licensees to have with them when carrying, and to provide to law enforcement upon request when they are carrying, a photographic identification card issued by any state (not necessarily the state that issued the permit) Page 29, lines 3-7 and 8-13.
- permit bill, page 36 - allow law enforcement officers from other states to access the DOJ licensee database for only the first two listed reasons.
- permit bill, page 55, line 1 and 2, add "or out-of-state licensee" after "licensee".

Thanks!



## Barman, Mike

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**From:** Hanaman, Cathlene  
**Sent:** Wednesday, May 04, 2011 9:04 AM  
**To:** Christina Duerst; Gigi Godwin; Lori Northrop; Mike Barman; Sarah Basford  
**Subject:** -1066

Is becoming -2027. The Galloway office requests that the file be transferred.

# "RESEARCH APPENDIX"

... Drafting History Reproduction Request Form ...

 DRAFTING ATTORNEYS: PLEASE COMPLETE THIS FORM AND GIVE TO MIKE BARMAN


(Request Made By: CMH) (Date: 05/04/2011)

## Note:


**BOTH DRAFTS SHOULD HAVE THE SAME "REQUESTOR"**

*(exception: companion bills)*



 Please transfer the drafting file for  
2009 LRB - 1066 (For: Rep. / Sen. Galloway)  
to the drafting file for  
**2011 LRB** - 2027 (For: Rep. / Sen. Galloway)

----- **OR** -----

 Please copy the drafting file for  
**2011 LRB** \_\_\_\_\_ (include the version) (For: Rep. / Sen. \_\_\_\_\_)  
and place it in the drafting file for  
**2011 LRB** \_\_\_\_\_ (For: Rep. / Sen. \_\_\_\_\_)

 Are These "Companion Bills" ?? ... Yes No

If yes, who in the initial requestor's office authorized the copy/transfer of the drafting history ("guts") from the original file: \_\_\_\_\_



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-1066/9

CMH&RNK:kjf/cjs/wlj:jf

*stats - 2027/1*

**2011 BILL**

*Now*

*repeal act*

1     **AN ACT to repeal** 941.237 (4), 948.605 (1) (a) and (am) and 948.605 (2) (b) 1. to  
2           5. and 7.; **to renumber** 167.30, 941.295 (1), 943.13 (1e) (a) and 947.01; **to**  
3           **renumber and amend** 23.33 (3) (e), 29.089 (2), 29.091, 29.314 (4) (b) 1., 29.621  
4           (4), 167.31 (2) (a), 167.31 (2) (b), 167.31 (3) (a), 440.26 (3m), 941.23, 941.235 (2),  
5           941.295 (2) (d), 941.295 (4), 943.13 (2), 948.605 (2) (b) 6. and 948.605 (2) (b) 8.;  
6           **to amend** 48.685 (2) (bb), 50.065 (2) (bb), 59.54 (6), 66.0409 (3) (b), 165.60,  
7           165.81 (2), 165.82 (1) (intro.), 165.82 (2), 167.31 (1) (b), 167.31 (3) (c), 167.31 (4)  
8           (am) 1., 167.31 (4) (am) 2., 167.31 (4) (am) 3., 167.31 (4) (b), 167.31 (4) (bg) 1.,  
9           167.31 (4) (bg) 1g., 167.31 (4) (bn), 167.31 (4) (bt) (intro.), 167.31 (4) (c), 167.31  
10          (4) (cm), 167.31 (4) (d), 167.31 (4) (f), 345.11 (1s), 345.20 (2) (f), 813.12 (6) (am)  
11          1., 813.122 (9) (am) 1., 813.125 (5r) (a), 895.527 (5) (a), 938.396 (2g) (n), 939.22  
12          (10), 941.295 (2) (intro.), 943.13 (1m) (b), 943.13 (3), 947.011 (2) (a) 1., 947.011  
13          (2) (c) 1., 947.011 (2) (d), 948.60 (1), 948.605 (2) (b) (intro.), 968.255 (1) (a) 2.,  
14          971.37 (1m) (a) 2. and 973.055 (1) (a) 1.; **to repeal and recreate** 29.314 (3) (b)

**BILL**

1           1.; and **to create** 20.455 (2) (gs), 20.455 (2) (gu), 23.33 (3) (e) 1., 23.33 (3) (e) 2.,  
2           23.33 (3) (e) 3., 23.33 (3) (e) 4., 29.089 (2) (a), 29.089 (2) (b), 29.089 (2) (c), 29.089  
3           (2) (d), 29.091 (2), 29.314 (4) (b) 1g., 29.621 (4) (a), 29.621 (4) (b), 29.621 (4) (c),  
4           29.621 (4) (d), 29.621 (6), 66.0409 (6), 165.25 (12), 167.30 (2), 167.31 (2) (a) 2.,  
5           167.31 (2) (b) 2., 167.31 (2) (b) 3., 167.31 (3) (a) 2., 167.31 (4) (ar), 167.31 (4) (at),  
6           175.48, 175.49, 175.60, 440.26 (3m) (a), 440.26 (3m) (b), 440.26 (3m) (c), 440.26  
7           (3m) (d), 941.23 (1), 941.23 (2) (b), 941.23 (2) (c), 941.23 (2) (d), 941.23 (2) (e),  
8           941.23 (3), 941.235 (2) (c), 941.235 (2) (d), 941.235 (2) (e), 941.237 (3) (cr),  
9           941.237 (3) (ct), 941.237 (3) (cx), 941.295 (1c) (b) and (c), 941.295 (2) (d) 2.,  
10          941.295 (2g), 941.295 (2r), 943.13 (1e) (aL), 943.13 (1e) (bm), 943.13 (1e) (cm),  
11          943.13 (1e) (g), 943.13 (1m) (c), 943.13 (1n), 943.13 (2) (bm), 946.71, 947.01 (2)  
12          and 948.605 (2) (b) 1m. and 1r. of the statutes; **relating to:** carrying a concealed  
13          weapon; licenses authorizing persons to carry concealed weapons; possessing  
14          or transporting a firearm, bow, or crossbow under certain circumstances;  
15          disorderly conduct limitations; photographic identification cards for retired law  
16          enforcement officers; providing an exemption from emergency rule procedures;  
17          requiring the exercise of rule-making authority; making appropriations; and  
18          providing penalties.

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***Analysis by the Legislative Reference Bureau***

This bill creates a licensing system under which an individual is permitted to carry a concealed weapon. The bill also makes changes in Wisconsin law to account for a federal law that requires the state to permit an individual who works as or who has retired from working as a federal, state, tribal, or local law enforcement officer in Wisconsin or in any other state to carry a concealed firearm. This bill also makes changes to laws regulating firearms and other weapons.

