



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

☞ Appendix A ... segment III

LRB BILL HISTORY RESEARCH APPENDIX

☞ The drafting file for 2011 LRB-1066 (For: Rep. Galloway)

has been transferred to the drafting file for

2011 LRB-2027 (For: Rep. Galloway)

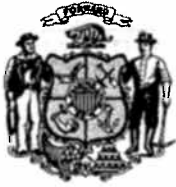
☞ Are These “Companion Bills” ?? ... No



RESEARCH APPENDIX -
PLEASE KEEP WITH THE DRAFTING FILE

Date Transfer Requested: 05/04/2011 (Per: CMH)

☞ The attached [redacted] draft was incorporated into the new [redacted] draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as a appendix, to the new [redacted] drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.



State of Wisconsin
2011 - 2012 LEGISLATURE



1006/v

LRB-0485/1
CMH:kjf.md

Thursday
PLEASE
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2011 BILL

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1 AN ACT *to renumber and amend* 23.33 (3) (e), 29.089 (2), 29.091, 29.621 (4),
2 440.26 (3m), 941.23, 941.235 (2), 941.295 (2) (d) and 943.13 (2); *to amend*
3 165.60, 165.82 (1) (intro.), 165.82 (2), 813.12 (6) (am) 1., 813.122 (9) (am) 1.,
4 813.125 (5r) (a), 885.235 (1g) (intro.), 938.396 (2g) (n), 943.13 (1m) (b) and
5 943.13 (3); and *to create* 23.33 (3) (e) 1., 23.33 (3) (e) 2., 23.33 (3) (e) 3., 23.33
6 (3) (e) 4., 23.33 (3) (em), 29.089 (2) (a), 29.089 (2) (b), 29.089 (2) (c), 29.089 (2)
7 (d), 29.091 (2), 29.621 (4) (a), 29.621 (4) (b), 29.621 (4) (c), 29.621 (4) (d), 29.621
8 (6), 59.25 (3) (u), 165.25 (12), 167.31 (4) (ar), 175.48, 175.49, 175.60, 341.175,
9 440.26 (3m) (a), 440.26 (3m) (b), 440.26 (3m) (c), 440.26 (3m) (d), 885.235 (1g)
10 (e), 938.396 (2g) (p), 941.23 (1), 941.23 (2) (b), 941.23 (2) (c), 941.23 (2) (d), 941.23
11 (2) (e), 941.23 (3), 941.235 (2) (c), 941.235 (2) (d), 941.235 (2) (e), 941.237 (3) (cr),
12 941.237 (3) (ct), 941.237 (3) (cx), 941.29 (11), 941.295 (2) (d) 2., 941.295 (2g),
13 941.295 (2r), 943.13 (1e) (bm), 943.13 (1e) (g), 943.13 (1m) (c), 943.13 (2) (bm),
14 948.605 (2) (c) and 948.61 (3m) of the statutes; **relating to:** carrying a

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1 concealed weapon, licenses authorizing persons to carry concealed weapons,
 2 possessing or transporting a firearm under certain circumstances,
 3 photographic identification cards for ~~retired~~ law enforcement officers,
 4 requiring the exercise of rule-making authority, providing an exemption from
 5 rule-making authority, and providing penalties.

former (circled)
emergency (written above "retired")
procedures (written below "authority")

Analysis by the Legislative Reference Bureau

This bill creates a licensing system under which an individual is permitted to carry a concealed weapon under certain circumstances. The bill also makes certain 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.

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, however, does not apply to law enforcement officers. In addition, 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 loaded or unencased firearm in an automobile, motorboat, or airplane. Moreover, no person may operate or go armed with a firearm while under the influence of an intoxicant. A person who violates one of these prohibitions is subject to civil or criminal penalties.

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

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.

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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, unless the person is prohibited under federal or state law from possessing that weapon.

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 electronic 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, with the exception of the gun-free school zone law, they do not apply to licensees. The bill authorizes a licensee to carry a handgun in a school zone if: 1) the licensee is in a motor vehicle or on a snowmobile or bicycle; 2) the licensee has exited from a motor vehicle and is encasing the handgun or storing it in the motor vehicle; or 3) the licensee is traveling directly between any two of the following places: any person's private property, the licensee's place of employment or business, or a place outside of the school zone. These changes, however, do not affect the provisions of the gun-free school zone law that prohibit a person from possessing a firearm in a public school itself or on the grounds of a public school.

A person licensed under the bill is ^{generally} prohibited from carrying a concealed weapon in certain places, including a police station, sheriff's office, or state patrol station; a prison or jail; with exceptions, a tavern or a restaurant with a liquor license; a school administration ~~building~~; beyond the security checkpoint at an airport; and a building owned by the state or a local government if the building provides electronic screening and locked storage for weapons. 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, and a private employer generally may prohibit an employee from carrying a concealed weapon in the course of the employee's employment. ^{no 91}

The bill prohibits any person from carrying a concealed weapon while having a blood alcohol concentration that exceeds 0.08. A law enforcement officer who arrests a person for violating that prohibition or for carrying a concealed weapon while under the influence of an intoxicant may require the person to submit to a breath, blood, or urine test to detect the presence of alcohol, controlled substances, or any other intoxicant.

Licensing requirements and procedure

Under the bill, DOJ must issue ^{or renew} a license to carry a concealed weapon to an applicant ^{unless the applicant is less than} ~~who meets certain requirements including:~~ 1) ~~he or she must be at least 21 years old~~ 2) ~~he or she must not have a severe physical disability that prevents him or her from safely handling a weapon;~~ 3) ~~he or she must be~~ eligible to possess a firearm under federal law; 4) ~~he or she must not be prohibited from possessing a~~

office

who is a resident of Wisconsin

or state

or is not

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for a license
or for
a license
renewal

firearm under state law; 5) he or she must not have been committed for the treatment of drug dependency during the preceding three years; 6) he or she must not have been convicted of an offense relating to controlled substances during the preceding three years; 7) he or she must not chronically or habitually use alcohol or other substances to the extent that his or her normal faculties are impaired; 8) with some exceptions, he or she must have successfully completed a firearms training or safety course or class; 9) he or she must not have been subject to a finding of incompetency, been the subject of a protective placement as a minor based on a developmental disability, found not guilty of a crime by reason of mental disease or mental defect, or involuntarily committed for treatment of mental illness during the preceding five years; 10) he or she must not have been convicted of one of a set of specified misdemeanors or have been serving a sentence for committing such a misdemeanor within the preceding three years; and 11) he or she must be a Wisconsin resident.

DOJ must conduct a background check of an applicant to determine the person's eligibility for a license. If DOJ determines that an applicant for a license is ineligible under one of these requirements, DOJ ~~must deny the person's application.~~ Otherwise, DOJ must issue the person a license within 21 days of receiving the completed application or must renew the license.

or
renew

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not
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license

Furthermore, the bill does all of the following:

1. Allows DOJ to issue an emergency license to an individual if immediate licensure is warranted to protect the individual from death or great bodily harm.
2. Provides that, with certain exceptions, a license to carry a concealed weapon is valid for five years.
3. Establishes a renewal procedure that includes a background check of the person renewing the license.
4. Requires DOJ to revoke a license if the licensee no longer meets all of the requirements for licensure.
5. Requires DOJ to suspend a license if the licensee is the subject of a civil or criminal case that may ultimately lead to the revocation of the license or if the licensee, after being charged with a misdemeanor, is ordered by the court not to possess a firearm.
6. Provides an appeals process for a person whose application for a license is denied or whose license is suspended or revoked.
7. 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.
8. Requires each circuit court to notify DOJ of any court proceedings relating to licensees and nonlicensees if those proceedings would require suspension or revocation of the person's license if he or she has a license.
9. Requires each licensee to notify DOJ within ten days after being charged with a crime or a drunk driving offense under federal law or the law of another state.
10. Requires a person who applies for a license to pay the following: a) a \$52 application fee and a \$13 background check fee to be deposited into the general fund of the state; and b) a \$15 shooting range improvement fee, to be deposited with the county in which the applicant resides, to be used for shooting range improvement.

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~~grants~~ A person who applies to renew his or her license must pay the same fee ~~except instead of an application fee, he or she must pay~~ a \$27 renewal fee.

D. Grants immunity from liability for acts done in good faith under the bill to DOJ and its employees; various court employees; ~~persons providing firearm training or safety classes;~~ businesses, nonprofit organizations, or individuals that permit persons to carry concealed weapons on their property; and employers that permit their employees to carry concealed weapons.

E. Treats a license or permit issued by another state in the same manner as a license issued under this bill if the other state required a background check as a condition of licensure.

New and revised penalties for certain weapons offenses

The bill establishes or changes 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 ~~who fails~~ 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 carries a concealed weapon in a place where the ~~license does not authorize~~ him or her to do so may be fined not more than \$500 or imprisoned for not more than 30 days or both. Third, if a person has a blood alcohol concentration that exceeds 0.08 while carrying a concealed weapon, the person may be fined not more than \$10,000 or imprisoned for not more than nine months or both.

The same penalties apply if, after a person is arrested for carrying a concealed weapon while having a prohibited alcohol concentration, he or she refuses to submit to a breath, blood, or urine test. Fourth, under current law, possession of a firearm in a school zone is a Class I felony, while possessing other types of dangerous weapons on school grounds is a Class A misdemeanor or, for a repeat offender, a Class I felony. Under this bill instead of these penalties, licensees who unlawfully carry handguns in a school zone or who carry electric weapons, knives, or billy clubs on school grounds are subject to a maximum fine of \$1,000 or a maximum term of imprisonment of 90 days or both.

