



State of Wisconsin
2011 - 2012 LEGISLATURE



2027/2

LRB-2033/2

CMH&RNK:kjf/cjs/wj:ph

New

2011 BILL

Gen Cont

Use this as the underlying draft please

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), 440.26 (3m), 941.23, 941.235 (2), 941.295 (2) (d), 941.295 (4), 943.13 (2),
5 948.605 (2) (b) 6. and 948.605 (2) (b) 8.; *to amend* 48.685 (2) (bb), 50.065 (2) (bb),
6 59.54 (6), 66.0409 (3) (b), 165.60, 165.81 (2), 165.82 (1) (intro.), 165.82 (2),
7 167.31 (1) (b), 813.12 (6) (am) 1., 813.122 (9) (am) 1., 813.125 (5r) (a), 895.527
8 (5) (a), 938.396 (2g) (n), 939.22 (10), 941.295 (2) (intro.), 943.13 (1m) (b), 943.13
9 (3), 947.011 (2) (a) 1., 947.011 (2) (c) 1., 947.011 (2) (d), 948.60 (1), 948.605 (2)
10 (b) (intro.), 968.255 (1) (a) 2., 971.37 (1m) (a) 2. and 973.055 (1) (a) 1.; *to repeal*
11 *and recreate* 29.314 (3) (b) 1.; and *to create* 20.455 (2) (gs), 20.455 (2) (gu),
12 23.33 (3) (e) 1., 23.33 (3) (e) 2., 23.33 (3) (e) 3., 23.33 (3) (e) 4., 29.089 (2) (a),
13 29.089 (2) (b), 29.089 (2) (c), 29.089 (2) (d), 29.091 (2), 29.314 (4) (b) 1g., 29.621
14 (4) (a), 29.621 (4) (b), 29.621 (4) (c), 29.621 (4) (d), 29.621 (6), 66.0409 (6), 165.25

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

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 formerly worked 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.

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

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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 current law enforcement officers and qualified former 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 current law enforcement officer or a qualified former law enforcement officer. To be the first, 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 that could result in the loss or suspension of law enforcement authority; 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 former law enforcement officer, all of the following must apply: 1) the person separated from service with a government agency as a law enforcement officer in good standing; 2) before separating from service, the person served as a law enforcement officer for an aggregate of 10 years or more or separated due to a service-connected disability after completing any applicable probationary period; 3) the person has not been found by a medical professional to be unqualified to be a law enforcement officer for reasons related to his or her mental health and has not acknowledged in an agreement with the law enforcement agency that formerly employed him or her that he or she is not qualified to be a law enforcement officer for reasons related to his or her mental health; 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 met his or her home state's standards for 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 former law enforcement officer, the

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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 law enforcement agency from which the person separated from service as a law enforcement officer that indicates that, within the preceding 12 months, the person has met the standards set by the agency for qualification for active duty law enforcement officers to carry the type of firearm that the qualified former law enforcement officer is carrying concealed; or 2) both of the following: a) a photographic identification issued by the agency from which the person separated from service as a law enforcement officer; and b) a certification issued by the state in which the person resides or by a certified firearms instructor that is qualified to test active duty officers in that state that indicates that, within the preceding 12 months, the person has been found to meet either state standards or standards set by a law enforcement agency in the state for qualification for active duty law enforcement officers to carry the type of firearm that the qualified former 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 previously discussed that relate to the use and possession of firearms 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 state or a local governmental unit may prohibit a licensee from carrying a firearm into a building that is owned, occupied, or controlled by the state or 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

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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.

7. Grants immunity from liability for acts done 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 to determine if the individual is prohibited from possessing a firearm.

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 or out-of-state 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 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

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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 former law enforcement officers

This bill codifies the provisions of federal law that make the state concealed weapons prohibition inapplicable to active duty and former 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 former law enforcement officer if he or she is carrying a concealed firearm under those same circumstances.