**BILL****CURRENT LAW REGARDING THE POSSESSION OF WEAPONS*****Wisconsin law***

In general, under current Wisconsin law, no person may go armed with a concealed and dangerous weapon. The "going armed with" language includes cases in which a person is carrying a concealed weapon but has not gone and is not going anywhere with it and cases in which a weapon is readily accessible to a person in a car. A person who violates the prohibition may be fined not more than \$10,000 or imprisoned for not more than nine months or both. This prohibition has many exceptions. First, Wisconsin law provides an exception for law enforcement officers. Second, under *State v. Hamdan*, 2003 WI 113, 264 Wis. 2d 433, this prohibition is unconstitutional if applied to a person carrying a concealed weapon at his or her own business when: 1) the person's interest in carrying a concealed weapon substantially outweighs the state's interest in enforcing the concealed weapons law; 2) the person has no other reasonable means to keep and handle the weapon; and 3) the person is not motivated by an unlawful purpose in concealing it. In *Hamdan*, the court also indicated that the constitutional right to keep and bear arms for security allows a person to carry a concealed weapon under certain circumstances in his or her own home.

Current Wisconsin law also prohibits, with certain exceptions, going armed with or possessing a firearm in a public building, tavern, state park, or wildlife refuge or within 1,000 feet of the grounds of a school. In addition, current Wisconsin law prohibits, with certain exceptions, carrying a firearm, bow, or crossbow in most vehicles unless the firearm is unloaded and encased or the bow or crossbow is unstrung and encased. A person who violates one of these prohibitions is subject to civil or criminal penalties.

***Federal law***

Under federal law, qualified law enforcement officers and qualified retired law enforcement officers may carry concealed firearms that have been shipped or transported in interstate or foreign commerce, regardless of any state prohibition.

Federal law specifies the criteria that a person must meet to be a qualified law enforcement officer or a qualified retired law enforcement officer. To be the former, a person must: 1) be employed by a government agency; 2) be a law enforcement officer; 3) be authorized by the agency to carry a firearm; 4) not be the subject of any disciplinary action by the agency; 5) not be under the influence of alcohol or other drugs; 6) not be prohibited under federal law from possessing a firearm; and 7) meet all standards, if any, established by the agency to qualify the person on a regular basis to use a firearm. For a person to be a qualified retired law enforcement officer, all of the following must apply: 1) the person retired in good standing from service with a government agency as a law enforcement officer, other than for reasons of mental instability; 2) before retirement, the person was regularly employed as a law enforcement officer for an aggregate of 15 years or more or retired after completing any applicable probationary period; 3) the person has a nonforfeitable right to benefits under the agency's retirement plan; 4) the person is not under the influence of alcohol or other drugs; 5) the person is not prohibited under federal law from possessing a firearm; and 6) during the most recent 12-month period, the person has

**BILL**

met his or her home state's standards for training and qualification for active duty law enforcement officers to carry a firearm.

Under federal law, if a person is a qualified law enforcement officer, the prohibition contained in Wisconsin law regarding going armed with a concealed and dangerous weapon does not apply to his or her going armed with a concealed firearm if the person carries a photographic identification issued by the agency for which he or she works. If the person is a qualified retired law enforcement officer, the prohibition does not apply to his or her going armed with a concealed firearm if the person carries either: 1) a photographic identification issued by the agency from which the person retired as a law enforcement officer that indicates that, within the preceding 12 months, the agency has tested the person or otherwise found that he or she meets its standards for training and qualification for active duty law enforcement officers to carry the type of firearm that the qualified retired law enforcement officer is carrying concealed; or 2) both of the following: a) a photographic identification issued by the agency from which the person retired as a law enforcement officer; and b) a certification issued by the state in which the person resides that indicates that, within the preceding 12 months, the state has tested the person or otherwise found that he or she meets its standards for training and qualification for active duty law enforcement officers to carry the type of firearm that the qualified retired law enforcement officer is carrying concealed. Federal law also specifies that a state may: 1) permit private persons or entities to bar the possession of concealed firearms on their own property; and 2) prohibit or restrict the possession of firearms on any state or local government property, installation, base, building, or park.

**HOW THE BILL CHANGES WISCONSIN'S CONCEALED WEAPONS LAW*****Carrying a concealed weapon in your own home or business***

This bill permits a person to go armed with a concealed and dangerous weapon in his or her own home or place of business or on land that he or she owns, leases, or legally occupies.

***Licenses to carry a concealed weapon***

This bill creates a procedure by which a person may apply to the Department of Justice (DOJ) for a license to carry a concealed weapon. Specifically, the license authorizes a person to carry a concealed weapon (a handgun, an electric weapon, a knife other than a switchblade, or a billy club) anywhere in this state except in particular places. Accordingly, the bill amends other prohibitions relating to the use and possession of firearms that are discussed above (see **CURRENT LAW REGARDING THE POSSESSION OF WEAPONS, Wisconsin law**) to specify that they generally do not apply to licensees.

A person licensed under the bill is generally prohibited from carrying a concealed weapon or a weapon that is not concealed in a police station, sheriff's office, or state patrol station; in a prison or jail; in a courthouse; beyond the security checkpoint at an airport; and on the grounds of a school. A business owner or person in his or her own home may prohibit a licensee from carrying a concealed weapon into the business or home, an employer generally may prohibit an employee from carrying a concealed weapon in the course of the employee's employment, and the

**BILL**

+ state or a local governmental unit may prohibit a licensee from carrying a ~~concealed~~ <sup>firearm</sup> ~~weapon~~ into a building that is owned, occupied, or controlled by the local governmental unit.

***Licensing requirements and procedure***

Under the bill, DOJ must issue or renew a license to carry a concealed weapon to an applicant who is a resident of Wisconsin unless the applicant is less than 21 years old or is prohibited from possessing a firearm under federal or state law. DOJ must conduct a background check of an applicant for a license or for a license renewal to determine if he or she is ineligible for a license.

Furthermore, the bill does all of the following:

1. Provides that, with certain exceptions, a license to carry a concealed weapon is valid for five years.

2. Requires each circuit court to notify DOJ of any court proceeding that would result in a suspension or revocation of a license if the subject of the proceeding had a license. DOJ must determine if the subject of such proceeding has a license and, if the subject does, DOJ must revoke the license if the subject is no longer eligible to have a license or suspend the license if the subject, after being charged with a misdemeanor, is ordered by the court not to possess a firearm.