Fifth, a person who does any of the following must be fined not less than \$500 nor more than \$10,000, may be imprisoned for not more than nine months, and becomes permanently ineligible for a license: (1) intentionally fails to report being charged with any crime or any drunk driving offense within ten days after being charged, or (2) intentionally fails to relinquish a license document to DOJ after the license has been revoked. ~~Sixth~~, a person who intentionally makes a false statement in an application for a license may be charged with false swearing, a Class H felony.

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. 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 firearm under those same circumstances.

Under the bill, DOJ must provide a qualified ~~retired~~ law enforcement officer, as provided under federal law, upon his or her request, an identification card that,

5 and a license who fails to notify DOJ of a change in address within 30 days of the change

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in combination with a photographic identification issued by the ~~retired~~ officer's former employer, permits the ~~retired~~ officer to carry a concealed firearm. The identification card that DOJ issues must indicate all of the following: 1) that DOJ has found that the officer has met the ~~state's~~ standards for training and qualification for active duty law enforcement officers to carry firearms; 2) the date on which DOJ made that finding; and 3) that as a result of the finding, the officer is qualified to carry a firearm. DOJ may charge a ~~retired~~ officer a fee to cover the costs of issuing an identification card and determining the person's eligibility.

The bill requires an active duty or ~~retired~~ law enforcement officer who is carrying a concealed firearm to carry also the documentation that, under federal law, qualifies him or her to do so. A person who violates this requirement is subject to a forfeiture of not more than \$25. In contrast to the requirements of federal law, the exemption ~~that~~ the bill ~~creates in~~ the state's concealed weapons statute for an active duty or ~~retired~~ law enforcement officer is not dependent on the person carrying his or her credentials. The person needs only to have been issued the credentials, for the exemption to apply.

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

A revolver or a semiautomatic pistol

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for retired law enforcement officers

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SECTION 3

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

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

4 23.33 (3) (e) 3. A ~~retired~~ ^{former} law enforcement officer, as defined in s. 941.23 (1) (1),
5 to whom s. 941.23 (2) (c) 1. to ⁵ 7. applies.

6 **SECTION 5.** 23.33 (3) (e) 4. of the statutes is created to read:

7 23.33 (3) (e) 4. A licensee, as defined in s. 175.60 (1) (d), or an out-of-state
8 licensee, as defined in s. 175.60 (1) (g), who possesses a handgun, as defined in s.
9 175.60 (1) (bm).

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

11 23.33 (3) (em) With any bow unless it is unstrung or enclosed in a carrying case.

12 **SECTION 7.** 29.089 (2) of the statutes is renumbered 29.089 (2) (intro.) and
13 amended to read:

14 29.089 (2) (intro.) Except as provided in sub. (3), no person may have in his or
15 her possession or under his or her control a firearm on land located in state parks or
16 state fish hatcheries unless the firearm is unloaded and enclosed within a carrying
17 case. This subsection does not apply to any of the following:

18 **SECTION 8.** 29.089 (2) (a) of the statutes is created to read:

19 29.089 (2) (a) A person who is employed in this state by a public agency as a
20 law enforcement officer and to whom s. 941.23 (1) (e) 2. to 5. and (2) (b) 1. to 3. applies.

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

22 29.089 (2) (b) A qualified out-of-state law enforcement officer, as defined in s.
23 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

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

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1 29.089 (2) (c) A ~~retired~~ ^{former} law enforcement officer, as defined in s. 941.23 (1) (f),
2 to whom s. 941.23 (2) (c) 1. to ⁵ applies.

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

4 29.089 (2) (d) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state
5 licensee, as defined in s. 175.60 (1) (g), if the firearm is a handgun, as defined in s.
6 175.60 (1) (bm).

7 **SECTION 12.** 29.091 of the statutes is renumbered 29.091 (1) and amended to
8 read:

9 29.091 (1) No person may hunt or trap within any wildlife refuge established
10 under s. 23.09 (2) (b) or 29.621 (1), or, except as provided in sub. (2), have possession
11 or control of any 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. The taking of predatory game birds and animals shall be done
14 as the department directs. All state wildlife refuge boundary lines shall be marked
15 by posts placed at intervals of not over 500 feet and bearing signs with the words
16 "Wisconsin Wildlife Refuge".

17 **SECTION 13.** 29.091 (2) of the statutes is created to read:

18 29.091 (2) The prohibition in sub. (1), as it relates to the possession or control
19 of a loaded or unencased gun or firearm within a game refuge established under s.
20 23.09 (2) (b), does not apply to any of the following:

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

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

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SECTION 13

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(c) A ~~retired~~ ^{former} law enforcement officer, as defined in s. 941.23 (1) (f), to whom s. 941.23 (2) (c) 1. to 5. applies.

(c)

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

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SECTION 14. 29.621 (4) of the statutes is renumbered 29.621 (4) (intro.) and amended to read:

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

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SECTION 15. 29.621 (4) (a) of the statutes is created to read:

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

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SECTION 16. 29.621 (4) (b) of the statutes is created to read:

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

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SECTION 17. 29.621 (4) (c) of the statutes is created to read:

(c)

24

29.621 (4) (c) A ~~retired~~ ^{former} law enforcement officer, as defined in s. 941.23 (1) (f), to whom s. 941.23 (2) (c) 1. to 5. applies.

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1 **SECTION 18.** 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 19.** 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 20.** 59.25 (3) (u) of the statutes is created to read:

9 59.25 (3) (u) 1. Establish a segregated fund, the proceeds of which may be used
10 by the county to award shooting range grants under s. 175.60 (20m).

11 2. Deposit into the segregated fund created under subd. 1. all moneys received
12 under s. 175.60 (7) (bp) or (15) (b) 4. c.

13 3. Make payments from the fund established under subd. 1. as directed by the
14 county.

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

16 165.25 (12) RULES REGARDING CONCEALED WEAPONS LICENSES. (a) Promulgate
17 rules providing a procedure by which the department may file a petition under s.
18 175.60 (10m) and a license may be revoked under s. 175.60 (14) with respect to a
19 person who is issued a license under s. 175.60 (9r) and who, as a result of being
20 licensed, poses a substantial risk to others.

21 (165.25) (b) Determine which states issue permits or licenses to carry a concealed
22 weapon to persons who pass criminal background checks in those states and
23 promulgate by rule a list of those states.

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

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1 **165.60 Law enforcement.** The department of justice is authorized to enforce
✓ 2 ss. 101.123 (2), (2m), and (8), 175.60 (17) (d) and (e), 944.30, 944.31, 944.33, 944.34,
3 945.02 (2), 945.03 (1m), and 945.04 (1m) and ch. 108 and with respect to a false
✓ 4 statement submitted or made under s. 175.60 (7) (b) (9r) or (15) (b) 2., to enforce s.
5 946.32 and is invested with the powers conferred by law upon sheriffs and municipal
6 police officers in the performance of those duties. This section does not deprive or
7 relieve sheriffs, constables, and other local police officers of the power and duty to
8 enforce those sections, and those officers shall likewise enforce those sections.

9 **SECTION 23.** 165.82 (1) (intro.) of the statutes is amended to read:

10 165.82 (1) (intro.) Notwithstanding s. 19.35 (3), the department of justice shall
11 impose the following fees, plus any surcharge required under sub. (1m), for criminal
12 history searches for purposes unrelated to criminal justice or to s. 175.35, 175.49, or
13 175.60:

14 **SECTION 24.** 165.82 (2) of the statutes is amended to read:

15 165.82 (2) ~~Except as provided in s. 175.35, the~~ The department of justice shall
16 not impose fees for criminal history searches for purposes related to criminal justice.

17 **SECTION 25.** 167.31 (4) (ar) of the statutes is created to read:

18 167.31 (4) (ar) Subsections (2) (a), (b), and (c) and (3) (a) and (b) do not apply
19 to the placement, possession, transportation, or loading of a firearm, or to the
20 discharge of a firearm if the discharge was in self defense or in the defense of another,
21 by any of the following:

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

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

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3. A ~~retired~~ ^{former} law enforcement officer, as defined in s. 941.23 (1) ^(j) ^(C), to whom s. 941.23 (2) (c) 1. to ^(j) applies.

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3

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

4

5

SECTION 26. 175.48 of the statutes is created to read:

6

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

7

8

(2) If a Wisconsin law enforcement agency issues photographic identification cards to its officers, it may not require an officer to relinquish his or her card upon retirement ^{when the officer ends service with the Wisconsin law enforcement agency} unless one of the following applies:

10

11

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

12

(b) The officer did not ~~leave~~ ^{end his or her service} in good standing ^{from service} as a law enforcement officer with the agency ~~or retired as a result of mental instability~~ ^{move}

13

14

(c) The officer was regularly employed as a law enforcement officer for an aggregate of less than ¹⁰ years. This paragraph does not apply if the officer, after completing any applicable probationary period of service with the agency, ~~retired~~ ^{ended his or her} service with the agency due to a service-connected disability, as determined by the agency.

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

20

21

(3) Unless sub. (2) (a), (b), (c), or (d) applies, if a Wisconsin law enforcement agency does not issue photographic identification cards to its officers, it shall issue such a card to an officer formerly employed by that agency upon the former officer's request and at his or her expense.