This bill also requires state and local law enforcement agencies to issue and renew certification cards to qualified former law enforcement officers who separated from service with those agencies and requires DOJ to issue and renew certification cards to qualified former federal law enforcement officers who reside in Wisconsin. The qualifications mirror those listed in federal law, including: the former officer was in good standing when he or she separated from service; the former officer served for a period of ten years, unless he or she separated earlier due to service-connected disability after completing any probationary period; the former officer has met certain standards for qualification for active duty law enforcement officers to carry certain types of firearms; and the former officer was not disqualified from law enforcement for reasons related to his or her mental health. The cards enable the former officers to carry concealed firearms in the manner provided under federal law. The law enforcement agencies or DOJ, whichever is issuing the certification card to the former officer, must include personal information about the former officer, including a photograph; must include a statement that the former officer has met certain standards for qualification for active duty law enforcement officers to carry the types of firearms that are listed on the certification card; and must provide an expiration date of 12 months after the certification card is issued or renewed.

If a former officer is carrying his or her valid certification card, he or she is exempt from the prohibitions against carrying a concealed weapon only if the following apply: 1) the former 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 he or she is not carrying a firearm silencer; 2) the former officer is not under the influence of an

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intoxicant; and 3) federal law does not prohibit the former officer from possessing a firearm.

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 firearm without regard to whether the firearm is loaded or whether the firearm is concealed or openly carried.

Current law imposes certain restrictions on the placement, possession, and transportation (carrying) of a firearm in or on a vehicle. The restrictions vary depending on the type of vehicle in which the firearm is carried. Generally, current law prohibits a person from carrying a firearm in or on a vehicle unless the firearm is unloaded and encased and prohibits a person from loading or discharging a firearm in or from a vehicle. This bill specifies that these restrictions do not apply to a person who carries a firearm in a vehicle, other than a commercial airplane, if the person is a qualified active duty or former law enforcement officer or a licensee and if the firearm is a handgun.

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, former 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) (g) 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) (g), 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 former officer, as defined in s. 941.23 (1) (c), 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) (g) 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) (g), 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 former officer, as defined in s. 941.23 (1) (c), to whom s. 941.23
8 (2) (c) 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) (g) 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 (g), to whom s. 941.23 (2) (b) 1. to 3. applies.

8 (c) A former officer, as defined in s. 941.23 (1) (c), 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) (g) 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 (g), to whom s. 941.23 (2) (b) 1. to 3. applies.

19 c. A former officer, as defined in s. 941.23 (1) (c), 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) (g) 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) (g), 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 former officer, as defined in s. 941.23 (1) (c), 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 (4) (ar) of the statutes is created to read:

5 167.31 (4) (ar) The restrictions that apply to firearms under sub. (2) (a), (b), and
6 (c), and, if the aircraft is not a commercial aircraft, sub. (3) (a) and (b), do not apply
7 to any of the following if the firearm is a handgun, as defined in s. 175.60 (1) (bm):

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

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

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

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

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

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

20 **SECTION 39.** 175.48 of the statutes is created to read:

21 **175.48 Law enforcement officer identification cards.** (1) In this section,
22 “Wisconsin law enforcement agency” has the meaning given in s. 175.46 (1) (f).

23 (2) If a Wisconsin law enforcement agency issues photographic identification
24 cards to its officers, it may not require an officer to relinquish his or her card when

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1 the officer separates from service with the Wisconsin law enforcement agency unless
2 one of the following applies:

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

4 (b) The officer did not separate from service in good standing as a law
5 enforcement officer with the agency.

6 (c) The officer served as a law enforcement officer for an aggregate of less than
7 10 years. This paragraph does not apply if the officer, after completing any
8 applicable probationary period of service with the agency, separated from service
9 with the agency due to a service-connected disability, as determined by the agency.

10 (d) 1. A qualified medical professional employed by the law enforcement agency
11 has found the officer to be unqualified to be a law enforcement officer for reasons
12 related to the officer's mental health.

13 2. The officer has entered into an agreement with the law enforcement agency
14 from which he or she is separating from service in which the officer acknowledges
15 that he or she is not qualified to be a law enforcement officer for reasons related to
16 the officer's mental health and in which the officer declines the photographic
17 identification for that reason.

18 (3) Unless sub. (2) (a), (b), (c), or (d) applies, if a Wisconsin law enforcement
19 agency does not issue photographic identification cards to its officers, it shall issue
20 such a card to an officer who separates from service with that agency upon the
21 separating officer's request and at his or her expense.