3. Allows an individual who requires a license immediately to petition a court for such a license. A court may grant a license, which is valid for 30 days, if the court determines that immediate licensure is warranted to protect the individual from death or great bodily harm.

4. Provides an appeals process for a person whose application for a license is denied or whose license is suspended or revoked.

5. Requires DOJ to keep a list of licensees but specifies that DOJ may provide information from that list regarding a specific licensee only to law enforcement agencies and only in certain circumstances.

6. Requires a person who applies for a license to pay a \$13 background check fee and an application fee of up to \$52 to cover DOJ's costs in issuing the license. A person who applies to renew his or her license must pay the same background check fee and a renewal fee of up to \$27 to cover DOJ's costs in renewing the license.

X 7. Grants immunity from liability for acts done in good faith under the bill to DOJ, the Department of Transportation, and the employees of both departments; various court employees; businesses, nonprofit organizations, or individuals that do not prohibit persons from carrying concealed weapons on their property; and employers that do not prohibit employees from carrying concealed weapons during the course of employment.

8. Treats a permit, license, approval, or other authorization issued by another state in the same manner as a license issued under this bill if the individual who possesses the authorization submitted to a background check.

***Penalties for certain offenses related to weapons***

+ The bill establishes penalties for offenses that relate to concealed weapons or that are committed by licensees. First, a licensee who fails to carry his or her license document or photographic identification, or to display either upon the request of a law enforcement officer, while the person is carrying a concealed weapon, may be

↓ ↓  
or out-of-state licensee

**BILL**

required to forfeit \$25. Second, a licensee who, for a second or subsequent time, or an individual whose license is suspended or revoked who fails to notify DOJ of a change in address within 30 days of the change may be required to forfeit \$50. Third, a licensee who carries a concealed weapon in a place where the bill prohibits him or her from doing so may be fined not more than \$500 or imprisoned for not more than 30 days or both. Fourth, a person who intentionally fails to relinquish a license document to DOJ after the license has been revoked must be fined not more than \$500 and may be imprisoned for not more than 30 days, or both. Fifth, a person who intentionally makes a false statement in an application for a license may be charged with false swearing, a Class H felony.

The bill also prohibits an individual from intentionally representing that an invalid license to carry a concealed weapon is valid, from selling, lending, or allowing another individual to use his or her license, from representing that a license belongs to the individual if it has not been issued to him or her, from permitting unlawful use of his or her license, from reproducing a license for unlawful purposes, or from altering a license. A person who violates one of these prohibitions is guilty of a misdemeanor and may be fined not more than \$10,000 or imprisoned for not more than nine months, or both.

***Active duty and retired law enforcement officers***

This bill codifies the provisions of federal law that make the state concealed weapons prohibition inapplicable to active duty and retired law enforcement officers under the circumstances specified in federal law as described above. To implement federal law, the bill also makes certain other state law prohibitions regarding the carrying of firearms inapplicable to an active duty or retired law enforcement officer if he or she is carrying a concealed firearm under those same circumstances.

The bill also requires DOJ and other state and local law enforcement agencies in Wisconsin to enable qualified retired law enforcement officers to carry concealed firearms in the manner provided under federal law. These agencies must issue and renew certification cards to qualified retired law enforcement officers. The cards must include personal information about the certification card holder such as the person's name, address, date of birth, a description of the person, and a photograph. The cards must also include the type of firearm the person is certified to carry (which cannot be a machine gun or a destructive device such as a bomb), a statement that the retired officer has met certain standards for training and qualification, and an expiration date of 12 months after the certification card is issued or renewed.

If a retired officer is carrying his or her valid certification card, he or she is exempt from the prohibitions against carrying a concealed weapon described above only if the following apply: 1) the retired officer is not carrying a firearm that is not designated on the card or identification, if the card or identification includes such a designation, and the firearm is not a machine gun or a destructive device and does not have a firearm silencer attached; 2) the retired officer is not under the influence of an intoxicant; and 3) federal law does not prohibit the retired officer from possessing a firearm.



**BILL****OTHER LAWS REGARDING WEAPONS**

This bill specifies that an individual does not violate the prohibition against disorderly conduct, or does not violate any local ordinance prohibiting disorderly conduct, by loading, carrying, or going armed with a handgun without regard to whether the handgun is loaded or whether the handgun is concealed or openly carried.

This bill also makes changes to the laws that impose restrictions on persons who carry a firearm, bow, or crossbow in certain vehicles. The bill eliminates the requirement that a bow or crossbow be unstrung and encased in order to be carried in a vehicle. The bill allows an individual to carry a handgun in a vehicle, including a motorboat and a noncommercial airplane, regardless of whether it is encased or loaded. If the firearm is not a handgun, it must be unloaded when carried in most vehicles but it need not be encased. The bill also eliminates the requirement that a bow or crossbow be unstrung and encased in order to be carried in a vehicle. Instead, under the bill, the bow or crossbow may be carried in most vehicles, including airplanes, if it is not armed with a bolt or an arrow. The bill does not change current law with regard to carrying a bow or crossbow in a motorboat, snowmobile, or all-terrain vehicle. The bill also allows any qualified active duty or retired law enforcement officer to carry a loaded and unencased firearm in a vehicle.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state and local* 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:***

- 1           **SECTION 1.** 20.455 (2) (gs) of the statutes is created to read:
- 2           20.455 (2) (gs) *Background check for licenses to carry concealed weapons.* All
- 3           moneys received as fee payments under s. 175.60 (7) (c) and (d) and (15) (b) 4. a. and
- 4           b. to provide services under s. 175.60.
- 5           **SECTION 2.** 20.455 (2) (gu) of the statutes is created to read:
- 6           20.455 (2) (gu) *Certification cards for carrying concealed weapons.* All moneys
- 7           received as fees under s. 175.49 (5m) to verify eligibility of, and to issue certification
- 8           cards to, retired officers seeking to carry concealed weapons.

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1           **SECTION 3.** 23.33 (3) (e) of the statutes is renumbered 23.33 (3) (e) (intro.) and  
2 amended to read:

3           23.33 (3) (e) (intro.) With any firearm in his or her possession unless it is  
4 unloaded and enclosed in a carrying case, or any bow unless it is unstrung or enclosed  
5 in a carrying case. This paragraph does not apply to any of the following:

6           **SECTION 4.** 23.33 (3) (e) 1. of the statutes is created to read:

7           23.33 (3) (e) 1. A person who is employed in this state by a public agency as a  
8 law enforcement officer and to whom s. 941.23 (1) (e) 2. to 5. and (2) (b) 1. to 3. applies.