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SECTION 27. 175.49 of the statutes is created to read:

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175.49 Retired law enforcement officers seeking to carry concealed

Former

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weapons. (1) DEFINITIONS. In this section:

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

(b) "Former employer" means a law enforcement agency that employed a

~~law~~ law enforcement officer immediately before his or her retirement the law enforcement officer ended law enforcement service

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

(2) ISSUANCE OF CERTIFICATION. Subject to sub. (3), the department shall issue and provide a retired law enforcement officer, upon request and at his or her own expense, an identification card that contains the information specified in sub. (4) (b) and that certifies all of the following:

former

(a) That the department has found that the retired officer has met the standards established by this state for training and qualification ~~for~~ active duty law enforcement officers to carry firearms.

that law enforcement agency former that is either a revolver or a semiautomatic pistol, whichever the former law enforcement officer used to qualify

(b) The date on which the department made the finding under par. (a).

(c) That, as a result of the finding under par. (a), the retired officer is qualified to carry any concealed firearm other than a machine gun or a firearm bearing a silencer.

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14-18

(3) PREREQUISITES FOR DEPARTMENT ACTION. (a) Subsection (2) does not apply with respect to a person requesting an identification card unless all of the following apply:

BILL

1 The person ~~ended~~ in good standing ~~from service~~ as a law enforcement officer

2 ~~for reasons other than mental instability~~

ended his or her service

3 2. At least one of the following applies:

4 a. Before ~~retiring~~ leaving law enforcement service
5 officer for an aggregate of 15 years or more.

6 b. The person completed any applicable probationary period of service with his
7 or her former employer and ~~retired from service due to a service-connected disability,~~
8 as determined by his or her former employer. ended his or her

9 3. The person has a nonforfeitable right to benefits under his or her former
10 employer's retirement plan.

11 3.4 The department determines that its records do not indicate that the person
12 is prohibited from possessing a firearm under federal law ^{and} is ^{not} a person specified in
13 s. 941.29 (1) (a), (b), (bm), (c), (d), or (g) or specified in s. 941.29 (1) (e) or (em), unless
14 s. 941.29 (9) (a) or (b) exempts the person from s. 941.29.

not

15 4.5 The person is a resident of this state.

16 (b) The department may require a person to sign appropriate consents for
17 release of information to enable it to confirm that he or she meets all of the
18 prerequisites under this subsection for the department to act under sub. (2).

MS 15-16

19 (c) In addition to other fees authorized under sub. (2), the department may
20 require a person to pay a fee, not to exceed the department's costs, for verifying his
21 or her employment history or retirement plan status under par. (a) 1. ~~and~~ and
22 making a determination under par. (a) 1. 3

2. 5. or 6.

23 (4) CONTENTS OF IDENTIFICATION CARD. (a) Subject to pars. (b), (c), and (d), the
24 department shall design a single document for identification cards issued under this
25 section. The department shall complete the design of the identification card

BILL

1 document no later than the first day of the 2nd month beginning after the effective
2 date of this paragraph [LRB inserts date].

3 (b) In addition to the information certified under sub. (2), an identification card
4 issued under this section shall contain all of the following on one side:

5 1. The full name, date of birth, and residence address of the ~~retired~~ ^{former} officer.

6 2. A physical description of the ~~retired~~ ^{former} officer, including sex, height, ~~weight~~ ^{and}
7 ~~hair~~ and eye color.

8 3. The name of this state.

9 (c) An identification card may not contain the ~~retired~~ officer's social security
10 number.

11 (d) An identification card issued under this section shall be, to the maximum
12 extent possible, tamper proof. The contents of the identification card shall be
13 included in the document in substantially the same way that the contents of an
14 operator's license document issued under s. 343.17 are included in that document.

15 **SECTION 28.** 175.60 of the statutes is created to read:

16 **175.60 License to carry a concealed weapon. (1) DEFINITIONS.** In this
17 section:

18 (ab) "Alcohol beverages" has the meaning given in s. 125.02 (1).

19 (abn) "Alcohol concentration" has the meaning given in s. 340.01 (1v). ✓

20 (ac) "Background check" means a search of department and court records
21 conducted under sub. (9g) to determine a person's eligibility for a license to carry a
22 concealed weapon.

23 (ag) ~~Except in sub. (2g) (b) and (2g) (a) 2.~~ "carry" means to ~~go armed with~~ ^{have on or near one's person, including in a vehicle, in an accessible and usable state}

24 (ah) "Controlled substance" means a controlled substance, as defined in s.
25 961.01 (4), or a controlled substance analog, as defined in s. 961.01 (4m).

BILL

1 (aj) "Department" means the department of justice. 9

2 (am) "Drunk driving offense" means any of the following: X

3 1. A violation of s. 346.63 or a local ordinance in conformity with that section.

4 2. A violation of a law of a federally recognized American Indian tribe or band
5 in this state in conformity with s. 346.63.

6 3. A violation of the law of another jurisdiction, as defined in s. 340.01 (41m),
7 that prohibits use of a motor vehicle while intoxicated, while under the influence of
8 a controlled substance, a controlled substance analog, or a combination thereof, with
9 an excess or specified range of alcohol concentration, or while under the influence of
10 any drug to a degree that renders the person incapable of safely driving, as those or
11 substantially similar terms are used in that jurisdiction's laws.

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

17 (bq) "Intoxicant" means any alcohol beverage, controlled substance, or other
18 drug, or any combination thereof.

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

20 (c) "Law enforcement officer" has the meaning given in s. 165.85 (2) (c).

21 (d) "Licensee" means an individual holding a valid license to carry a concealed
22 weapon issued under this section.

23 (e) "Misdemeanor crime of violence" means any of the following: X

24 1. A violation of s. 940.19 (1), 940.195 (1), 940.22 (3) (d) or (4) (d), 940.225 (3m),
25 940.285 (2) (b) 4. or 5., 940.291 (1) or (2), 940.295 (3) (b) 4. or 5., 940.42, 940.44, 941.20

BILL

1 (1), 941.23, 941.235 (1), 941.237 (2), 941.24 (1), 941.26 (2) (c) or (4) (b), (h), (i) 1., (j)
 2 1., or (L), 941.315 (2), 941.316 (2), 941.37 (2), 941.38 (3), 941.39, 947.013 (1r), 948.09,
 3 948.10 (1), 948.11 (2) (b), 948.21 (1) (a), 948.22 (3) and (7) (b), 948.40 (4), 948.50 (3),
 4 948.51 (3) (a), 948.53 (2) (b) 1., 948.55 (2) and (3), 948.60 (2) (a), 948.61 (2) (a), 948.62
 5 (1) (a), or 948.63 or of sub. (2k) (e) or (16) (cm) 1.

6 2. A crime under federal law or the law of another state that is comparable to
 7 a crime described in subd. 1.

8 (eg) "Misdemeanor delinquency adjudication" means a finding that a juvenile X
 9 is delinquent for an act that would be a misdemeanor if committed by an adult.

10 (e) (d) "Motor vehicle" has the meaning given in s. 340.01 (35). X

11 (f) "Out-of-state authorization" means a valid permit document or a valid
 12 license document issued by another state if all of the following apply:

13 1. The permit document or license document documents that a person is
 14 authorized ^(s) ~~under~~ the law of that state to carry a concealed weapon in that state. (the) How issued the permit or license

15 2. The state is listed in the rule promulgated by the department under s. 165.25

16 (12) (b) ✓

17 (g) "Out-of-state licensee" means an individual who is 21 years of age or over,
 18 who is not a Wisconsin resident, ^{and} who has been issued an out-of-state authorization,
 19 and who is not prohibited from possessing a firearm under s. 941.29 or from
 20 possessing a firearm that has been transported in interstate or foreign commerce
 21 under federal law. ←

22 (gm) "Photographic identification card" means an operator's license issued
 23 under ch. 343 or an identification card issued under s. 343.50.

24 (h) "Private property" has the meaning given in s. 943.13 (1e) (e).

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1 (i) "Proprietor" means a person to whom a Class "B" or "Class B" license or
2 permit has been issued under ch. 125.

3 (ig) "Purpose of authorized analysis" means for the purpose of determining or
4 obtaining evidence of the presence, quantity, or concentration of any intoxicant in a
5 person's blood, breath, or urine.

6 (im) "State identification card number" means the unique identifying driver
7 number assigned to a person by the department of transportation under s. 343.17 (3)

8 (a) 4. or if the person ~~has no driver number~~ ^{has no driver number(s)} ~~receives an identification card issued under~~ ^{on}
9 s. 343.50 ~~the number assigned to the person~~ ~~on the identification card.~~

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10 (is) "Test facility" means a test facility or agency prepared to administer tests
11 under s. 343.305 (2).

12 (j) "Weapon" means a handgun, an electric weapon, as defined in s. 941.295 (4),
13 a knife other than a switchblade knife under s. 941.24, or a billy club.

14 (2) ISSUANCE OF LICENSE. The department shall issue ^a licenses ^{to} carry a
15 concealed weapon to an individual who ^{is not disqualified under} ~~meets the qualifications specified in~~ sub. (3)
16 and who completes the application process specified in sub. (7). A license to carry a
17 concealed weapon issued under this section shall meet the requirements specified in
18 sub. (2m).

19 (2g) CARRYING A CONCEALED WEAPON; CARRYING AND DISPLAY OF LICENSE DOCUMENT
20 OR AUTHORIZATION. (a) A licensee or an out-of-state licensee may carry a concealed
21 weapon anywhere in this state except as provided under sub. (15m) or (16) or s.
22 941.20 (1) (b) or 943.13 (1m) (c).

23 (b) A licensee shall ~~carry~~ ^{have} with him or her his or her license document and photographic
24 identification card and an out-of-state licensee shall ~~carry~~ ^{have} with his or her out-of-state

have with
him or her

BILL

1 authorization at all times during which he or she is ~~going armed with~~^{carrying} a concealed
2 weapon.

3 (c) If he or she is carrying a concealed weapon, a licensee shall display his or
4 her license document and photographic identification card and an out-of-state
5 licensee shall display his or her out-of-state authorization to a law enforcement
6 officer upon the request of the law enforcement officer.

7 **(2i) PRELIMINARY BREATH SCREENING TEST.** (a) *Requirement.* A person shall
8 provide a sample of his or her breath for a preliminary breath screening test if a law
9 enforcement officer has probable cause to believe that the person is violating sub.
10 (16) (cm) 1. and if, prior to an arrest, the law enforcement officer requested that the
11 person provide this sample.

12 (b) *Use of test results.* A law enforcement officer may use the results of a
13 preliminary breath screening test for the purpose of deciding whether or not to arrest
14 a person for a violation of sub. (16) (cm) 1. or for the purpose of deciding whether or
15 not to request a chemical test under sub. (2k). Following the preliminary breath
16 screening test, chemical tests may be required of the person under sub. (2k).

17 (c) *Admissibility.* The result of a preliminary breath screening test is not
18 admissible in any action or proceeding except to show probable cause for an arrest,
19 if the arrest is challenged, or to show that a chemical test was properly required of
20 a person under sub. (2k).

21 (d) *Refusal.* There is no penalty for a violation of par. (a). Neither sub. (17) (b)
22 nor the general penalty provision under s. 939.61 applies to that violation.

23 **(2k) CHEMICAL TESTS.** (a) *Requirement.* 1. 'Samples; submission to tests.' A
24 person shall provide one or more samples of his or her breath, blood, or urine for the
25 purpose of authorized analysis if he or she is arrested for a violation of sub. (16) (cm)

BILL

1 1. and if he or she is requested to provide the sample by a law enforcement officer.
2 A person shall submit to one or more chemical tests of his or her breath, blood, or
3 urine for the purpose of authorized analysis if he or she is arrested for a violation of
4 sub. (16) (cm) 1. and if he or she is requested to submit to the test by a law
5 enforcement officer.

6 2. 'Information.' A law enforcement officer requesting a person to provide a
7 sample or to submit to a chemical test under subd. 1. shall inform the person of all
8 of the following at the time of the request and prior to obtaining the sample or
9 administering the test:

10 a. That he or she is deemed to have consented to tests under sub. (2i).

11 b. That a refusal to provide a sample or to submit to a chemical test constitutes
12 a violation under par. (e) and is subject to the same penalties and procedures as a
13 violation of sub. (16) (cm) 1.

14 c. That in addition to the designated chemical test under par. (b) 2. he or she
15 may have an additional chemical test under par. (c) 1.

16 3. 'Unconscious person.' A person who is unconscious or otherwise not capable
17 of withdrawing consent is presumed not to have withdrawn consent under this
18 paragraph, and if a law enforcement officer has probable cause to believe that the
19 person violated sub. (16) (cm) 1., one or more chemical tests may be administered to
20 the person without a request under subd. 1. and without providing information
21 under subd. 2.

22 (b) *Chemical tests.* 1. 'Test facility.' Upon the request of a law enforcement
23 officer, a test facility shall administer a chemical test of breath, blood, or urine for
24 the purpose of authorized analysis. A test facility shall be prepared to administer
25 2 of the 3 chemical tests of breath, blood, or urine for the purpose of authorized

BILL

1 analysis. The department may enter into agreements for the cooperative use of test
2 facilities.

3 2. 'Designated chemical test.' A test facility shall designate one chemical test
4 of breath, blood, or urine which it is prepared to administer first for the purpose of
5 authorized analysis.

6 3. 'Additional chemical test.' A test facility shall specify one chemical test of
7 breath, blood, or urine, other than the test designated under subd. 2., which it is
8 prepared to administer for the purpose of authorized analysis as an additional
9 chemical test.

10 4. 'Validity; procedure.' A chemical test of blood or urine conducted for the
11 purpose of authorized analysis is valid as provided under s. 343.305 (6). The duties
12 and responsibilities of the laboratory of hygiene, department of health services, and
13 department of transportation under s. 343.305 (6) apply to a chemical test of blood
14 or urine conducted for the purpose of authorized analysis under this subsection.
15 Blood may be withdrawn from a person arrested for a violation of sub. (16) (cm) 1.
16 only by a physician, registered nurse, medical technologist, physician assistant, or
17 person acting under the direction of a physician and the person who withdraws the
18 blood, the employer of that person, and any hospital where blood is withdrawn have
19 immunity from civil or criminal liability as provided under s. 895.53.

20 5. 'Report.' A test facility which administers a chemical test of breath, blood,
21 or urine for the purpose of authorized analysis under this subsection shall prepare
22 a written report which shall include the findings of the chemical test, the
23 identification of the law enforcement officer or the person who requested a chemical
24 test, and the identification of the person who provided the sample or submitted to the
25 chemical test. The test facility shall transmit a copy of the report to the law

BILL

1 enforcement officer and the person who provided the sample or submitted to the
2 chemical test.

3 (c) *Additional and optional chemical tests.* 1. 'Additional chemical test.' If a
4 person is arrested for a violation of sub. (16) (cm) 1. and if the person is requested to
5 provide a sample or to submit to a test under par. (a) 1., the person may request the
6 test facility to administer the additional chemical test specified under par. (b) 3. or,
7 at his or her own expense, reasonable opportunity to have any qualified person
8 administer a chemical test of his or her breath, blood, or urine for the purpose of
9 authorized analysis.

10 2. 'Optional test.' If a person is arrested for a violation of sub. (16) (cm) 1. and
11 if the person is not requested to provide a sample or to submit to a test under par. (a)
12 1., the person may request the test facility to administer a chemical test of his or her
13 breath or, at his or her own expense, reasonable opportunity to have any qualified
14 person administer a chemical test of his or her breath, blood, or urine for the purpose
15 of authorized analysis. If a test facility is unable to perform a chemical test of breath,
16 the person may request the test facility to administer the designated chemical test
17 under par. (b) 2. or the additional chemical test under par. (b) 3.

18 3. 'Compliance with request.' A test facility shall comply with a request under
19 this paragraph to administer any chemical test that it is able to perform.

20 4. 'Inability to obtain chemical test.' The failure or inability of a person to
21 obtain a chemical test at his or her own expense does not preclude the admission of
22 evidence of the results of a chemical test required and administered under pars. (a)
23 and (b).

24 (d) *Admissibility; effect of test results; other evidence.* The results of a chemical
25 test required or administered under par. (a), (b), or (c) are admissible in any civil or

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1 criminal action or proceeding arising out of the acts committed by a person alleged
2 to have violated sub. (16) (cm) 1. on the issue of whether the person had alcohol
3 concentrations at or above specified levels or was under the influence of an
4 intoxicant. Results of these chemical tests shall be given the effect required under
5 s. 885.235. This subsection does not limit the right of a law enforcement officer to
6 obtain evidence by any other lawful means.

7 (e) *Refusal.* No person may refuse a lawful request to provide one or more
8 samples of his or her breath, blood, or urine or to submit to one or more chemical tests
9 under par. (a). A person shall not be deemed to refuse to provide a sample or to submit
10 to a chemical test if it is shown by a preponderance of the evidence that the refusal
11 was due to a physical inability to provide the sample or to submit to the test due to
12 a physical disability or disease unrelated to the use of an intoxicant. Issues in any
13 action concerning a violation of par. (a) or this paragraph are limited to:

14 1. Whether the law enforcement officer had probable cause to believe the
15 person was violating or had violated sub. (16) (cm) 1.

16 2. Whether the person was lawfully placed under arrest for violating sub. (16)
17 (cm) 1.

18 3. Whether the law enforcement officer requested the person to provide a
19 sample or to submit to a chemical test and provided the information required under
20 par. (a) 2. or whether the request and information were unnecessary under par. (a)

21 3.

22 4. Whether the person refused to provide a sample or to submit to a chemical
23 test.

24 **(2m)** LICENSE DOCUMENT; CONTENT OF LICENSE. (a) Subject to pars. (b), (c), and
25 (d), the department shall design a single license document for licenses issued and

BILL

1 renewed under this section. The department shall complete the design of the license
2 document no later than the first day of the 2nd month beginning after the effective
3 date of this paragraph [LRB inserts date].

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

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

7 (7) 2. A physical description of the licensee, including sex, height, weight, and hair
8 and eye color.

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

10 4. The date on which the license expires.

11 5. The name of this state.

12 6. A unique identification number for each licensee.

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

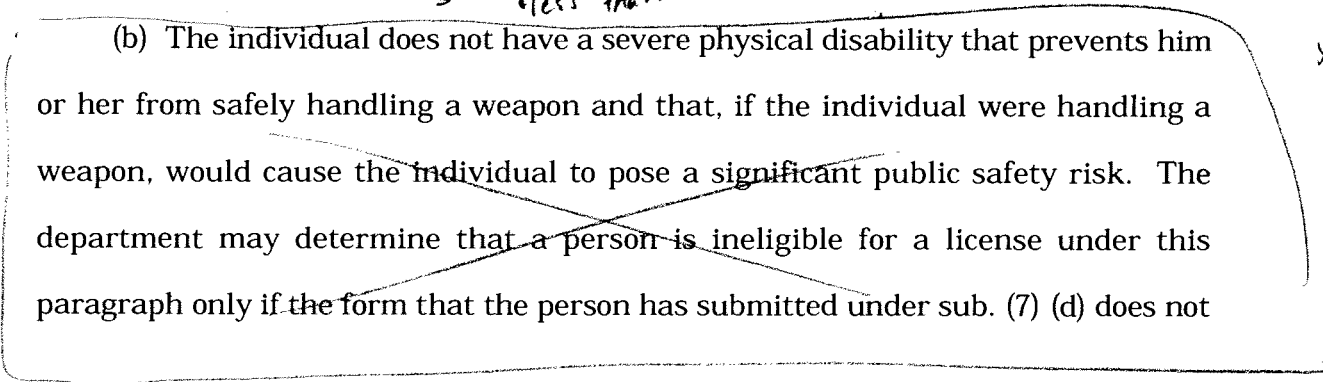
14 (d) A license document issued under this section shall be, to the maximum
15 extent possible, tamper proof. The contents of the license document shall be included
16 in the document in substantially the same way that the contents of an operator's
17 license document issued under s. 343.17 are included in that document.

18 (3) ^{RESTRICTIONS ON ISSUING} ~~QUALIFICATIONS FOR OBTAINING~~ A LICENSE. ~~An individual is eligible for a~~
19 license under this section if ^{any} ~~one~~ of the following ^{apply} ~~apply~~:

20 (a) The individual is ~~at least~~ ^{less than} 21 years of age. ^{applies}

21 (b) The individual does not have a severe physical disability that prevents him
22 or her from safely handling a weapon and that, if the individual were handling a
23 weapon, would cause the individual to pose a significant public safety risk. The
24 department may determine that a person is ineligible for a license under this
25 paragraph only if the form that the person has submitted under sub. (7) (d) does not

The department may not issue
to an individual



BILL

1 indicate that the person is eligible. The department may override an indication on
 2 a form submitted under sub. (7) (d) that a person is not eligible for a license under
 3 this paragraph. This paragraph does not apply to a person certified under sub. (3m)
 4 (b) as an instructor of a firearm training or firearm safety course or class.

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5 ^b (d) The individual is ^{not} prohibited under federal law from possessing a firearm x
 6 that has been transported in interstate or foreign commerce.

7 ^c (d) The individual is ^{not} prohibited from possessing a firearm under s. 941.29. x

8 (e) During the preceding 3 years, the individual has not been committed under
 9 s. 51.20 for being drug dependent. x

10 (f) During the preceding 3 years, the individual has not been convicted for any
 11 violation, or for the solicitation, conspiracy, or attempt to commit any violation, of ch.
 12 961 or of a federal law or a law of another state that is comparable to any provision
 13 of ch. 961. x

14 (g) The individual does not chronically and habitually use alcohol beverages or
 15 other substances to the extent that his or her normal faculties are impaired. A person
 16 is presumed chronically and habitually to use alcohol beverages or other substances
 17 to the extent that his or her normal faculties are impaired if, within the preceding
 18 3 years, any of the following applies:

19 1. The individual has been committed for involuntary treatment under s. 51.45
 20 (13). x

21 2. The individual has been convicted of a violation of s. 941.20 (1) (b).

22 3. In 2 or more cases arising out of separate incidents, a court has found the
 23 individual to have committed a drunk driving offense.

24 (h) 1. The individual has done one of the following: x

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1 a. Successfully completed a firearm training or firearm safety course or class
 2 that meets the requirements of sub. (3m) (a) and that is conducted by an instructor
 3 certified by the state in which the course or class was conducted or by a national or
 4 state organization that certifies firearms instructors.

5 b. Participated in organized shooting competitions or military, law
 6 enforcement, or security training that gave the applicant experience with firearms
 7 that the department determines is substantially equivalent to any course or class
 8 that meets the requirements of sub. (3m) (a).

9 c. Been certified as described under sub. (3m) (b) as an instructor of a firearm
 10 training or firearm safety course or class.

11 2. If subd. 1. a. or b. applies, the person providing the training or organizing
 12 a shooting competition in which the person has competed shall complete the form
 13 designed by the department under sub. (5) (b).

14 (i) The individual has not been found incompetent under ch. 54 or, if the
 15 individual has been found incompetent under ch. 54, he or she was subsequently
 16 found to be competent and at least 5 years have elapsed from the date that he or she
 17 was found to be competent.

18 (im) The individual was not the subject of a protective placement under ch. 55
 19 as a minor unless at least 5 years have elapsed from the date on which his or her
 20 protective placement ended.

21 (j) The individual has not been involuntarily committed for treatment under
 22 s. 51.20 due to mental illness or a developmental disability or, if the individual has
 23 been involuntarily committed for treatment under s. 51.20 due to mental illness or
 24 a developmental disability, he or she shows, through evidence from a psychiatrist

BILL

1 licensed in this state, that he or she has not been disabled due to mental illness or
2 a developmental disability for at least 5 years.

3 (k) The individual has not been found incompetent under s. 971.14 or, if the
4 individual has been found incompetent under s. 971.14, one of the following applies: ✕

5 1. He or she was subsequently found to be competent and at least 5 years have
6 elapsed from the date that he or she was found to be competent.

7 2. He or she was not subsequently found to be competent and he or she shows,
8 through evidence from a psychiatrist licensed in this state, that he or she has not
9 been disabled due to mental illness or a developmental disability for at least 5 years.

10 (L) The individual has not been found not guilty by reason of mental disease ✕
11 or defect under s. 971.17 or, if the individual has been found not guilty by reason of
12 mental disease or defect under s. 971.17, he or she presents evidence from a
13 psychiatrist licensed in this state that he or she has not been disabled due to mental
14 illness or a developmental disability for at least 5 years.

15 (m) Within the preceding 3 years, the individual was not convicted of a ✕
16 misdemeanor crime of violence or was not serving a sentence, on probation, or subject
17 to a dispositional order under ch. 938 for committing a misdemeanor crime of
18 violence.

19 (mm) The individual has not been convicted of a misdemeanor violation of s. ✕
20 940.32, 1999 stats., or a misdemeanor violation of a federal law or a law of another
21 state that is comparable to s. 940.32.

22 (mr) The individual has not been prohibited from obtaining a license under sub.
23 (10m) based on the individual having committed a misdemeanor crime of violence. ✕

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1 (n) The individual ~~has not~~ been charged with a felony or a misdemeanor crime ~~or~~
2 of violence for which the prosecution was suspended under a deferred prosecution
3 agreement unless 3 years have elapsed since the date of the agreement.

KEEP 4 ^d (p) The individual is ~~not~~ the subject of ~~any~~ pending civil or criminal case, the
5 disposition of which could disqualify him or her from having a license under this
6 subsection.

7 (p) The individual has not previously submitted an application for a license ~~or~~
8 under this section and had the application denied, unless each reason for the denial
9 is no longer applicable because of changed circumstances or, if the denial was based
10 on a restriction under this subsection that applies for a specified period of time,
11 because that time period has run.

12 (q) The individual has not had a license that was issued under this section ~~or~~
13 revoked, unless each reason for the revocation is no longer applicable because of
14 changed circumstances or, if the revocation was based on a restriction under this
15 subsection that applies for a specified period of time, because that time period has
16 run.

17 (r) Within the preceding 3 years, the individual was not convicted under sub. ~~or~~
18 (17) (d) or (e) and was not serving a sentence, on probation, or subject to a
19 dispositional order under ch. 938 for committing an offense under sub. (17) (d) or (e).

KEEP 20 e (p) The individual is a Wisconsin resident. ~~not~~

21 (3m) COURSE OR CLASS REQUIREMENTS. (a) A firearm training or firearm safety
22 course or class under sub. (3) (h) 1. a. shall consist of all of the following:

- 23 1. Instruction on how to handle, load, unload, and store handguns.
24 2. Instruction on the privilege of self-defense and the defense of others under
25 s. 939.48.

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1 3. Instruction on how to avoid injuring 3rd parties when defending himself,
2 herself, or others in a manner that is privileged under s. 939.48.

3 4. Instruction on basic self-defense principles.

4 5. Instruction on how to carry a concealed handgun safely.

5 6. Instruction on firing a handgun.

6 7. Practice firing a handgun.

7 (am) The department may not specify the number of hours of instruction, either
8 in the aggregate or with respect to any of the individual topics specified in par. (a)
9 1. to 7., that a course or class must provide.

10 (b) The department shall certify instructors who are qualified to teach a course
11 or class described in par. (a) and maintain a list of instructors that it certifies. To be
12 certified by the department as an instructor, a person must meet all of the following
13 criteria:

14 1. Be qualified under sub. (3) to carry a concealed weapon.

15 2. Be able to demonstrate the ability and knowledge required for instructing
16 students in a course or class that meets the requirements under par. (a) 1. to 7.

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

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1 weight, and hair and eye color and the registration number for each motor vehicle
2 registered in the applicant's name and shall include all of the following:

eligible

3 1. A statement that the applicant is eligible for a license if the requirements
4 specified in sub. (3) are met. department is prohibited under

5 2. A statement explaining the privilege of self-defense and defense of others
6 under s. 939.48, with a place for the applicant to sign his or her name to indicate that
7 he or she has 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 the application must include the notarized statement
11 described under sub. (7) (b) and that an applicant may be prosecuted if he or she gives
12 a false answer to any question on the application or submits a falsified document
13 with the application.

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

16 (b) The department shall design a form for use by individuals listed in sub. (3)
17 (h) 2. to verify a person's eligibility for a license under sub. (3) (b) and (h) 1. The form
18 shall provide for verification of a person's eligibility under sub. (3) (b) by providing
19 a space for the individual completing the form to check a box indicating whether the
20 person is eligible for a license under sub. (3) (b).

Keep

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

23 (6) REVIEW BY NOTARY. Before a person submits an application under sub. (7),
24 the person shall display a valid license document or identification card that he or she
25 has been issued under s. 343.17 or 343.50 to the notary who is to notarize the

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~~statement required under sub. (7) (b). Before notarizing that statement, the notary shall verify the person's identity using that license document or identification card and verify that the name and state identification card number listed on the license document or identification card are the same as the name and state identification card number listed on the application.~~

(7) SUBMISSION OF APPLICATION. An individual may apply for a license under this section with the department by submitting to the department all of the following:

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

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

^{(b)(c)} ~~(b)(a)~~ A license fee of \$52.

^{(b)(d)} ~~(b)(a)~~ A fee for a background check of \$13.

er that is equal to the fee charged under s. 175.35 (2i)

(bp) A shooting range improvement fee of \$15 written as a separate check, made out to the applicant's county of residence, that the department shall forward to that county on at least a quarterly basis.

(d) A training certificate, in the form created by the department under sub. (5) (b), that is completed by the person specified in sub. (3) (h) 2. and that shows that the person is eligible for a license under sub. (3) (b) and (h) 1. This paragraph does not apply to a person certified under sub. (3m) (b) as an instructor of a firearm training or firearm safety course or class.

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

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1 (b) Subject to par. (c) ^W within 21 days after receiving ^{a complete} application under sub.
2 (7), the department shall do one of the following:

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

5 2. Deny the application, but only if the ^{department is prohibited under} applicant fails to qualify under the
6 ~~criteria specified in~~ sub. (3). ^{from issuing a license to the applicant} If the department denies the application, the
7 department shall inform the applicant in writing, stating the reason and factual
8 basis for the denial to the extent permitted under federal law.

9 (c) The time period specified in par. (b) (intro.) is tolled during the pendency of
10 any action brought under sub. (10m).

11 **(9g) BACKGROUND CHECKS.** (b) The department shall conduct a background
12 check regarding an applicant for a license using the following procedure:

13 1. The department shall create a confirmation number associated with the
14 applicant.

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

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

18 a. If the background check indicates that the ^{department may not issue the} applicant ~~does not qualify for~~ a
19 license under sub. (3) ^{(b) or} (c), ^(d) (e), (f), (g), (i), (im), (j), (k), (L), (m), (mm), (n), (o), or (r),
20 create a unique nonapproval number for the applicant.

21 b. If the completed background check does not indicate that ^{the department may not issue the} applicant ~~is~~
22 ~~disqualified for~~ a license under sub. (3) ^{(b) or} (c), ^(d) (e), (f), (g), (i), (im), (j), (k), (L), (m),
23 (mm), (n), (o), or (r) create a unique approval number for the applicant.

24 c. If the background check indicates that the applicant was the subject of a
25 relevant criminal charge for which there is no recorded disposition or if, in the case

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1 of a misdemeanor delinquency adjudication, the background check does not indicate
 2 how long the resultant dispositional order was in effect, make all reasonable efforts
 3 to obtain the missing information.

4 (c) The department shall conduct the background check under par. (b)
 5 immediately if the background check is for an applicant for an emergency license
 6 under sub. (9r).

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

10 (e) 1. The department shall check each application form. If the department
 11 provided a unique approval number regarding the request, the department shall,
 12 except as provided in subd. 2., destroy all records regarding that background check
 13 within 30 days after receiving the form.

14 2. The department may maintain records necessary to administer this
 15 subsection and, for a period of not more than ~~18~~ ³ months after the department issues
 16 a unique approval number, a log of dates of background checks under this subsection
 17 together with unique approval and nonapproval numbers corresponding to those
 18 dates.

19 (f) The department shall promulgate rules authorizing it to obtain records
 20 necessary to determine an applicant's eligibility under sub. (3) (e), (g) 1., (i), (im), and
 21 (j) for a license issued under this section.

22 ~~(9r) EMERGENCY LICENSE. (a) Unless the department knows that the person is~~
 23 ~~not qualified for a license under sub. (3) (a) to (g) or (i) to (s), the department shall~~
 24 ~~issue a license under this section to an individual who does not satisfy the~~
 25 ~~requirements under sub. (3) (h) 1. if the department determines that immediate~~

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1 licensure is warranted to protect the individual from death or great bodily harm, as
2 defined in s. 939.22 (14). If the individual has obtained a temporary restraining
3 order or injunction under s. 813.12 or 813.125 or a foreign protection order that meets
4 the requirements of s. 806.247 (2) and that has the same effect as an order issued
5 under s. 813.12 or 813.125, the department shall presume that immediate licensure
6 is warranted to protect the individual from death or great bodily harm. If the
7 department issues a license under this paragraph it shall conduct an immediate
8 background check under sub. (9g).

9 (b) 1. Except as provided in subd. 2. and par. (d), a license issued under par. (a)
10 is valid for 120 days from the date on which it is issued and may not be renewed.

11 2. If the department learns that an individual to whom the department has
12 issued a license under par. (a) does not qualify for a license under sub. (3) (c), (d), (e),
13 (f), (g), (i), (im), (j), (k), (L), (m), (mm), (n), (o), or (r), the department shall revoke the
14 license.

15 (c) The department may waive the fees that would otherwise be required under
16 sub. (7) (bd), (bh), and (bp) for an individual who is applying for a license under par.
17 (a) if requiring the individual to pay the fees would create a hardship for the
18 individual. The department shall promulgate rules specifying the procedures and
19 definitions to apply when determining whether an individual is eligible for a waiver
20 of the fees for an emergency license under this section as provided under this
21 paragraph.

22 (d) A person who has been issued a license under par. (a) may obtain a license
23 under sub. (2) if he or she meets the qualifications specified under sub. (3) and
24 completes the application process specified in sub. (7). A license issued to a person
25 under par. (a) is void if the person is issued a license under sub. (2).

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1 **(10) EXEMPTION FROM BACKGROUND CHECK.** Notwithstanding subs. (9) (a) and
2 (15) (c), the department shall issue or renew a license under this section to any of the
3 following individuals without requesting a background check:

- 4 (a) A law enforcement officer.
5 (b) A correctional officer.
6 (c) A probation, parole, and extended supervision agent.
7 (d) A person who holds a current certification from the law enforcement
8 standards board under s. 165.85 (3) (c).

9 **(10m) DISQUALIFICATION PETITION REGARDING CERTAIN MISDEMEANANTS.** (a) If the
10 department receives an application for a license under this section from a person who
11 has committed a misdemeanor crime of violence and the person is eligible for a
12 license under sub. (3) (m), the department may file a petition under this subsection
13 asking the circuit court to enter an order barring the person from receiving a license.
14 The department may file such a petition only if the petition alleges that, based on the
15 person's commission of one or more misdemeanor crimes of violence, the person
16 would pose a substantial risk to others if the person were issued a license under this
17 section.

18 (b) The department shall file a petition under par. (a) in the circuit court of the
19 person's county of residence. The department may not file the petition more than 30
20 days after receiving the person's completed application, unless the person was issued
21 a license under sub. (9r). The court shall allow the person 30 days to file an answer
22 to the petition. The court may hold an evidentiary hearing on the petition.

23 (c) If the court determines, by clear and convincing evidence, that the person
24 would pose a substantial risk to others if the person were issued a license under this

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1 ~~section, the court shall enter an order prohibiting the person from obtaining a license~~
2 ~~under this section.~~

3 ~~(d) If the court denies the department's petition, the court shall award the~~
4 ~~person costs and reasonable attorney fees.~~

5 ~~(e) The court shall expedite any proceeding brought under this subsection.~~

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

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

10 b. "Court automated information systems" means the systems under s. 758.19
11 (4).

12 2. The court automated information systems, or the clerk or register in probate,
13 if the information is not contained in or cannot be transmitted by the court
14 automated information systems, shall promptly notify the department of the name
15 of any individual with respect to whom any of the following occurs and the specific
16 reason for the notification: *or is found by a court to have committed*

17 a. The individual is charged with *a felony* a misdemeanor crime of violence, a
18 violation of ch. 961, the solicitation, conspiracy, or attempt to commit any violation
19 of ch. 961, a violation of s. 941.20 (1) (b), a violation of sub. (17) (d) or (e), *or any other*
20 crime that, upon conviction, would disqualify the individual from having a license
21 under this section.

22 b. The individual is charged with a drunk driving offense.

23 c. The individual is found by a court to have committed any offense described
24 in subd. 2. a. *or b.*

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1 d. Prosecution of a felony or a misdemeanor crime of violence for which the
2 individual is charged is suspended under a deferred prosecution agreement.

3 e. The individual is found incompetent under s. 971.14.

4 f. The individual is found not guilty of any crime by reason of mental disease
5 or mental defect under s. 971.17.

6 g. The individual is involuntarily committed for treatment under s. 51.20 or
7 51.45.

8 h. The individual is found incompetent under ch. 54.

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

11 j. A court has prohibited the individual from possessing a dangerous weapon
12 under s. 969.02 (3) (c).

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

15 3. Upon receiving a notice under subd. 2., the department shall immediately
16 determine if the individual who is the subject of the notice is a licensee, using the list
17 maintained under sub. (12) (a).

18 (b) 1. Within 10 days after being charged under federal law or the law of another
19 state with any crime or any drunk driving offense, a licensee shall notify the
20 department of the charge.

21 2. No later than 30 days after changing his or her address, a licensee shall
22 inform the department of his or her new address. The department shall include the
23 individual's new address in the list under sub. (12) (a).

24 **(12) MAINTENANCE, USE, AND PUBLICATION OF RECORDS BY THE DEPARTMENT.** (a) The
25 department shall maintain a computerized record listing the names and the

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1 information specified in sub. (2m) (b) of all individuals who have been issued a license
 2 under this section. Except as provided in par. (b) 1. and subject to par. (b) 2., neither
 3 the department nor any employee of the department may store, maintain, format,
 4 sort, or access the information in any way other than by the names, dates of birth,
 5 or sex of licensees or by the identification numbers assigned to licensees under sub.
 6 (2m) (b) 6.

7 (b) 1. A law enforcement officer who is employed by the department may obtain
 8 information regarding a licensee from the department of transportation under s.
 9 341.175 (4).

10 2. A law enforcement officer who is employed by the department may not
 11 request or be provided information maintained by the department under par. (a)
 12 concerning a specific licensee except for one of the following purposes:

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

15 b. To confirm that an individual holds a valid license under this section, if the
 16 individual is ^{carrying} ~~going armed with~~ a concealed weapon but ^{does not have} ~~is not carrying~~ his or her
 17 license document and claims to hold a valid license issued under this section.

18 c. To investigate whether an individual submitted an intentionally false
 19 notarized statement under sub. (7) (b) or (15) (b) 2. intentionally violated sub. (11)
 20 (b) 1. or intentionally made a false statement to the department in connection with
 21 the individual's request for an emergency license under sub. (9r).

22 d. To investigate whether an individual complied with sub. (11) (b) 1. or (14) (b)

23 f. 3

24 (c) Notwithstanding s. 19.35, neither the department nor any department
 25 employee may make information obtained under this section available to the public

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1 except in the context of a prosecution for an offense in which the person's status as
2 a licensee is relevant, in the context of a proceeding under sub. (10m) or through a
3 report created under sub. (19).

4 **(12g) PROVIDING LICENSEE INFORMATION TO LAW ENFORCEMENT AGENCIES.** (a) The
5 department shall provide information concerning a specific licensee to a law
6 enforcement agency, but only if the law enforcement agency is requesting the
7 information for any of the following purposes:

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

10 2. To confirm that an individual holds a valid license under this section, if the
11 individual is ~~going armed with~~ ^{carrying} a concealed weapon but ~~is not carrying~~ ^{does not have} his or her
12 license document and claims to hold a valid license issued under this section.

13 3. To investigate whether an individual submitted an intentionally false
14 notarized statement under sub. (7) (b) or (15) (b) 2 intentionally violated sub. (11)

15 (b) 1. or intentionally made a false statement to the department in connection with
16 the individual's request for an emergency license under sub. (9r).

17 (b) 1. Notwithstanding s. 19.35, neither a law enforcement agency nor any of
18 its employees may make information regarding an individual that was obtained from
19 the department under this subsection or from the department of transportation
20 under s. 341.175 available to the public except in the context of a prosecution for an
21 offense in which the person's status as a licensee is relevant.

22 2. Neither a law enforcement agency nor any of its employees may store or
23 maintain information regarding an individual that was obtained from the
24 department under this subsection or from the department of transportation under
25 s. 341.175 based on the individual's status as a licensee.

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[Handwritten boxes and lines around the text in paragraphs 14, 15, and 16]

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

5 **(12r) PROVIDING LICENSEE INFORMATION TO THE DEPARTMENT OF TRANSPORTATION.**
6 If any of the following happens with respect to a person, the department shall notify
7 the department of transportation of the person's name, date of birth, and sex, the
8 date on which the person was last issued a license under this section, and any vehicle
9 registration number provided by the person on his or her application for that license:

- 10 (a) The person is issued a license.
11 (b) The person's license is renewed.
12 (c) The person's license expires and is not renewed.
13 (d) The person's license is suspended or revoked.
14 (e) The person's suspended license is reinstated.

15 **(13) LOST OR DESTROYED LICENSE.** No later than 30 days after losing his or her
16 license document or after his or her license document is destroyed, a licensee shall
17 submit to the department a notarized statement that his or her license document has
18 been lost or destroyed. The department shall issue a replacement license document
19 within 14 days of receiving the notarized statement and a replacement license fee of
20 \$15.

21 **(14) LICENSE REVOCATION AND SUSPENSION.** (a) The department shall revoke a
22 license issued under this section if the licensee ~~no longer~~ ^{any} meets ~~all~~ of the criteria
23 specified in sub. (3) (b) ~~to (g), (i) to (p), and (b) to (g), (c), and (e)~~

24 (am) 1. If any of the following occurs with respect to a licensee, the department
25 shall suspend the licensee's license:

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1 a. The licensee is the subject of a pending civil or criminal case, the disposition
2 of which could require revocation of his or her license under par. (a).

3 b. A court has prohibited the licensee from possessing a dangerous weapon
4 under s. 969.02 (3) (c).

5 2. If the department suspends a license under subd. 1., and, upon disposition
6 of the case, the person to whom the license was issued meets all of the criteria
7 specified in sub. (3), the department shall restore the license within 14 days of
8 receiving the disposition.

9 (b) 2. If the department revokes or suspends a license under this section, the
10 revocation or suspension ~~shall take~~ ^{takes} effect ~~immediately~~ upon notice ~~under subd. 1.~~

11 1. If the department suspends or revokes a license issued under this section,
12 it shall send the individual whose license has been suspended or revoked notice of
13 the suspension or revocation by certified mail within one day after the suspension
14 or revocation. 73. Within 7 days after receiving the notice, the individual whose license

15 has been suspended or revoked shall deliver the license document personally or by
16 certified mail to the department.

17 **(14g) DEPARTMENTAL REVIEW.** The department shall promulgate rules providing
18 for the review of any action by the department denying an application for a license
19 under this section, ^{or} suspending or revoking a license under this section, or denying
20 certification as an instructor under sub. (3m) (b).

21 **(14m) APPEALS TO THE CIRCUIT COURT.** (a) A person aggrieved by any action by
22 the department denying an application for a license under this section, ^{or} suspending
23 or revoking a license under this section, ^{or} denying certification as an instructor
24 under sub. (3m) (b) may appeal directly to the circuit court of his or her county, but
25 only if the person has completed the review process established under sub. (14g).

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1 (b) To begin an appeal under this subsection, the aggrieved person shall file a
 2 petition for review with the clerk of the applicable circuit court within 30 days after
 3 the completion of the review process established under sub. (14g). The petition shall
 4 state the substance of the department's action that the person is appealing from and
 5 the grounds upon which the person believes the department's action to be improper.
 6 The petition may include a copy of any records or documents that are relevant to the
 7 grounds upon which the person believes the department's action to be improper.

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

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

15 (e) The court shall review the petition, the answer, and any records or
 16 documents submitted with the petition or the answer. The review under this
 17 paragraph shall be conducted by the court without a jury and shall be confined to the
 18 petition, the answer, and any records or documents submitted with the petition or
 19 the answer, except that in cases of alleged irregularities in procedure by the
 20 department the court may take testimony that the court determines is appropriate.

21 (f) The court shall ~~afford~~ the department's action ~~unless~~ the court finds any of
 22 the following:

- 23 1. That the department failed to follow ^{any} procedure prescribed under this section.
- 24 2. That the department erroneously interpreted a provision of law and a correct
 25 interpretation compels a different action.

Handwritten annotations:

- Circle around line 17: "but"
- Circle around line 20: "reverse"
- Circle around line 21: "if"
- Circle around line 23: "any"
- Circle around line 25: "or take any action"
- Large bracket underlines lines 17-20.
- Large bracket underlines lines 21-25.

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reverses

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

5

6 2. If the court ~~overturns~~ ~~the department's decision~~ under sub. (3m) (b), the court
7 shall order the department to pay the aggrieved person all court costs and reasonable
8 attorney fees.

department's action

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

13 (b) The department shall design a notice of expiration form. At least 90 days
14 before the expiration date of a license issued under this section, the department shall
15 mail to the licensee a notice of expiration form and a form for renewing the license.
16 The department shall renew the license if, before the date the license expires, the
17 licensee does all of the following:

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

19 2. Submits a notarized statement reporting that the information provided
20 under subd. 1. is true and complete to the best of his or her knowledge and that he
21 or she is qualified under sub. (3).

not disqualified

22 4. Pays all of the following:

23 a. A \$27 renewal fee.

b. A fee for a background check of \$13.

*that is equal to
the fee charged
under s.
175.35(2i)*

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1 c. A shooting range improvement fee of \$15 written as a separate check, made
2 out to the applicant's county of residence, that the department shall forward to that
3 county on at least a quarterly basis.

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

6 (d) If an individual whose license has expired does not submit a renewal
7 application under par. (b) before 6 months after the expiration date, the license shall
8 permanently expire. An individual whose license has permanently expired may
9 apply for a new license under sub. (7).

10 (e) The license of a member of the U.S. armed forces, a reserve unit of the armed
11 forces, or the national guard who is deployed overseas while on active duty may not
12 expire until at least 90 days after the end of the licensee's overseas deployment
13 unless the license is suspended or revoked under sub. (9g) (e) 1. or (14).

14 **(15m) PUBLIC AND PRIVATE EMPLOYER RESTRICTIONS.** (a) Except as provided in
15 par. (b), a private employer may prohibit a licensee or an out-of-state licensee that
16 it employs from carrying a concealed weapon or a particular type of concealed
17 weapon in the course of the licensee's or out-of-state licensee's employment or
18 during any part of the licensee's or out-of-state licensee's course of employment.

19 (b) An employer may not prohibit a licensee or an out-of-state licensee, as a
20 condition of employment, from carrying a concealed weapon, a particular type of
21 concealed weapon, or ammunition or from storing a weapon, a particular type of
22 weapon, or ammunition in the licensee's or out-of-state licensee's own motor vehicle,
23 regardless of whether the motor vehicle is used in the course of employment.

24 **(16) PROHIBITED ACTIVITY.** (a) ^{1.} Neither a licensee nor an out-of-state licensee
25 may knowingly carry a concealed weapon in any of the following places:

any portion of a building that is

or whether the motor vehicle is driven or parked on property used by the employer

BILL

1

~~1. A place that has been declared a nuisance under ch. 823.~~

2

~~2. A police station, sheriff's office, or state patrol station.~~

3

~~3. A prison, jail, house of correction, or secured correctional facility.~~

4

~~4. A court ~~house~~ except that ^{room} a judge who is a licensee may carry a concealed~~

5

weapon in a court ~~house~~ ^{room} in which he or she is presiding in court and may permit in

6

writing any other licensee or out-of-state licensee to carry a concealed weapon in a

7

court ~~house~~ ^{room} in which he or she is presiding in court.

8

~~5. A place at which a school, college, or professional athletic event is taking place, unless the event is related to firearms and the licensee or out-of-state licensee is a participant in the event.~~

11

~~5m. A place at which an organized youth sporting event is taking place.~~

12

~~6. A school administration ~~building~~ ^{office}.~~

13

~~7. Any premises for which a Class "B" or "Class B" license or permit has been issued under ch. 125, unless one of the following applies:~~

15

~~a. The licensee or the out-of-state licensee is a person described in s. 941.237~~

16

~~(3) (d).~~

17

~~b. If the licensee or the out-of-state licensee is carrying a handgun, his or her possession of the handgun is described in s. 941.237 (3) (e), (f), (g), (h), (i), or (j).~~

19

~~c. The sale of intoxicating liquors or fermented malt beverages or both on those premises accounts for not more than 50 percent of the proprietor's annual gross receipts from those premises.~~

22

~~8. A ~~security checkpoint~~ or a place beyond a security checkpoint in an airport, unless the weapon is encased for shipment as baggage to be transported by aircraft.~~

24

9. A place in which carrying the weapon is prohibited by federal law.

25

10. A kindergarten facility or classroom.

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MOVE

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1 (at) Neither a licensee nor an out-of-state licensee may carry a concealed
 2 weapon in a building owned or leased by the state or any political subdivision of the
 3 state if the building provides electronic screening for weapons at all public entrances
 4 to the building and ~~for the~~ ^{provides} locked storage ~~of~~ ^{for} weapons on the premises while the
 5 licensee or out-of-state licensee is in the building. This paragraph does not apply
 6 to:

- 7 1. A person authorized to carry a weapon in the building by the chief of police
 8 of the city, village, or town or the sheriff of the county in which the building is located.
 9 2. A person authorized to carry a weapon in the building by the chief of the
 10 capitol police, if the building is owned or leased by the state.

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11 (b) Neither a licensee nor an out-of-state licensee may knowingly carry a
 12 handgun in a school zone, as defined in s. 948.605 (1) (c), unless he or she is not in
 13 or on the grounds of a school, as defined in s. 948.61 (1) (b), and one of the following
 14 applies:
 15 1. The individual is in a motor vehicle or on a snowmobile or bicycle.
 16 2. The individual has exited a motor vehicle and is encasing the handgun or
 17 storing it in the motor vehicle.
 18 3. The individual is traveling directly to any person's private property from his
 19 or her place of employment or business, from any person's private property, or from
 20 a place outside of the school zone.
 21 4. The individual is traveling directly to his or her place of employment or
 22 business from another place of his or her employment or business, from any person's
 23 private property, or from a place outside of the school zone.

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1 5. The individual is traveling directly to a place outside of the school zone from
2 another place outside of the school zone, from any individual's private property, or
3 from his or her place of employment or business.

4 6. The individual's possession of the handgun is described in s. 948.605 (2) (b).

5 (c) Neither a licensee nor an out-of-state licensee may knowingly carry a
6 weapon other than a handgun on school premises, as defined in s. 948.61 (1) (c),
7 unless he or she is a person described in or a person whose conduct is described in
8 s. 948.61 (3).

9 (cm) 1. A person may not carry a concealed weapon if any of the following
10 applies:

11 a. The person's alcohol concentration exceeds 0.08.

12 b. The person is under the influence of an intoxicant to a degree which
13 materially impairs his or her ability to handle the weapon.

14 2. A person may be charged with and a prosecutor may proceed upon a
15 complaint based upon a violation of subd. 1. a. or b. or both for acts arising out of the
16 same incident or occurrence. If the person is charged with violating both subd. 1. a.
17 and b., the offenses shall be joined. Subdivision 1. a. and b. each requires proof of a
18 fact for conviction which the other does not require.

19 (17) PENALTIES. (a) Any person who violates sub. (2g) (b) or (c) ^{or (11)(b)} may be required
20 to forfeit not more than \$25.

21 (ag) Any person who violates sub. (12) or (12g) may be fined not more than \$500
22 or sentenced to a term of imprisonment of not more than 30 days or both.

23 (ar) Any law enforcement officer who uses excessive force based solely on an
24 individual's status as a licensee may be fined not more than \$500 or sentenced to a
25 term of imprisonment of not more than 30 days or both.

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1 (b) Any person who violates sub. (16) (a) (at) (b), or (c) may be fined not more
2 than ~~\$1,000~~ or imprisoned for not more than ~~90~~ days or both.

3 (bm) Any person who violates sub. (2k) (e) or (16) (cm) i. may be fined not more
4 than \$10,000 or imprisoned for not more than 9 months or both.

5 (d) Any person who intentionally violates sub. (11) (b) 1. shall be fined not less
6 than \$500 nor more than \$10,000 and may be imprisoned for not more than 9 months.

7 (e) Any person required under sub. (14) (b) ³ to relinquish or deliver a license
8 document to the department who intentionally violates the requirements of that
9 subdivision shall be fined not less than \$500 nor more than \$10,000 and may be
10 imprisoned for not more than 9 months.

11 (19) STATISTICAL REPORT. By March 1 of each year, the department shall submit
12 a statistical report to the legislature under s. 13.172 (2) and to the governor that
13 indicates the number of licenses applied for, issued, denied, suspended, and revoked
14 under this section during the previous calendar year. For the licenses denied, the
15 report shall indicate the reasons for the denials and the part of the application
16 process in which the reasons for denial were discovered. For the licenses suspended
17 or revoked, the report shall indicate the reasons for the suspensions and revocations.

18 (20m) GRANTS FOR SHOOTING RANGES. (a) Using the fees collected under subs.
19 (7) (bp) and (15) (b) 4. c., a county shall award grants to persons for construction or
20 improvement of shooting ranges.

21 (b) A grant awarded under this subsection may be for up to 50 percent of the
22 cost of the construction or improvement of the shooting range. A grant awarded
23 under this subsection may not be used to pay for any of the following:

- 24 1. The construction of clubhouses and facilities that are not essential to the
25 operation of the shooting range.

\$500

or
30

9

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49,7

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1 2. The operation and maintenance of the shooting range.

2 (c) In order to receive a grant under this subsection, the person creating or
3 improving a shooting range shall agree to provide the facility for a firearm safety
4 course or class that meets the requirements under sub. (3m) (a).

5 (d) In determining whether to make a grant under this subsection to a
6 particular applicant, the county shall consider the potential of the project to meet the
7 needs of firearm safety courses or classes that meet the requirements under sub.
8 (3m) in the area served by the shooting range relative to the proposed cost of the
9 construction or improvement. *

10 **(21) IMMUNITY.** (a) The department and its employees, clerks, as defined in sub.
11 (11) (a) 1. a., and their staff, and court automated information systems, as defined
12 under sub. (11) (a) 1. b., and their employees are immune from liability arising from
13 any act or omission under this section, if done in good faith.

14 (b) A person providing a firearm safety or firearm training course or class in
15 good faith is immune from liability arising from any act or omission related to the
16 course or class if the course or class is one described in sub. (3) (h) 1.

17 **(b)** A person that permits an individual to carry a concealed weapon on property
18 that the person owns or occupies is immune from any liability arising from its
19 decision to do so, if done in good faith.

20 **(c)** An employer that permits any of its employees to carry a concealed weapon
21 under sub. (15m) is immune from any liability arising from its decision to do so, if
22 done in good faith.

23 **SECTION 29.** 341.175 of the statutes is created to read:

24 **341.175 Department to maintain records. (1)** In this section, "licensee"
25 has the meaning given in s. 175.60 (1) (d).