22 (4) This section does not restrict the right of an officer who has separated from
23 service to go armed with a firearm that is not concealed.

24 **SECTION 40.** 175.49 of the statutes is created to read:

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1 **175.49 Former law enforcement officers seeking to carry concealed**
2 **weapons. (1) DEFINITIONS.** In this section:

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

4 (b) "Destructive device" has the meaning given in 18 USC 921 (a) (4).

5 (c) "Firearm silencer" has the meaning given in s. 941.298 (1).

6 (d) "Former federal law enforcement officer" means a person who separated
7 from service as a law enforcement officer at a federal law enforcement agency and
8 who resides in Wisconsin.

9 (e) "Former law enforcement officer" means a person who separated from
10 service as a law enforcement officer at a state or local law enforcement agency in
11 Wisconsin.

12 (f) "Law enforcement agency" means an agency that consists of one or more
13 persons employed by the federal government, including any agency described under
14 18 USC 926C (e) (2); a state, or a political subdivision of a state; the U.S. armed forces;
15 or the national guard, that has as its purposes the prevention and detection of crime
16 and the enforcement of laws or ordinances, and that is authorized to make arrests
17 for crimes.

18 (g) "Law enforcement officer" means a person who is employed by a law
19 enforcement agency for the purpose of engaging in, or supervising others engaging
20 in, the prevention, detection, investigation, or prosecution of, or the incarceration of
21 any person for, any violation of law and who has statutory powers of arrest.

22 (h) "Machine gun" has the meaning given in s. 941.27 (1).

23 **(2) CERTIFICATION OF FORMER LAW ENFORCEMENT OFFICERS.** (a) Upon the request
24 of a former law enforcement officer and at the expense of the former law enforcement
25 agency officer, a law enforcement agency that employed the former law enforcement

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1 officer shall, except as provided in par. (b), issue the former law enforcement officer
2 a certification card as described in sub. (4) stating all of the following:

3 1. The type of firearm the former law enforcement officer is certified to carry,
4 but no former law enforcement officer may be certified to carry a machine gun, a
5 firearm silencer, or a destructive device.

6 2. The former law enforcement officer has been found by the state, or by a
7 certified firearms instructor if such an instructor is qualified to conduct a firearms
8 qualification test for law enforcement officers in the state, to meet the standards for
9 qualification in firearms training for law enforcement officers to carry a firearm of
10 the type under subd. 1., that are established by the state or, if the state does not
11 establish standards, by the law enforcement agency from which the former law
12 enforcement officer separated.

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

15 4. That, due to the finding under subd. 2., the former law enforcement officer
16 is qualified to carry a concealed firearm of the type under subd. 1.

17 (b) The law enforcement agency may not issue the former law enforcement
18 officer a certification card under par. (a) unless the law enforcement agency first
19 verifies all of the following:

20 1. The former law enforcement officer separated from service as a law
21 enforcement officer with the law enforcement agency in good standing.

22 2. The former law enforcement officer served as a law enforcement officer for
23 an aggregate of at least 10 years or the former law enforcement officer separated
24 from law enforcement service due to a service-connected disability, as determined
25 by the law enforcement agency, after completing any applicable probationary period.

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1 3. a. A qualified medical professional employed by the law enforcement agency
2 has not found the former law enforcement officer to be unqualified to be a law
3 enforcement officer for reasons related to the former officer's mental health.

4 b. The former law enforcement officer has not entered into an agreement with
5 the law enforcement agency from which he or she separated from service in which
6 the former officer acknowledges that he or she is not qualified to be a law enforcement
7 officer for reasons related to his or her mental health and in which he or she declines
8 the photographic identification for that reason.

9 4. The former law enforcement officer is not prohibited under federal law from
10 possessing a firearm as indicated by a search of the transaction information for
11 management of enforcement system and the national crime information center
12 system.

13 5. The former law enforcement officer has, during the previous 12 months at
14 his or her own expense, been found by the state, or by a certified firearms instructor
15 if such an instructor is qualified to conduct a firearms qualification test for law
16 enforcement officers in the state, to meet the standards for qualification in firearms
17 training for law enforcement officers to carry a firearm of the type under par. (a) 1.,
18 that are established by the state or, if the state does not establish standards, by the
19 law enforcement agency from which the former law enforcement officer separated.