9           **SECTION 5.** 23.33 (3) (e) 2. of the statutes is created to read:

10           23.33 (3) (e) 2. A qualified out-of-state law enforcement officer, as defined in  
11 s. 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

12           **SECTION 6.** 23.33 (3) (e) 3. of the statutes is created to read:

13           23.33 (3) (e) 3. A retired officer, as defined in s. 941.23 (1) (d), to whom s. 941.23  
14 (2) (c) 1. to 7. applies.

15           **SECTION 7.** 23.33 (3) (e) 4. of the statutes is created to read:

16           23.33 (3) (e) 4. A licensee, as defined in s. 175.60 (1) (d), or an out-of-state  
17 licensee, as defined in s. 175.60 (1) (g), who possesses a handgun, as defined in s.  
18 175.60 (1) (bm).

19           **SECTION 8.** 29.089 (2) of the statutes is renumbered 29.089 (2) (intro.) and  
20 amended to read:

21           29.089 (2) (intro.) Except as provided in sub. (3), no person may have in his or  
22 her possession or under his or her control a firearm on land located in state parks or  
23 state fish hatcheries unless the firearm is unloaded and enclosed within a carrying  
24 case. This subsection does not apply to any of the following:

25           **SECTION 9.** 29.089 (2) (a) of the statutes is created to read:

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1           29.089 (2) (a) A person who is employed in this state by a public agency as a  
2 law enforcement officer and to whom s. 941.23 (1) (e) 2. to 5. and (2) (b) 1. to 3. applies.

3           **SECTION 10.** 29.089 (2) (b) of the statutes is created to read:

4           29.089 (2) (b) A qualified out-of-state law enforcement officer, as defined in s.  
5 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

6           **SECTION 11.** 29.089 (2) (c) of the statutes is created to read:

7           29.089 (2) (c) A retired officer, as defined in s. 941.23 (1) (c), to whom s. 941.23  
8 (2) (d) 1. to 7. applies.

9           **SECTION 12.** 29.089 (2) (d) of the statutes is created to read:

10          29.089 (2) (d) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state  
11 licensee, as defined in s. 175.60 (1) (g), if the firearm is a handgun, as defined in s.  
12 175.60 (1) (bm).

13          **SECTION 13.** 29.091 of the statutes is renumbered 29.091 (1) and amended to  
14 read:

15          29.091 (1) No person may hunt or trap within any wildlife refuge established  
16 under s. 23.09 (2) (b) or 29.621 (1), or, except as provided in sub. (2), have possession  
17 or control of any gun, firearm, bow or crossbow unless the gun or firearm is unloaded,  
18 the bow or crossbow is unstrung and the gun, firearm, bow or crossbow is enclosed  
19 within a carrying case. The taking of predatory game birds and animals shall be done  
20 as the department directs. All state wildlife refuge boundary lines shall be marked  
21 by posts placed at intervals of not over 500 feet and bearing signs with the words  
22 "Wisconsin Wildlife Refuge".

23          **SECTION 14.** 29.091 (2) of the statutes is created to read:

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1           29.091 (2) The prohibition in sub. (1), as it relates to the possession or control  
2 of a loaded or unencased gun or firearm within a refuge established under s. 23.09  
3 (2) (b), does not apply to any of the following:

4           (a) A person who is employed in this state by a public agency as a law  
5 enforcement officer and to whom s. 941.23 (1) (e) 2. to 5. and (2) (b) 1. to 3. applies.

6           (b) A qualified out-of-state law enforcement officer, as defined in s. 941.23 (1)  
7 (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

8           (c) A retired officer, as defined in s. 941.23 (1) (d), to whom s. 941.23 (2) (c) 1.  
9 to 7. applies.

10           (d) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state licensee, as  
11 defined in s. 175.60 (1) (g), if the gun or firearm is a handgun, as defined in s. 175.60  
12 (1) (bm).

13           **SECTION 15.** 29.314 (3) (b) 1. of the statutes is repealed and recreated to read:

14           29.314 (3) (b) 1. To any of the following:

15           a. A person who is employed in this state by a public agency as a law  
16 enforcement officer and to whom s. 941.23 (1) (e) 2. to 5. and (2) (b) 1. to 3. applies.

17           b. A qualified out-of-state law enforcement officer, as defined in s. 941.23 (1)  
18 (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

19           c. A retired officer, as defined in s. 941.23 (1) (d), to whom s. 941.23 (2) (c) 1. to  
20 7. applies.

21           d. A licensee, as defined in s. 175.60 (1) (d), or an out-of-state licensee, as  
22 defined in s. 175.60 (1) (g), if the firearm is a handgun, as defined in s. 175.60 (1) (bm).

23           **SECTION 16.** 29.314 (4) (b) 1. of the statutes is renumbered 29.314 (4) (b) 1r. and  
24 amended to read:

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1           29.314 (4) (b) 1r. To ~~a peace officer on official business~~, an employee of the  
2 department on official business or a person authorized by the department to conduct  
3 a game census.

4           **SECTION 17.** 29.314 (4) (b) 1g. of the statutes is created to read:

5           29.314 (4) (b) 1g. To any person under sub. (3) (b) 1.

6           **SECTION 18.** 29.621 (4) of the statutes is renumbered 29.621 (4) (intro.) and  
7 amended to read:

8           29.621 (4) PROTECTION. (intro.) Except as provided in s. 29.091 (1), no owner  
9 of a wildlife refuge, and no other person, may hunt or trap within the boundaries of  
10 any wildlife refuge or have in his or her possession or under his or her control in the  
11 wildlife refuge a gun, firearm, bow or crossbow, unless the gun or firearm is unloaded,  
12 the bow or crossbow is unstrung and the gun, firearm, bow or crossbow is enclosed  
13 within a carrying case. ~~Nothing in this section may prohibit, prevent or interfere~~  
14 ~~with the department in the destruction of injurious animals.~~ This subsection, as it  
15 relates to the possession or control of a loaded or unencased firearm, does not apply  
16 to any of the following:

17           **SECTION 19.** 29.621 (4) (a) of the statutes is created to read:

18           29.621 (4) (a) A person who is employed in this state by a public agency as a  
19 law enforcement officer and to whom s. 941.23 (1) (e) 2. to 5. and (2) (b) 1. to 3. applies.