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

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1 1. The type of firearm the former federal law enforcement officer is certified to
2 carry, but no former federal law enforcement officer may be certified to carry a
3 machine gun, a firearm silencer, or a destructive device.

4 2. The former federal law enforcement officer been found by the state, or by a
5 certified firearms instructor if such an instructor is qualified to conduct a firearms
6 qualification test for law enforcement officers in the state, to meet the standards for
7 qualification in firearms training for law enforcement officers to carry a firearm of
8 the type under subd. 1., that are established by the state or, if the state does not
9 establish standards, by any law enforcement agency in the state.

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

12 4. That, due to the finding under subd. 2., the former federal law enforcement
13 officer is qualified to carry a concealed firearm of the type under subd. 1.

14 (b) The department may not issue the former federal law enforcement officer
15 a certification card under par. (a) unless the department first verifies all of the
16 following:

17 1. The former federal law enforcement officer separated from service as a law
18 enforcement officer with the law enforcement agency in good standing.

19 2. The former federal law enforcement officer served as a law enforcement
20 officer for an aggregate of at least 10 years or the former federal law enforcement
21 officer separated from law enforcement service due to a service-connected disability,
22 as determined by the law enforcement agency from which the former federal law
23 enforcement officer separated, after completing any applicable probationary period.

24 3. a. A qualified medical professional employed by the law enforcement agency
25 from which the former federal law enforcement officer separated has not found the

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1 former federal law enforcement officer to be unqualified to be a law enforcement
2 officer for reasons related to the former officer's mental health.

3 b. The former federal law enforcement officer has not entered into an
4 agreement with the law enforcement agency from which he or she separated from
5 service in which the former officer acknowledges that he or she is not qualified to be
6 a law enforcement officer for reasons related to his or her mental health.

7 4. The former federal law enforcement officer is not prohibited under federal
8 law from possessing a firearm as indicated by a search of the transaction information
9 for management of enforcement system and the national crime information center
10 system.

11 5. The former federal law enforcement officer has, during the previous 12
12 months at his or her own expense, been found by the state, or by a certified firearms
13 instructor if such an instructor is qualified to conduct a firearms qualification test
14 for law enforcement officers in the state, to meet the standards for qualification in
15 firearms training for law enforcement officers to carry a firearm of the type under
16 par. (a) 1., that are established by the state or, if the state does not establish
17 standards, by any law enforcement agency in the state.

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

21 2. Subject to pars. (b), (c), and (d) and sub. (2) (a), each law enforcement agency,
22 upon a request, shall design a certification card to be issued by the law enforcement
23 agency under sub. (2) (a).

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

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

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

5 3. The name of this state.

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

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

12 **(5) RENEWAL OF CERTIFICATION CARDS.** A person who holds a current certification
13 card issued under sub. (2) or (3) may renew the certification card by requesting the
14 law enforcement agency or the department, whichever issued the current
15 certification card, to renew the certification card at the expense of the person holding
16 the card, if, before the date the certification card expires, the law enforcement agency
17 verifies sub. (2) (b) 4. and 5. if the certification card holder is a former law
18 enforcement officer, or the department verifies sub. (3) (b) 4. and 5. if the certification
19 card holder is a former federal law enforcement officer, and the certification card
20 holder provides any information necessary for the verification. The renewal shall
21 state the date on which verification was made and an expiration date that is 12
22 months later than that date.

23 **(5m) FEES.** The department may charge a fee to verify eligibility for a
24 certification card under this section, for the issuance of a certification card under sub.
25 (3), or for the renewal of a certification card under sub. (5), but the fee may not exceed

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1 the costs the department incurs in verifying eligibility or for issuing or renewing a
2 certification card. Payments made to the department under this subsection shall be
3 credited to the appropriation account under s. 20.455 (2) (gu).

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

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

11 (7) GOING ARMED WITH A FIREARM. This section does not limit a former officer's
12 right to go armed with a firearm that is not concealed.

13 **SECTION 41.** 175.60 of the statutes is created to read:

14 **175.60 License to carry a concealed weapon. (1) DEFINITIONS.** In this
15 section:

16 (ac) "Background check" means the searches the department conducts under
17 sub. (9g) to determine a person's eligibility for a license to carry a concealed weapon.

18 (ag) "Carry" means to go armed with.

19 (b) "Department" means the department of justice.

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

25 (bv) "Law enforcement agency" does not include the department.

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

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

4 (e) “Motor vehicle” has the meaning given in s. 340.01 (35).

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

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

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

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

15 (h) “Photographic identification card” means one of the following:

16 1. An operator’s license issued under ch. 343 or an identification card issued
17 under s. 343.50.

18 2. A license or card issued by a state other than Wisconsin that is substantially
19 equivalent to a license or card under subd. 1.

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

24 (j) “Weapon” means a handgun, an electric weapon, as defined in s. 941.295 (4),
25 a knife other than a switchblade knife under s. 941.24, or a billy club.

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1 **(2)** ISSUANCE AND SCOPE OF LICENSE. (a) The department shall issue a license
2 to carry a concealed weapon to any individual who is not disqualified under sub. (3)
3 and who completes the application process specified in sub. (7). A license to carry a
4 concealed weapon issued under this section shall meet the requirements specified in
5 sub. (2m).

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

9 (c) Unless expressly provided in this section, this section does not limit an
10 individual's right to carry a firearm that is not concealed.

11 **(2g)** CARRYING A CONCEALED WEAPON; POSSESSION AND DISPLAY OF LICENSE
12 DOCUMENT OR AUTHORIZATION. (a) A licensee or an out-of-state licensee may carry a
13 concealed weapon anywhere in this state except as provided under subs. (15m) and
14 (16) and ss. 943.13 (1m) (c) and (1n) and 948.605 (2) (b) 1r.

15 (b) Unless the licensee or out-of-state licensee is carrying a concealed weapon
16 in a manner described under s. 941.23 (2) (e), a licensee shall have with him or her
17 his or her license document and photographic identification card and an out-of-state
18 licensee shall have with him or her his or her out-of-state license and photographic
19 identification card at all times during which he or she is carrying a concealed
20 weapon.

21 (c) Unless the licensee or out-of-state licensee is carrying a concealed weapon
22 in a manner described under s. 941.23 (2) (e), a licensee who is carrying a concealed
23 weapon shall display his or her license document and photographic identification
24 card and an out-of-state licensee who is carrying a concealed weapon shall display

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1 his or her out-of-state license and photographic identification card to a law
2 enforcement officer upon the request of the law enforcement officer.

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 contain the requirement under sub. (11) (b) that the licensee shall inform the
19 department of any address change no later than 30 days after his or her address
20 changes and the penalty for a violation of the requirement.

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

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

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1 2. The identification card issued under this section shall be tamper proof in
2 substantially the same way that the operator's license is tamper proof under s.
3 343.17 (2).

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

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

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

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

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

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

18 **(5) APPLICATION AND RENEWAL FORMS.** (a) The department shall design an
19 application form for use by individuals who apply for a license under this section and
20 a renewal form for use by individuals applying for renewal of a license under sub.
21 (15). The department shall complete the design of the application form no later than
22 the first day of the 2nd month beginning after the effective date of this paragraph
23 [LRB inserts date], and shall complete the design of the renewal form no later than
24 the first day of the 36th month beginning after the effective date of this paragraph
25 [LRB inserts date]. The forms shall require the applicant to provide only his or

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1 her name, address, date of birth, state identification card number, race, sex, height,
2 hair color, and eye color and shall include all of the following:

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

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

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

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

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

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

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

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

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

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

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

8 (d) A fee for a background check that is equal to the fee charged under s. 175.35
9 (2i).

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

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

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

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

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

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

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

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

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

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

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

19 **(11) UPDATED INFORMATION.** (a) 1. In this paragraph:

20 a. "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 b. "Court automated information systems" means the systems under s. 758.19
24 (4).

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1 2. The court automated information systems, or the clerk or register in probate,
2 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 a. 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 b. The individual is found incompetent under s. 971.14.