20           **SECTION 20.** 29.621 (4) (b) of the statutes is created to read:

21           29.621 (4) (b) A qualified out-of-state law enforcement officer, as defined in s.  
22 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

23           **SECTION 21.** 29.621 (4) (c) of the statutes is created to read:

24           29.621 (4) (c) A retired officer, as defined in s. 941.23 (1) (d), to whom s. 941.23  
25 (2) (c) 1. to 7. applies.

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1           **SECTION 22.** 29.621 (4) (d) of the statutes is created to read:

2           29.621 (4) (d) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state  
3 licensee, as defined in s. 175.60 (1) (g), if the gun or firearm is a handgun, as defined  
4 in s. 175.60 (1) (bm).

5           **SECTION 23.** 29.621 (6) of the statutes is created to read:

6           29.621 (6) INJURIOUS ANIMALS. Nothing in this section may prohibit, prevent,  
7 or interfere with the department in the destruction of injurious animals.

8           **SECTION 24.** 48.685 (2) (bb) of the statutes is amended to read:

9           48.685 (2) (bb) If information obtained under par. (am) or (b) 1. indicates a  
10 charge of a serious crime, but does not completely and clearly indicate the final  
11 disposition of the charge, the department, county department, agency contracted  
12 with under s. 48.651 (2), child welfare agency, school board, or entity shall make  
13 every reasonable effort to contact the clerk of courts to determine the final disposition  
14 of the charge. If a background information form under sub. (6) (a) or (am) indicates  
15 a charge or a conviction of a serious crime, but information obtained under par. (am)  
16 or (b) 1. does not indicate such a charge or conviction, the department, county  
17 department, agency contracted with under s. 48.651 (2), child welfare agency, school  
18 board, or entity shall make every reasonable effort to contact the clerk of courts to  
19 obtain a copy of the criminal complaint and the final disposition of the complaint.  
20 If information obtained under par. (am) or (b) 1., a background information form  
21 under sub. (6) (a) or (am), or any other information indicates a conviction of a  
22 violation of s. 940.19 (1), 940.195, 940.20, 941.30, 942.08, 947.01 (1), or 947.013  
23 obtained not more than 5 years before the date on which that information was  
24 obtained, the department, county department, agency contracted with under s.  
25 48.651 (2), child welfare agency, school board, or entity shall make every reasonable

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1 effort to contact the clerk of courts to obtain a copy of the criminal complaint and  
2 judgment of conviction relating to that violation.

3 **SECTION 25.** 50.065 (2) (bb) of the statutes is amended to read:

4 50.065 (2) (bb) If information obtained under par. (am) or (b) indicates a charge  
5 of a serious crime, but does not completely and clearly indicate the final disposition  
6 of the charge, the department or entity shall make every reasonable effort to contact  
7 the clerk of courts to determine the final disposition of the charge. If a background  
8 information form under sub. (6) (a) or (am), or any disclosure made pursuant to a  
9 disclosure policy described under sub. (6) (am), indicates a charge or a conviction of  
10 a serious crime, but information obtained under par. (am) or (b) does not indicate  
11 such a charge or conviction, the department or entity shall make every reasonable  
12 effort to contact the clerk of courts to obtain a copy of the criminal complaint and the  
13 final disposition of the complaint. If information obtained under par. (am) or (b), a  
14 background information form under sub. (6) (a) or (am), any disclosure made  
15 pursuant to a disclosure policy described under sub. (6) (am), or any other  
16 information indicates a conviction of a violation of s. 940.19 (1), 940.195, 940.20,  
17 941.30, 942.08, 947.01 (1), or 947.013 obtained not more than 5 years before the date  
18 on which that information was obtained, the department or entity shall make every  
19 reasonable effort to contact the clerk of courts to obtain a copy of the criminal  
20 complaint and judgment of conviction relating to that violation.

21 **SECTION 26.** 59.54 (6) of the statutes is amended to read:

22 59.54 (6) PEACE AND ORDER. The board may enact and enforce ordinances to  
23 preserve the public peace and good order within the county including, but not limited  
24 by enumeration, ordinances prohibiting conduct that is the same as or similar to

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1 conduct that is prohibited by ss. 947.01 (1) and 947.02, and provide a forfeiture for  
2 a violation of the ordinances.

3 **SECTION 27.** 66.0409 (3) (b) of the statutes is amended to read:

4 66.0409 (3) (b) Nothing in this section prohibits a city, village or town that is  
5 authorized to exercise village powers under s. 60.22 (3) from enacting an ordinance  
6 or adopting a resolution that restricts the discharge of a firearm. Any ordinance or  
7 resolution that restricts the discharge of a firearm does not apply and may not be  
8 enforced if the actor's conduct is justified or, had it been subject to a criminal penalty,  
9 would have been subject to a defense described in s. 939.45.

10 **SECTION 28.** 66.0409 (6) of the statutes is created to read:

11 66.0409 (6) No person may be in violation of, or be charged with a violation of,  
12 an ordinance of a political subdivision relating to disorderly conduct or other  
13 inappropriate behavior for loading, carrying, or going armed with a firearm, without  
14 regard to whether the firearm is loaded or is concealed or openly carried. Any  
15 ordinance in violation of this subsection does not apply and may not be enforced.

16 **SECTION 29.** 165.25 (12) of the statutes is created to read:

17 165.25 (12) RULES REGARDING CONCEALED WEAPONS LICENSES. Promulgate by  
18 rule a list of states that issue a permit, license, approval, or other authorization to  
19 carry a concealed weapon if the permit, license, approval, or other authorization  
20 requires, or designates that the holder chose to submit to, a background search that  
21 is comparable to a background check as defined in s. 175.60 (1) (ac).

22 **SECTION 30.** 165.60 of the statutes is amended to read:

23 **165.60 Law enforcement.** The department of justice is authorized to enforce  
24 ss. 101.123 (2), (2m), and (8), 175.60 (17) (e), 944.30, 944.31, 944.33, 944.34, 945.02  
25 (2), 945.03 (1m), and 945.04 (1m) and ch. 108 and, with respect to a false statement



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1 submitted or made under s. 175.60 (7) (b) or (15) (b) 2., to enforce s. 946.32 and is  
2 invested with the powers conferred by law upon sheriffs and municipal police officers  
3 in the performance of those duties. This section does not deprive or relieve sheriffs,  
4 constables, and other local police officers of the power and duty to enforce those  
5 sections, and those officers shall likewise enforce those sections.

6 **SECTION 31.** 165.81 (2) of the statutes is amended to read:

7 165.81 (2) Any electric weapon, as defined in s. 941.295 (4) (1c) (a), in the  
8 possession of the laboratories shall either be destroyed or be turned over to an agency  
9 authorized to have electric weapons under s. 941.295 (2).

10 **SECTION 32.** 165.82 (1) (intro.) of the statutes is amended to read:

11 165.82 (1) (intro.) Notwithstanding s. 19.35 (3), the department of justice shall  
12 impose the following fees, plus any surcharge required under sub. (1m), for criminal  
13 history searches for purposes unrelated to criminal justice or to s. 175.35, 175.49, or  
14 175.60:

15 **SECTION 33.** 165.82 (2) of the statutes is amended to read:

16 165.82 (2) ~~Except as provided in s. 175.35, the~~ The department of justice shall  
17 not impose fees for criminal history searches for purposes related to criminal justice.

18 **SECTION 34.** 167.30 of the statutes is renumbered 167.30 (1).

19 **SECTION 35.** 167.30 (2) of the statutes is created to read:

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

23 **SECTION 36.** 167.31 (1) (b) of the statutes is amended to read:

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1           167.31 (1) (b) "Encased" means enclosed in a case ~~that is expressly made for~~  
2 ~~the purpose of containing a firearm~~ and that is completely zipped, snapped, buckled,  
3 tied or otherwise fastened with no part of the firearm exposed.

4           **SECTION 37.** 167.31 (2) (a) of the statutes is renumbered 167.31 (2) (a) 1. and  
5 amended to read:

6           167.31 (2) (a) 1. Except as provided in subd. 2. and sub. (4), no person may place,  
7 possess, or transport a firearm, bow, or crossbow in or on a motorboat with the motor  
8 running, unless the firearm is unloaded or unless the bow or crossbow is unstrung  
9 or is enclosed in a carrying case.

10          **SECTION 38.** 167.31 (2) (a) 2. of the statutes is created to read:

11          167.31 (2) (a) 2. The prohibition in subd. 1. does not apply to the placement,  
12 possession, or transportation of a handgun.

13          **SECTION 39.** 167.31 (2) (b) of the statutes is renumbered 167.31 (2) (b) 1. and  
14 amended to read:

15          167.31 (2) (b) 1. Except as provided in subds. 2. and 3. and sub. (4), no person  
16 may place, possess, or transport a firearm, bow, or crossbow in or on a vehicle, unless  
17 the firearm is unloaded <sup>stet</sup> ~~and encased~~ or unless the bow or crossbow is unstrung or is  
18 ~~enclosed in a carrying case~~ not armed with a bolt or an arrow.

19          **SECTION 40.** 167.31 (2) (b) 2. of the statutes is created to read:

20          167.31 (2) (b) 2. No person may place, possess, or transport a bow or crossbow  
21 in or on an all-terrain vehicle or a snowmobile, unless the bow or crossbow is  
22 unstrung or is enclosed in a carrying case.

23          **SECTION 41.** 167.31 (2) (b) 3. of the statutes is created to read:

24          167.31 (2) (b) 3. The prohibition in subd. 1. does not apply to the placement,  
25 possession, or transportation of a handgun.

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1           **SECTION 42.** 167.31 (3) (a) of the statutes is renumbered 167.31 (3) (a) 1. and  
2 amended to read:

3           167.31 (3) (a) 1. Except as provided in subd. 2. and sub. (4), no person may place,  
4 possess, or transport a firearm, bow, or crossbow in or on an aircraft, unless the  
5 firearm is unloaded ~~and encased~~ or unless the bow or crossbow is ~~unstrung or is~~  
6 ~~enclosed in a carrying case~~ not armed with a bolt or an arrow.

7           **SECTION 43.** 167.31 (3) (a) 2. of the statutes is created to read:

8           167.31 (3) (a) 2. The ~~prohibition in subd. 1.~~ does not apply to the placement,  
9 possession, or transportation of a handgun.

10           **SECTION 44.** 167.31 (3) (c) of the statutes is amended to read:

11           167.31 (3) (c) A person who violates par. (a) 1. or (b) shall be fined not more than  
12 \$1,000 or imprisoned not more than 90 days or both.

13           **SECTION 45.** 167.31 (4) (am) 1. of the statutes is amended to read:

14           167.31 (4) (am) 1. Subsections (2) (a) 1., (c) and (d) and (3) (a) 1. and (b) do not  
15 apply to a peace officer who, in the line of duty, loads or discharges a firearm in, on  
16 or from a vehicle, motorboat or aircraft or discharges a firearm from or across a  
17 highway or within 50 feet of the center of a roadway.

18           **SECTION 46.** 167.31 (4) (am) 2. of the statutes is amended to read:

19           167.31 (4) (am) 2. Subsection (2) (b) 1. does not apply to a peace officer who  
20 places, possesses or transports a firearm in or on a vehicle, motorboat or aircraft  
21 while in the line of duty.

22           **SECTION 47.** 167.31 (4) (am) 3. of the statutes is amended to read:

23           167.31 (4) (am) 3. Subsection (2) (b) 1. does not apply to a person employed as  
24 a peace officer who places, possesses or transports a firearm in or on a vehicle while

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1 traveling in the vehicle from his or her residence to his or her place of employment  
2 as a peace officer.

3 **SECTION 48.** 167.31 (4) (ar) of the statutes is created to read:

4 167.31 (4) (ar) <sup>The restrictions under</sup> Subsection (2) (a) 1, (b) 1., and (c), and, if the aircraft is not a  
5 commercial aircraft, sub. (3) (a) and (b), do not apply to the placement, possession,  
6 transportation, or loading of a firearm by any of the following:

7 1. A person who is employed in this state by a public agency as a law  
8 enforcement officer and to whom s. 941.23 (1) (e) 2. to 5. and (2) (b) 1. to 3. applies.

9 2. A qualified out-of-state law enforcement officer, as defined in s. 941.23 (1)  
10 (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

11 3. A retired officer, as defined in s. 941.23 (1) (d), to whom s. 941.23 (2) (c) 1. to  
12 7. applies.

13 4. A licensee, as defined in s. 175.60 (1) (d), or an out-of-state licensee, as  
14 defined in s. 175.60 (1) (g).

15 **SECTION 49.** 167.31 (4) (at) of the statutes is created to read:

16 167.31 (4) (at) Subsections (2) (c) and (d) and (3) (b) do not apply to the  
17 discharge of a firearm if the actor's conduct is justified or, had it been subject to a  
18 criminal penalty, would have been subject to a defense described in s. 939.45.

19 **SECTION 50.** 167.31 (4) (b) of the statutes is amended to read:

20 167.31 (4) (b) Subsections (2) (a) 1, (b) 1., and (c), (3) (a) 1. and (b), and (3m)  
21 do not apply to the holder of a scientific research license under s. 169.25 or a scientific  
22 collector permit under s. 29.614 who is using a net gun or tranquilizer gun in an  
23 activity related to the purpose for which the license or permit was issued.

24 **SECTION 51.** 167.31 (4) (bg) 1. of the statutes is amended to read:

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1       ~~167.31 (4) (bg) 1. Subsection (2) (a) 1., (b) 1. and 2., (c), and (d) does not apply~~  
2       ~~to a state employee or agent, or to a federal employee or agent, who is acting within~~  
3       ~~the scope of his or her employment or agency, who is authorized by the department~~  
4       ~~of natural resources to take animals in the wild for the purpose of controlling the~~  
5       ~~spread of disease in animals and who is hunting in an area designated by the~~  
6       ~~department of natural resources as a chronic wasting disease eradication zone,~~  
7       ~~except that this subdivision does not authorize the discharge of a firearm or the~~  
8       ~~shooting of a bolt or arrow from a bow or crossbow across a state trunk highway,~~  
9       ~~county trunk highway, or paved town highway.~~

10       **SECTION 52.** 167.31 (4) (bg) 1g. of the statutes is amended to read:

11       167.31 (4) (bg) 1g. Subsection (2) (b) 1. and 2. and (c) does not apply to a  
12       landowner, a family member of the landowner, or an employee of the landowner who  
13       is using a firearm, bow, or crossbow to shoot wild animals from a farm tractor or an  
14       implement of husbandry on the landowner's land that is located in an area  
15       designated by the department of natural resources as a chronic wasting disease  
16       eradication zone.

17       **SECTION 53.** 167.31 (4) (bn) of the statutes is amended to read:

18       167.31 (4) (bn) Subsection (2) (a) 1. does not apply to a person using a bow or  
19       a crossbow for fishing from a motorboat.

20       **SECTION 54.** 167.31 (4) (bt) (intro.) of the statutes is amended to read:

21       167.31 (4) (bt) (intro.) Subsection (2) (b) 1. and 2. does not apply to the  
22       placement, possession, or transportation of an unloaded firearm in or on a vehicle if  
23       all of the following apply:

24       **SECTION 55.** 167.31 (4) (c) of the statutes is amended to read:

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1       167.31 (4) (c) Subsection (2) (b) 1. and (c) does not apply to the holder of a  
2       Class A or Class B permit under s. 29.193 (2) who is hunting from a stationary  
3       vehicle.

4       **SECTION 56.** 167.31 (4) (cm) of the statutes is amended to read:

5       167.31 (4) (cm) For purposes of pars. (c) and (cg), the exemption from sub. (2)  
6       (b) 1. or 2. under these paragraphs only applies only to the firearm, bow or crossbow  
7       being used for hunting by the holder of the Class A or Class B permit under s. 29.193  
8       (2).

9       **SECTION 57.** 167.31 (4) (d) of the statutes is amended to read:

10       167.31 (4) (d) Subsection (2) (b) 1. does not prohibit a person from leaning an  
11       unloaded firearm against a vehicle.

12       **SECTION 58.** 167.31 (4) (f) of the statutes is amended to read:

13       167.31 (4) (f) Subsection (2) (d) does not prohibit a person from possessing a  
14       loaded firearm within 50 feet of the center of a roadway if the person does not violate  
15       sub. (2) (b) 1. or (c).

16       **SECTION 59.** 175.48 of the statutes is created to read:

17       **175.48 Law enforcement officer identification cards.** (1) In this section,  
18       “Wisconsin law enforcement agency” has the meaning given in s. 175.46 (1) (f).

19       (2) If a Wisconsin law enforcement agency issues photographic identification  
20       cards to its officers, it may not require an officer to relinquish his or her card when  
21       the officer retires from the Wisconsin law enforcement agency unless one of the  
22       following applies:

23       (a) The officer may not lawfully possess a firearm under federal law.

24       (b) The officer did not retire in good standing as a law enforcement officer with  
25       the agency or retired as a result of mental instability.

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1 (c) The officer was regularly employed as a law enforcement officer for an  
2 aggregate of less than 15 years. This paragraph does not apply if the officer, after  
3 completing any applicable probationary period of service with the agency, retired  
4 from service with the agency due to a service-connected disability, as determined by  
5 the agency.

6 (d) The officer does not have a nonforfeitable right to benefits under the  
7 agency's retirement plan.

8 (3) Unless sub. (2) (a), (b), (c), or (d) applies, if a Wisconsin law enforcement  
9 agency does not issue photographic identification cards to its officers, it shall issue  
10 such a card to an officer who retires from that agency upon the retiring officer's  
11 request and at his or her expense.

12 (4) This section does not restrict a retired officer's right to go armed with a  
13 firearm that is not concealed.

14 **SECTION 60.** 175.49 of the statutes is created to read:

15 **175.49 Retired law enforcement officers seeking to carry concealed**  
16 **weapons. (1) DEFINITIONS.** In this section:

17 (a) "Department" means the department of justice.

18 (b) "Law enforcement agency" means an agency that consists of one or more  
19 persons employed by the federal government, a state, or a political subdivision of a  
20 state, the U.S. armed forces, or the national guard that has as its purposes the  
21 prevention and detection of crime and the enforcement of laws or ordinances, and  
22 that is authorized to make arrests for crimes.

23 (c) "Law enforcement officer" means a person who is employed by a law  
24 enforcement agency for the purpose of engaging in, or supervising others engaging

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1 in, the prevention, detection, investigation, or prosecution of, or the incarceration of  
2 any person for, any violation of law and who has statutory powers of arrest.

3 (d) "Retired federal officer" means a retired law enforcement officer who was  
4 a law enforcement officer employed by a federal law enforcement agency and who  
5 resides in Wisconsin.

6 (e) "Retired officer" means a law enforcement officer who retired from a state  
7 or local law enforcement agency in Wisconsin.

8 **(2) CERTIFICATION OF RETIRED OFFICERS.** (a) Upon the request of a retired officer  
9 and at the expense of the retired officer, a law enforcement agency that employed the  
10 retired officer shall, except as provided in par. (b), issue the retired officer a  
11 certification card as described in sub. (4) stating all of the following:

12 1. The type of firearm the retired officer is certified to carry, but no retired  
13 officer may be certified to carry a machine gun, as defined in s. 941.27 (1), a firearm  
14 silencer, or a destructive device.

15 2. The retired officer has met either the state's standards for training and  
16 qualification for law enforcement officers to carry firearms, or, if no state standards  
17 exist, the law enforcement agency's standards for training and qualification for law  
18 enforcement officers to carry a firearm of the type under subd. 1.

19 3. The date on which the finding under subd. 2. was made and an expiration  
20 date that is 12 months later than that date.

21 4. That, due to the finding under subd. 2., the retired officer is qualified to carry  
22 a concealed firearm of the type under subd. 1.

23 (b) The law enforcement agency may not issue the retired officer a certification  
24 card under par. (a) unless the law enforcement agency first verifies all of the  
25 following:



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1           1. At the time he or she retired from the law enforcement agency, the retired  
2 officer was employed as a law enforcement officer.

3           2. The retired officer retired in good standing from service as a law enforcement  
4 officer for reasons other than mental instability.

5           3. The retired officer was regularly employed as a law enforcement officer for  
6 at least the number of years of service specified in 18 USC 926C (c) (3) (A) or the  
7 retired officer retired from law enforcement service due to a service-connected  
8 disability, as determined by the retired officer's employer, after completing any  
9 applicable probationary period.

10          4. The retired officer has a nonforfeitable right to benefits under the retirement  
11 plan of the law enforcement agency from which he or she retired.

12          5. The retired officer is not prohibited under federal law from possessing a  
13 firearm as indicated by a search of the transaction information for management of  
14 enforcement system and the national crime information center system.

15          6. The retired officer has, during the previous 12 months, met, at his or her own  
16 expense, either the state's standards for training and qualification for law  
17 enforcement officers to carry firearms or, if no state standards exist, the law  
18 enforcement agency's standards for training and qualification for law enforcement  
19 officers to carry the firearm of the type under par. (a) 1.

20          **(3) CERTIFICATION OF RETIRED FEDERAL OFFICERS.** (a) Upon the request of a  
21 retired federal officer and at the expense of the retired federal officer, the department  
22 shall, except as provided in par. (b), issue the retired federal officer a certification  
23 card as described in sub. (4) stating all of the following:

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1           1. The type of firearm the retired federal officer is certified to carry, but no  
2 retired federal officer may be certified to carry a machine gun, as defined in s. 941.27  
3 (1), a firearm silencer, or a destructive device.

4           2. The retired federal officer has met either the state's standards for training  
5 and qualification for law enforcement officers to carry firearms or, if no state  
6 standards exist, the standards of the department's division of criminal investigation  
7 for training and qualification for law enforcement officers to carry a firearm of the  
8 type under subd. 1.

9           3. The date on which the finding under subd. 2. was made and an expiration  
10 date that is 12 months later than that date.

11           4. That, due to the finding under subd. 2., the retired federal officer is qualified  
12 to carry a concealed firearm of the type under subd. 1.

13           (b) The department may not issue the retired federal officer a certification card  
14 under par. (a) unless the department first verifies all of the following:

15           1. At the time he or she retired from the federal law enforcement agency, the  
16 retired federal officer was employed as a law enforcement officer.

17           2. The retired federal officer retired in good standing from service as a law  
18 enforcement officer for reasons other than mental instability.

19           3. The retired federal officer was regularly employed as a law enforcement  
20 officer for at least the number of years specified in 18 USC 926C (c) (3) (A) or the  
21 retired federal officer retired from law enforcement service due to a  
22 service-connected disability, as determined by the retired federal officer's employer,  
23 after completing any applicable probationary period.

24           4. The retired federal officer has a nonforfeitable right to benefits under the  
25 retirement plan of the law enforcement agency from which he or she retired.

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1           5. The retired federal officer is not prohibited under federal law from  
2 possessing a firearm as indicated by a search of the transaction information for  
3 management of enforcement system and the national crime information center  
4 system.

5           6. The retired federal officer has, during the previous 12 months, met, at his  
6 or her own expense, either the state's standards for training and qualification for law  
7 enforcement officers to carry firearms or, if no state standards exist, the standards  
8 of the department's division of criminal investigation for training and qualification  
9 for law enforcement officers to carry the firearm of the type under par. (a) 1.

10           **(4) CERTIFICATION CARDS.** (a) 1. Subject to pars. (b), (c), and (d) and sub. (3) (a),  
11 the department shall design a certification card to be issued by the department under  
12 sub. (3) (a).

13           2. Subject to pars. (b), (c), and (d) and sub. (2) (a), each law enforcement agency  
14 shall design a certification card to be issued by the law enforcement agency under  
15 sub. (2) (a).

16           (b) A certification card shall contain on one side all of the following:

17           1. The full name, date of birth, and residence address of the person who holds  
18 the certification card.

19           2. A photograph of the certification card holder and a physical description that  
20 includes sex, height, and eye color.

21           3. The name of this state.

22           (c) A certification card shall include a statement that the certification card does  
23 not confer any law enforcement authority on the certification card holder and does  
24 not make the certification card holder an employee or agent of the certifying agency  
25 or department.

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1 (d) A certification card may not contain the certification card holder's social  
2 security number.

3 (5) RENEWAL OF CERTIFICATION CARDS. A person who holds a current certification  
4 card issued under sub. (2) or (3) may renew the certification card by requesting the  
5 department or the law enforcement agency, whichever issued the current  
6 certification card, to renew the certification card at the expense of the person holding  
7 the card, if, before the date the certification card expires, the law enforcement agency  
8 verifies sub. (2) (b) 5. and 6., if the certification card holder is a retired officer, or the  
9 department verifies sub. (3) (b) 5. and 6., if the certification card holder is a retired  
10 federal officer, and the certification card holder provides any information necessary  
11 for the verification. The renewal shall state the date on which verification was made  
12 and an expiration date that is 12 months later than that date.

13 (5m) FEES. The department may charge a fee to verify eligibility for a  
14 certification card under this section, for the issuance of a certification card under sub.  
15 (3), or for the renewal of a certification card under sub. (5), but the fee may not exceed  
16 the costs the department incurs in verifying eligibility or for issuing or renewing a  
17 certification card. Payments made to the department under this subsection shall be  
18 credited to the appropriation account under s. 20.455 (2) (gu).

19 (6) IMMUNITY. (a) When acting in good faith under this section, the department  
20 and its employees and a law enforcement agency and its employees are immune from  
21 civil and criminal liability arising from any act or omission under this section.

22 (b) When acting in good faith under this section, an entity providing firearms  
23 training to comply with the requirements under sub. (2) (a) 2., (3) (a) 2., or (5) and  
24 its employees are immune from civil and criminal liability arising from any act or  
25 omission that is related to that training.