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

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

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

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

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

20 3. Upon receiving a notice under subd. 2., 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 (b) 1. No later than 30 days after changing his or her address, a licensee shall
24 inform the department of the new address. The department shall include the
25 individual's new address in the list under sub. (12) (a).

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1 2. Except as provided in subd. 3., for a first violation of subd. 1., the department
2 must issue the licensee a warning.

3 3. If an individual is in violation of subd. 1. and his or her license has been
4 suspended or revoked under sub. (14), the individual is subject to the penalty under
5 sub. (17) (ac).

6 4. A licensee may not be charged with a violation of subd. 1. if the department
7 learns of the violation when the licensee informs the department of the address
8 change.

9 **(12) MAINTENANCE, USE, AND PUBLICATION OF RECORDS BY THE DEPARTMENT.** (a) The
10 department shall maintain a computerized record listing the names and the
11 information specified in sub. (2m) (b) of all individuals who have been issued a license
12 under this section. Subject to par. (b) 1. b., neither the department nor any employee
13 of the department may store, maintain, format, sort, or access the information in any
14 way other than by the names, dates of birth, or sex of licensees or by the identification
15 numbers assigned to licensees under sub. (2m) (b) 6.

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

18 a. To confirm that a license produced by an individual at the request of a law
19 enforcement officer is valid.

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

23 c. To investigate whether an individual submitted an intentionally false
24 statement under sub. (7) (b) or (15) (b) 2.

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

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1 2. A person who is a law enforcement officer in a state other than Wisconsin
2 may request and be provided information under subd. 1. a. and b.

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

8 **(12g) PROVIDING LICENSEE INFORMATION TO LAW ENFORCEMENT AGENCIES.** (a) The
9 department shall provide information concerning a specific licensee to a law
10 enforcement agency, but only if the law enforcement agency is requesting the
11 information for any of the following purposes:

12 1. To confirm that a license produced by an individual at the request of a law
13 enforcement officer is valid.

14 2. 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 an individual holds a valid license under this section.

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

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

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1 2. Neither a law enforcement agency nor any of its employees may store or
2 maintain information regarding an individual that was obtained from the
3 department under this subsection based on the individual's status as a licensee.

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

8 **(13) LOST OR DESTROYED LICENSE.** If a license document is lost, a licensee no
9 longer has possession of his or her license, or a license document is destroyed,
10 unreadable, or unusable, a licensee may submit to the department a statement
11 requesting a replacement license document, the license document or any portions of
12 the license document if available, and a \$15 replacement fee. The department shall
13 issue a replacement license document to the licensee within 14 days of receiving the
14 statement and fee. If the licensee does not submit the original license document to
15 the department, the department shall terminate the unique approval number of the
16 original request and issue a new unique approval number for the replacement
17 request.

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

21 (am) The department shall suspend a license issued under this section if a court
22 has prohibited the licensee from possessing a dangerous weapon under s. 969.02 (3)
23 (c). If the individual whose license was suspended is no longer subject to the
24 prohibition under s. 969.02 (3) (c), sub. (3) (b), (c), or (d) does not apply to the
25 individual, and the suspended license would not have expired under sub. (15) (a) had

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1 it not been suspended, the department shall restore the license within 5 business
2 days of notification that the licensee is no longer subject to the prohibition.

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

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

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

12 a. Deliver the license document personally or by certified mail to the
13 department.

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

17 **(14g)** DEPARTMENTAL REVIEW. The department shall promulgate rules providing
18 for the review of any action by the department denying an application for, or
19 suspending or revoking, a license under this section.

20 **(14m)** APPEALS TO THE CIRCUIT COURT. (a) An individual aggrieved by any action
21 by the department denying an application for, or suspending or revoking, a license
22 under this section, may appeal directly to the circuit court of the county in which the
23 individual resides without regard to whether the individual has sought review under
24 the process established in sub. (14g).

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

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

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

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

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

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

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

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

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

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

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

9 2. If the court reverses the department's action, the court may order the
10 department to pay the aggrieved individual all court costs and reasonable attorney
11 fees.

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

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

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

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

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

25 4. Pays all of the following: