

State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

☞ Appendix A ... segment V

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)

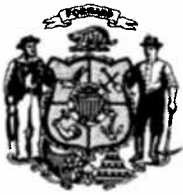
☞ Are These "Companion Bills" ?? ... No



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



LRB-1066/2
CMH:kjf&cjs:ph

TODAY
D-NOTE

2011 BILL

repeal act.

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

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

Analysis by the Legislative Reference Bureau

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

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.

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.

A person licensed under the bill is generally prohibited from carrying a concealed weapon in a police station, sheriff's office, or state patrol station; a prison or jail; a school administration office; 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. The bill prohibits any person from carrying a concealed weapon while having a blood alcohol concentration that exceeds 0.08.

Licensing requirements and procedure

Under the bill, DOJ must issue or renew a license to carry a concealed weapon to an applicant who is a resident of Wisconsin unless the applicant is less than 21 years old or is not eligible to possess a firearm under federal or state law. DOJ must conduct a background check of an applicant for a license or for a license renewal to determine the person's eligibility for a license. If DOJ determines that an applicant for a license or renewal is ineligible under one of these requirements, DOJ may not issue or renew a license. Otherwise, DOJ must issue the person a license within 21 days of receiving the completed application or must renew the license.

Furthermore, the bill does all of the following:

1. Provides that, with certain exceptions, a license to carry a concealed weapon is valid for five years.
2. Requires DOJ to revoke a license if the licensee no longer meets all of the requirements for licensure.
3. 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.
4. Provides an appeals process for a person whose application for a license is denied or whose license is suspended or revoked.

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of a weapon that is not concealed

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of up to \$27

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

6. Requires 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.

7. Requires a person who applies for a license to pay a \$52 application fee and a \$13 background check fee to be deposited into the general fund of the state. A person who applies to renew his or her license must pay the same background check fee and a \$27 renewal fee. to cover DOJ's costs in renewing the license

8. Grants immunity from liability for acts done in good faith under the bill to DOJ and ~~is~~ ^{the} employees; various court employees; businesses, nonprofit organizations, or individuals that ~~permit~~ ^{do not prohibit} persons to carry concealed weapons on their property; and employers that ~~permit their~~ ^{do not prohibit} employees to carry concealed weapons.

9. 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 to display either upon the request of a law enforcement officer, while the person is carrying a concealed weapon, and a licensee who fails to notify DOJ of a change in address within 30 days of the change, may be required to forfeit \$25. Second, a licensee who carries a concealed weapon in a place where the bill prohibits him or her from doing so may be fined not more than \$500 or imprisoned for not more than 30 days or both. 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. Fourth, a person who intentionally fails to relinquish a license document to DOJ after the license has been revoked must be fined not less than \$500 nor more than \$10,000 may be imprisoned for not more than nine months. Fifth, a person who intentionally makes a false statement in an application for a license may be charged with false swearing, a Class H felony.

Active duty and former law enforcement officers

Under the bill, DOJ must provide a qualified former law enforcement officer, as provided under federal law, upon his or her request, an identification card that, in combination with a photographic identification issued by the former officer's former employer, permits the former officer to carry a concealed firearm. The identification card that DOJ issues must indicate that DOJ has found that the officer has met the standards for qualification for active duty law enforcement officers to carry a revolver or a semiautomatic pistol and the date on which DOJ made that finding. DOJ may charge a former officer a fee to cover the costs of issuing an identification card and determining the person's eligibility.

the Department of Transportation
of both departments

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The bill requires an active duty or former 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 for retired law enforcement officers, the exemption under the bill from the state's concealed weapons statute for an active duty or former 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:

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

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

13 23.33 (3) (e) 3. A former law enforcement officer, as defined in s. 941.23 (1) (c),
14 to whom s. 941.23 (2) (c) 1. to 5. applies.

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

2 23.33 (3) (e) 4. 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), who possesses a handgun, as defined in s.
4 175.60 (1) (bm).

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

6 23.33 (3) (em) With any bow unless it is unstrung or enclosed in a carrying case.

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

9 29.089 (2) (intro.) Except as provided in sub. (3), no person may have in his or
10 her possession or under his or her control a firearm on land located in state parks or
11 state fish hatcheries unless the firearm is unloaded and enclosed within a carrying
12 case. This subsection does not apply to any of the following:

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

14 29.089 (2) (a) A person who is employed in this state by a public agency as a
15 law enforcement officer and to whom s. 941.23 (1) (e) 2. to 5. and (2) (b) 1. to 3. applies.

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

17 29.089 (2) (b) A qualified out-of-state law enforcement officer, as defined in s.
18 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

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

20 29.089 (2) (c) A former law enforcement officer, as defined in s. 941.23 (1) (c),
21 to whom s. 941.23 (2) (c) 1. to 5. applies.

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

23 29.089 (2) (d) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state
24 licensee, as defined in s. 175.60 (1) (g), if the firearm is a handgun, as defined in s.
25 175.60 (1) (bm).

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

3 29.091 (1) No person may hunt or trap within any wildlife refuge established
4 under s. 23.09 (2) (b) or 29.621 (1), or, except as provided in sub. (2), have possession
5 or control of any gun, firearm, bow or crossbow unless the gun or firearm is unloaded,
6 the bow or crossbow is unstrung and the gun, firearm, bow or crossbow is enclosed
7 within a carrying case. The taking of predatory game birds and animals shall be done
8 as the department directs. All state wildlife refuge boundary lines shall be marked
9 by posts placed at intervals of not over 500 feet and bearing signs with the words
10 "Wisconsin Wildlife Refuge".

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

12 29.091 (2) The prohibition in sub. (1), as it relates to the possession or control
13 of a loaded or unencased gun or firearm within a ²game refuge established under s.
14 23.09 (2) (b), does not apply to any of the following:

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

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

19 (c) A former law enforcement officer, as defined in s. 941.23 (1) (c), to whom s.
20 941.23 (2) (c) 1. to 5. applies.

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

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

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

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

11 29.621 (4) (a) A person who is employed in this state by a public agency as a
12 law enforcement officer and to whom s. 941.23 (1) (e) 2. to 5. and (2) (b) 1. to 3. applies.

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

14 29.621 (4) (b) A qualified out-of-state law enforcement officer, as defined in s.
15 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

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

17 29.621 (4) (c) A former law enforcement officer, as defined in s. 941.23 (1) (c),
18 to whom s. 941.23 (2) (c) 1. to 5. applies.

19 **SECTION 18.** 29.621 (4) (d) of the statutes is created to read:

20 29.621 (4) (d) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state
21 licensee, as defined in s. 175.60 (1) (g), if the gun or firearm is a handgun, as defined
22 in s. 175.60 (1) (bm).

23 **SECTION 19.** 29.621 (6) of the statutes is created to read:

24 29.621 (6) INJURIOUS ANIMALS. Nothing in this section may prohibit, prevent,
25 or interfere with the department in the destruction of injurious animals.

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1 **SECTION 20.** 165.25 (12) of the statutes is created to read:

2 **165.25 (12) RULES REGARDING CONCEALED WEAPONS LICENSES** Determine which
3 states issue permits or licenses to carry a concealed weapon to persons who pass
4 criminal background checks in those states and promulgate by rule a list of those
5 states.

6 **SECTION 21.** 165.60 of the statutes is amended to read:

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

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

16 165.82 (1) (intro.) Notwithstanding s. 19.35 (3), the department of justice shall
17 impose the following fees, plus any surcharge required under sub. (1m), for criminal
18 history searches for purposes unrelated to criminal justice or to s. 175.35, 175.49, or
19 175.60:

20 **SECTION 23.** 165.82 (2) of the statutes is amended to read:

21 165.82 (2) ~~Except as provided in s. 175.35, the~~ The department of justice shall
22 not impose fees for criminal history searches for purposes related to criminal justice.

23 **SECTION 24.** 167.31 (4) (ar) of the statutes is created to read:

24 167.31 (4) (ar) Subsections (2) (a), (b), and (c) and (3) (a) and (b) do not apply
25 to the placement, possession, transportation, or loading of a firearm or to the

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1 discharge of a firearm if the discharge was in self defense or in the defense of another,
2 by any of the following:

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

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

7 3. A former law enforcement officer, as defined in s. 941.23 (1) (c), to whom s.
8 941.23 (2) (c) 1. to 5. applies.

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

11 **SECTION 25.** 175.48 of the statutes is created to read:

12 **175.48 Law enforcement officer identification cards.** (1) In this section,
13 "Wisconsin law enforcement agency" has the meaning given in s. 175.46 (1) (f).

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

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

19 (b) The officer did not end his or her service as a law enforcement officer with
20 the agency in good standing.

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

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1 (d) 1. A qualified medical professional employed by the law enforcement agency
2 has found the officer to be unqualified to be a law enforcement officer due to the
3 officer's mental health.

4 2. The officer has entered into an agreement with the law enforcement agency
5 from which he or she is ending service in which the officer acknowledges that he or
6 she is not qualified to be a law enforcement officer due to the officer's mental health
7 and in which the officer declines the photographic identification for that reason.

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

12 **SECTION 26.** 175.49 of the statutes is created to read:

13 **175.49 Former law enforcement officers seeking to carry concealed**
14 **weapons. (1) DEFINITIONS.** In this section:

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

16 (b) "Former employer" means a law enforcement agency that employed the law
17 enforcement officer immediately before the law enforcement officer ended law
18 enforcement service.

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

24 (2) **ISSUANCE OF CERTIFICATION.** Subject to sub. (3), the department shall issue
25 and provide a former law enforcement officer, upon request and at his or her own

This section does not restrict an individual's right to go armed with a firearm that is not concealed.

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1 expense, an identification card that contains the information specified in sub. (4) (b)
2 and that certifies all of the following:

3 (a) That the department has found that the former officer has met the
4 standards for qualification in firearms training that the former officer's former
5 employer, or, if the former employer does not set standards, the state, sets for active
6 duty law enforcement officers to carry a revolver or semiautomatic pistol, whichever
7 the former officer used to qualify.

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

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

12 1. The person ended his or her service as a law enforcement officer in good
13 standing.

14 2. At least one of the following applies:

15 a. Before leaving law enforcement service, the person was regularly employed
16 as a law enforcement officer for an aggregate of 10 years or more.

17 b. The person completed any applicable probationary period of service with his
18 or her former employer and ended his or her service due to a service-connected
19 disability, as determined by his or her former employer.

20 3. The person is not prohibited from possessing a firearm under federal law and
21 is not a person specified in s. 941.29 (1) (a), (b), (bm), (c), (d), or (g) or specified in s.
22 941.29 (1) (e) or (em), unless s. 941.29 (9) (a) or (b) exempts the person from s. 941.29.

23 4. The person is a resident of this state.

BILL

1 5. A qualified medical professional employed by the law enforcement agency
2 has not found the person to be unqualified to be a law enforcement officer due to the
3 person's mental health.

4 6. The person has not entered into an agreement with the law enforcement
5 agency from which he or she is ending service in which the person acknowledges that
6 he or she is not qualified to be a law enforcement officer due to the person's mental
7 health and in which the person declines the identification card for that reason.

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

11 (c) In addition to other fees authorized under sub. (2), the department may
12 require a person to pay a fee, not to exceed the department's costs, for verifying his
13 or her employment history under par. (a) 1., 2., 5., or 6. and making a determination
14 under par. (a) 3.

15 (4) CONTENTS OF IDENTIFICATION CARD ^{or} ^{; CONTENTS AND PRODUCTION} (a) Subject to pars. (b), (c), and (d), the
16 department shall design a single document for identification cards issued under this
17 section. The department shall complete the design of the identification card
18 document no later than the first day of the 2nd month beginning after the effective
19 date of this paragraph [LRB inserts date].

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

- 22 1. The full name, date of birth, and residence address of the former officer.
- 23 2. A physical description of the former officer, including sex, height, and eye
24 color.
- 25 3. The name of this state.

BILL

1 (c) An identification card ^{issued under this section} may not contain the former officer's social security
2 number.

3 (d) ^{issued under this section} An identification card issued under this section shall be, to the maximum
4 extent possible, tamper proof. ^{1.} The contents of the identification card shall be
5 included in the document in substantially the same way that the contents of an
6 operator's license document issued under s. 343.17 are included in that document.

7 **SECTION 27.** 175.60 of the statutes is created to read:

INS
15-7
8 **175.60 License to carry a concealed weapon. (1) DEFINITIONS.** In this
9 section:

10 (ab) "Alcohol concentration" has the meaning given in s. 340.01 (1v).

11 (ac) "Background check" means ^{the ES} a search ^{the} of department ^{and court records}
12 conducted under sub. (9g) to determine a person's eligibility for a license to carry a
13 concealed weapon.

14 (ag) "Carry" means to ^{go armed with} have on or near one's person, including in a vehicle, in
15 an accessible and usable state.

16 (ah) "Controlled substance" means a controlled substance, as defined in s.
17 961.01 (4), or a controlled substance analog, as defined in s. 961.01 (4m).

18 ^b (aj) "Department" means the department of justice.

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

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

BILL

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

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

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

5 (e) "Motor vehicle" has the meaning given in s. 340.01 (35).

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

8 1. The permit or license authorizes the person to carry a concealed weapon in
9 the state that issued the permit or license.

10 2. The state is listed in the rule promulgated by the department under s. 165.25
11 (12).

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

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

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

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

20 (a) 4. or, if the person has no driver number, the number assigned to the person on
21 an identification card issued under s. 343.50.

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

24 (2) ISSUANCE OF LICENSE. (a) The department shall issue a license to carry a
25 concealed weapon to any individual who is not disqualified under sub. (3) and who

any

BILL

1 completes the application process specified in sub. (7). A license to carry a concealed
2 weapon issued under this section shall meet the requirements specified in sub. (2m).

3 **(2g) CARRYING A CONCEALED WEAPON; CARRYING AND DISPLAY OF LICENSE DOCUMENT**

4 OR AUTHORIZATION. (a) A licensee or an out-of-state licensee may carry a concealed
5 weapon anywhere in this state except as provided under sub. (15m) or (16) or s.
6 941.20 (1) (b) or 943.13 (1m) (c).

7 (b) ~~A~~ licensee shall have with him or her his or her license document and
8 photographic identification card and an out-of-state licensee shall have with him or
9 her his or her out-of-state authorization at all times during which he or she is
10 carrying a concealed weapon.

11 (c) ~~Who is~~ carrying a concealed weapon, a licensee shall display his or
12 her license document and photographic identification card and an out-of-state
13 licensee shall display his or her out-of-state authorization to a law enforcement
14 officer upon the request of the law enforcement officer.

15 **(2m) LICENSE DOCUMENT; CONTENT OF LICENSE.** (a) Subject to pars. (b), (c), and
16 (d), the department shall design a single license document for licenses issued and
17 renewed under this section. The department shall complete the design of the license
18 document no later than the first day of the 2nd month beginning after the effective
19 date of this paragraph [LRB inserts date].

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

- 22 1. The full name, date of birth, and residence address of the licensee.
- 23 2. A physical description of the licensee, including sex, height, ^{hair color,} and eye color.
- 24 3. The date on which the license was issued.
- 25 4. The date on which the license expires.

↓
(1N) 17-2

use twice
Unless the licensee or out-of-state licensee is carrying a concealed weapon in a manner described under s. 941.20 (2)(e)

license
who is

who is carrying a concealed weapon

license
(bm)

BILL

INS 18-3

- 1 5. The name of this state.
- 2 6. A unique identification number for each licensee.
- 3 (c) The license document may not contain the licensee's social security number.
- 4 (d) A license document issued under this section shall be, to the maximum
- 5 extent possible, tamper proof. The contents of the license document shall be included
- 6 in the document in substantially the same way that the contents of an operator's
- 7 license document issued under s. 343.17 are included in that document.

8 **(3) RESTRICTIONS ON ISSUING A LICENSE.** The department ~~may not~~ ^{shall} issue to an
 9 individual a license under this section ^{unless} if any of the following applies:

- 10 (a) The individual is less than 21 years of age.
- 11 (b) The individual is prohibited under federal law from possessing a firearm
- 12 that has been transported in interstate or foreign commerce.
- 13 (c) The individual is prohibited from possessing a firearm under s. 941.29.
- 14 (d) The individual is the subject of a pending civil or criminal case, the
- 15 disposition of which could disqualify him or her from having a license under this
- 16 subsection.
- 17 (e) The individual is not a Wisconsin resident.

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

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BILL

1 her name, address, date of birth, state identification card number, race, sex, height,
2 and eye color and the registration number for each motor vehicle registered in the
3 applicant's name and shall include all of the following:

4 1. A statement that the applicant is ineligible for a license if the department
5 is prohibited under sub. (3) ^{(a), (b), (c), (d), or (e) applies to the applicant} from issuing the applicant a license.

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

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

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

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

16 (b) The department shall make the forms described in this subsection available
17 on the Internet ^{and, ✓} or by mail upon request.

18 (7) SUBMISSION OF APPLICATION. An individual may apply for a license under this
19 section with the department by submitting ^{by mail or other means made available by the department,} to the department all of the following:

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

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

24 (bc) A license fee of \$52.

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BILL

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

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

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

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

10 2. Deny the application, but only if the department is prohibited under sub. (3)
11 from issuing a license to the applicant. If the department denies the application, the
12 department shall inform the applicant in writing, stating the reason and factual
13 basis for the denial.

(a), (b), (c), (d),
or
(e)
applies

14 (9g) BACKGROUND CHECKS. (b) The department shall conduct a background
15 check regarding an applicant for a license using the following procedure:

16 1. The department shall create a confirmation number associated with the
17 applicant.

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

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

21 a. If the background check indicates that the department may not issue the
22 applicant a license under sub. (3) (b), (c), or (d), create a unique nonapproval number
23 for the applicant.

applies to the applicant

Handwritten mark resembling a stylized 'A' or '1' with a vertical line through it.

BILL

applies to the applicant
↓
Re

1 b. If the completed background check does not indicate that the department
2 ~~may not issue the applicant a license under~~ sub. (3) (b), (c), or (d), create a unique
3 approval number for the applicant.

4 c. If the background check indicates that the applicant was the subject of a
5 relevant criminal charge for which there is no recorded disposition, make all
6 reasonable efforts to obtain the missing information.

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

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

23 b. "Court automated information systems" means the systems under s. 758.19

24 (4).

*INS
21-19*

BILL

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

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

9 ^b b. The individual is found incompetent under s. 971.14.

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

12 ^d d. The individual is involuntarily committed for treatment under s. 51.20 or
13 51.45.

14 ^e e. The individual is found incompetent under ch. 54.

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

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

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

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

BILL

1 (b) ^{1.} No later than 30 days after changing his or her address, a licensee shall
2 inform the department of ^{the} his or her ^{new} address. The department shall include the
3 individual's new address in the list under sub. (12) (a). INS 23-3

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

12 (b) 1. A law enforcement officer who is ~~employed~~ by the department may obtain
13 information regarding a licensee from the ~~department~~ of transportation under s.
14 341.175 (4).

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

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

20 2. To confirm that an individual holds a valid license under this section, if the
21 individual is carrying a concealed weapon but does ^{NOT} have his or her license document
22 and claims to hold a valid license issued under this section.

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

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

BILL

*of justice, SECTION 27
the department of
transportation,*

1 (c) Notwithstanding s. 19.35, neither the department *or any department*
2 employee may make information obtained under this section available to the public
3 except in the context of a prosecution for an offense in which the person's status as
4 a licensee is relevant, or through a report created under sub. (19).

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

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

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

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

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

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

BILL

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.~~

INS. 25-15

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. the department determines that applies to

21 (14) LICENSE REVOCATION AND SUSPENSION. (a) The department shall revoke a
22 license issued under this section if the licensee meets any of the criteria specified in

23 sub. (3) (b), (c), ^{or} 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). *INS 26-4*

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 none of the criteria
7 specified in sub. (3), the department shall restore the license within 5 business days
8 of receiving the disposition.

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

13 2. If the department revokes or suspends a license under this section, the
14 revocation or suspension takes effect upon receipt of the notice under subd. 1.

15 3. Within 7 days after receiving the notice, the individual whose license has
16 been suspended or revoked shall deliver the license document personally or by
17 certified mail to the department.

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

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

BILL

of receiving notice of denial of an application for a license or of suspension or revocation of a license

individual

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 ^{from which individual} 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). *individual*

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 but the court may schedule
 18 a hearing and take testimony.

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

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

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

BILL

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

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

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

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

9 2. If the court reverses the department's action, the court ~~shall~~^{may} order the
10 department to pay the aggrieved ~~person~~^{individual} all court costs and reasonable attorney fees.

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

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

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

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

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

23 4. Pays all of the following:

24 a. A ~~\$27~~²⁸⁻²⁴ renewal fee INSERT

and
sub.
(9r)(b)

BILL

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

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

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

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

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

13 **(15m) PUBLIC AND PRIVATE EMPLOYER RESTRICTIONS.** (a) Except as provided in
14 par. (b), a ~~private~~^{un} employer may prohibit a licensee or an out-of-state licensee that
15 it employs from carrying a concealed weapon or a particular type of concealed
16 weapon in the course of the licensee's or out-of-state licensee's employment or
17 during any part of the licensee's or out-of-state licensee's course of employment.

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

24 **(16) PROHIBITED ACTIVITY.** (a) ^{INS 29-24} 1. Except as provided in subd. 2., neither a licensee
25 nor an out-of-state licensee may knowingly carry a concealed weapon ^{41 (am)} in any portion

of a weapon that is not concealed

County, state or federal

BILL

1 of a building that is a police station, sheriff's office, or state patrol station; a prison,
2 jail, house of correction, or secured correctional facility; a court^{house} ~~room~~; a school
3 administration office; or a place beyond a security checkpoint in an airport, unless
4 the weapon is ^{unloaded and} encased for shipment as baggage to be transported by aircraft.

5 2. The prohibitions under subd. 1. do not apply to any of the following:

6 a. A parking facility located in a building that is used as, or any portion of which
7 is used as, a location under subd. 1. ^{if the concealed weapon is in a vehicle}

8 b. A judge who is a licensee ^{driven or parked in the parking facility} may carry a concealed weapon in a court~~room~~
9 which he or she is presiding in court ^{the house} and may permit in writing any other licensee
10 or out-of-state licensee to carry a concealed weapon in ~~a courtroom in which he or~~
11 ~~she is presiding in court.~~ ^{the house} ^{and who presides over any courtroom in the} ^{courthouse}

use twice

12 (at) Neither a licensee nor an out-of-state licensee may carry a concealed
13 weapon in a building owned or leased by the state or any political subdivision of the
14 state if the building provides electronic screening for weapons at all public entrances
15 to the building and provides locked storage for weapons on the premises while the
16 licensee or out-of-state licensee is in the building. This paragraph does not apply
17 to:

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- 18 1. A person authorized to carry a weapon in the building by the chief of police
- 19 of the city, village, or town or the sheriff of the county in which the building is located.
- 20 2. A person authorized to carry a weapon in the building by the chief of the
- 21 capitol police, if the building is owned or leased by the state.
- 22 3. A person who leases residential or business premises in the building.
- 23 4. A parking facility that is located in the building.

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

BILL

(ac) Any person who violates sub. (11)(b) may be required to forfeit \$50.
1, for a end or subsequent time

- 1 a. The person's alcohol concentration exceeds 0.08.
- 2 b. The person is under the influence of an intoxicant to a degree which
- 3 materially impairs his or her ability to handle the weapon.
- 4 2. A person may be charged with and a prosecutor may proceed upon a
- 5 complaint based upon a violation of subd. 1. a. or b. or both for acts arising out of the
- 6 same incident or occurrence. If the person is charged with violating both subd. 1. a.
- 7 and b., the offenses shall be joined.

8 (17) PENALTIES. (a) Any person who violates sub. (2g) (b) or (c) or (11) (b) may
9 be required to forfeit not more than \$25. (2m)(e)

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

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

17 (b) Any person who violates sub. (16) (a) or (at) may be fined not more than \$500
18 or imprisoned for not more than 30 days or both.

19 (bm) Any person who violates sub. (16) (cm) 1. may be fined not more than
20 \$10,000 or imprisoned for not more than 9 months or both.

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

BILL

1 (19) STATISTICAL REPORT. By March 1 of each year, the department shall submit
 2 a statistical report to the legislature under s. 13.172 (2) and to the governor that
 3 indicates the number of licenses applied for, issued, denied, suspended, and revoked
 4 under this section during the previous calendar year. For the licenses denied, the
 5 report shall indicate the reasons for the denials and the part of the application
 6 process in which the reasons for denial were discovered. For the licenses suspended
 7 or revoked, the report shall indicate the reasons for the suspensions and revocations.
 8 The department may not include in the report any information that may be used to
 9 identify an applicant or a licensee, including, but not limited to, a name, address,
 10 birth date, or social security number.

of justice, the department of transportation, and the

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

15 (b) A person that ~~permits~~ ^{does not prohibit} an individual to carry a concealed weapon on property
 16 that the person owns or occupies is immune from any liability arising from its
 17 decision to do so, if done in good faith.

18 (c) An employer that ~~permits any of its~~ ^{does not prohibit one or more} employees to carry a concealed weapon
 19 under sub. (15m) is immune from any liability arising from its decision to do so, if
 20 done in good faith.

21 **SECTION 28.** 341.175 of the statutes is created to read:

22 **341.175 Department to maintain records.** (1) In this section, "licensee"
 23 has the meaning given in s. 175.60 (1) (d). ✓

24 (2) Using the information provided under s. 175.60 (12r) and obtained through
 25 rules promulgated under sub. (3), the department shall maintain a record of each

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1 owner who is a licensee. If its records indicate that an owner of a vehicle is a licensee,
2 the department shall, in its registration records for that vehicle, include a
3 confidential entry that informs a law enforcement officer who requests information
4 regarding that vehicle that the owner is a licensee.

5 (3) The department, in consultation with the department of justice, shall
6 promulgate rules specifying how it shall obtain the vehicle registration number for
7 a licensee if there was no motor vehicle registered to the person when he or she
8 became a licensee.

9 (4) A law enforcement officer may request information maintained by the
10 department under sub. (2) only if he or she is conducting a vehicle stop that meets
11 the requirements of s. 349.02 (2) (a).

12 (5) (a) Notwithstanding s. 19.35, neither the department nor any of its
13 employees may make information maintained under sub. (2) available to the public.

14 (b) Neither the department nor any of its employees may store, maintain,
15 format, sort, or access information regarding licensees based on their status as
16 licensees.

17 (6) A person who violates sub. (4) or (5) may be fined not more than \$500 or
18 sentenced to a term of imprisonment of not more than 30 days or both.

19 **SECTION 29.** 440.26 (3m) of the statutes is renumbered 440.26 (3m) (intro.) and
20 amended to read:

21 440.26 (3m) RULES CONCERNING DANGEROUS WEAPONS. (intro.) The department
22 shall promulgate rules relating to the carrying of dangerous weapons by a person
23 who holds a license or permit issued under this section or who is employed by a
24 person licensed under this section. The rules shall meet the minimum requirements
25 specified in 15 USC 5902 (b). and shall allow all of the following:

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1 **SECTION 30.** 440.26 (3m) (a) of the statutes is created to read:

2 440.26 (3m) (a) A person who is employed in this state by a public agency as
3 a law enforcement officer to carry a concealed firearm if s. 941.23 (1) (e) 2. to 5. and
4 (2) (b) 1. to 3. applies.

5 **SECTION 31.** 440.26 (3m) (b) of the statutes is created to read:

6 440.26 (3m) (b) A qualified out-of-state law enforcement officer, as defined in
7 s. 941.23 (1) (e), to carry a concealed firearm if s. 941.23 (2) (b) 1. to 3. applies.

8 **SECTION 32.** 440.26 (3m) (c) of the statutes is created to read:

9 440.26 (3m) (c) A former law enforcement officer, as defined in s. 941.23 (1) (c),
10 to carry a concealed firearm if s. 941.23 (2) (c) 1. to 5. applies.

11 **SECTION 33.** 440.26 (3m) (d) of the statutes is created to read:

12 440.26 (3m) (d) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state
13 licensee, as defined in s. 175.60 (1) (g), to carry a concealed weapon as permitted
14 under s. 175.60.

15 **SECTION 34.** 813.12 (6) (am) 1. of the statutes is amended to read:

16 813.12 (6) (am) 1. If an injunction is issued or extended under sub. (4) or if a
17 tribal injunction is filed under s. 806.247 (3), the clerk of the circuit court shall notify
18 the department of justice of the injunction and shall provide the department of
19 justice with information concerning the period during which the injunction is in
20 effect and information necessary to identify the respondent for purposes of a firearms
21 restrictions record search under s. 175.35 (2g) (c) or a background check under s.

22 175.60 (9g) (a). (a) ✓

23 **SECTION 35.** 813.122 (9) (am) 1. of the statutes is amended to read:

24 813.122 (9) (am) 1. If an injunction is issued or extended under sub. (5), the
25 clerk of the circuit court shall notify the department of justice of the injunction and

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1 shall provide the department of justice with information concerning the period
2 during which the injunction is in effect and information necessary to identify the
3 respondent for purposes of a firearms restrictions record search under s. 175.35 (2g)
4 (c) or a background check under s. 175.60 (9g) ~~(g)~~ (a) ✓

5 **SECTION 36.** 813.125 (5r) (a) of the statutes is amended to read:

6 813.125 (5r) (a) If an order prohibiting a respondent from possessing a firearm
7 is issued under sub. (4m), the clerk of the circuit court shall notify the department
8 of justice of the existence of the order prohibiting a respondent from possessing a
9 firearm and shall provide the department of justice with information concerning the
10 period during which the order is in effect and information necessary to identify the
11 respondent for purposes of a firearms restrictions record search under s. 175.35 (2g)
12 (c) or a background check under s. 175.60 (9g) ~~(g)~~ (a) ✓

13 **SECTION 37.** 885.235 (1g) (intro.) of the statutes is amended to read:

14 885.235 (1g) (intro.) In any action or proceeding in which it is material to prove
15 that a person was under the influence of an intoxicant or had a prohibited alcohol
16 concentration or a specified alcohol concentration while operating or driving a motor
17 vehicle or, if the vehicle is a commercial motor vehicle, on duty time, while operating
18 a motorboat, except a sailboat operating under sail alone, while operating a
19 snowmobile, while operating an all-terrain vehicle, while carrying a concealed
20 weapon, or while handling a firearm, evidence of the amount of alcohol in the person's
21 blood at the time in question, as shown by chemical analysis of a sample of the
22 person's blood or urine or evidence of the amount of alcohol in the person's breath,
23 is admissible on the issue of whether he or she was under the influence of an
24 intoxicant or had a prohibited alcohol concentration or a specified alcohol
25 concentration if the sample was taken within 3 hours after the event to be proved.

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1 The chemical analysis shall be given effect as follows without requiring any expert
2 testimony as to its effect:

3 **SECTION 38.** 885.235 (1g) (e) of the statutes is created to read:

4 ~~885.235 (1g) (e) In a case brought under s. 175.60 (16) (cm) 1. a. or b., the fact
5 that the analysis shows that the person had an alcohol concentration of more than
6 0.0 but less than 0.08 is relevant evidence on the issue of whether the person was
7 intoxicated or had an alcohol concentration of 0.08 or more but is not to be given any
8 prima facie effect. In a case brought under s. 175.60 (16) (cm) 1. a., the fact that the
9 analysis shows that the person had an alcohol concentration of 0.08 or more is prima
10 facie evidence that he or she had an alcohol concentration of 0.08 or more.~~

11 **SECTION 39.** 938.396 (2g) (n) of the statutes is amended to read:

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

19 **SECTION 40.** 941.23 of the statutes is renumbered 941.23 (2) (intro.) and
20 amended to read:

21 941.23 (2) (intro.) Any person ~~except a peace officer, other than one of the~~
22 following, who goes armed with carries a concealed and dangerous weapon is guilty
23 of a Class A misdemeanor. ~~Notwithstanding:~~

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1 (a) A peace officer, but notwithstanding s. 939.22, for purposes of this section
2 paragraph, peace officer does not include a commission warden who is not a
3 state-certified commission warden.

4 **SECTION 41.** 941.23 (1) of the statutes is created to read:

5 941.23 (1) In this section:

6 (ag) "Carry" has the meaning given in s. 175.60 (1) (ag).

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

8 (b) "Former employer" has the meaning given in s. 175.49 (1) (b).

9 (c) "Former law enforcement officer" means a person who was employed as a
10 law enforcement officer with a public agency.

11 (d) "Law enforcement officer" has the meaning given in s. 175.49 (1) (c).

12 (e) "Qualified out-of-state law enforcement officer" means a law enforcement
13 officer to whom all of the following apply:

- 14 1. The person is employed by a state or local government agency in another
15 state.
- 16 2. The agency has authorized the person to carry a firearm.
- 17 3. The person is not the subject of any disciplinary action by the agency.
- 18 4. The person meets all standards established by the agency to qualify the
19 person on a regular basis to use a firearm.
- 20 5. The person is not prohibited under federal law from possessing a firearm.

21 **SECTION 42.** 941.23 (2) (b) of the statutes is created to read:

22 941.23 (2) (b) A qualified out-of-state law enforcement officer. This paragraph
23 applies only if all of the following apply:

- 24 1. The weapon is a firearm but is not a machine gun, as defined in s. 941.27 (1),
25 or a destructive device.

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1 2. A firearm silencer, as defined in s. 941.298 (1), is not attached to the weapon.

2 3. The officer is not under the influence of an intoxicant.

3 **SECTION 43.** 941.23 (2) (c) of the statutes is created to read:

4 941.23 (2) (c) A former law enforcement officer. This paragraph applies only
5 if all of the following apply:

6 1. The former officer has been issued a photographic identification document
7 described in sub. (3) (b) 1. or both of the following:

8 a. A photographic identification document described in sub. (3) (b) 2. (intro.).

9 b. An identification card described in sub. (3) (b) 2. a., if the former officer
10 resides in this state, or a certification described in sub. (3) (b) 2. b., if the former officer
11 resides in another state.

12 2. The weapon is a firearm that is of the type described in a photographic
13 identification document described in subd. 1. (intro.) or a certification described in
14 subd. 1. b.

15 3. The weapon is not a machine gun, as defined in s. 941.27 (1), or a destructive
16 device.

17 4. A firearm silencer, as defined in s. 941.298 (1), is not attached to the weapon.

18 5. The former officer is not under the influence of an intoxicant.

19 **SECTION 44.** 941.23 (2) (d) of the statutes is created to read:

20 941.23 (2) (d) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state
21 licensee, as defined in s. 175.60 (1) (g), if the dangerous weapon is a weapon, as
22 defined under s. 175.60 (1) (j). An individual formerly licensed under s. 175.60 whose
23 license has been suspended or revoked under s. 175.60 (14) may not assert his or her
24 refusal to accept a notice of revocation or suspension mailed under s. 175.60 (14) (b)

BILL

1 1. as a defense to prosecution under this subsection, regardless of whether the person
2 has complied with s. 175.60 (11) (b). ^①

3 **SECTION 45.** 941.23 (2) (e) of the statutes is created to read:

4 941.23 (2) (e) An individual carries a concealed and dangerous weapon, as
5 defined in s. 175.60 (1) (j), in his or her own dwelling or place of business or on land
6 that he or she owns, leases, or legally occupies.

7 **SECTION 46.** 941.23 (3) of the statutes is created to read:

8 941.23 (3) (a) A qualified out-of-state law enforcement officer shall, while
9 carrying a concealed firearm, also have with him or her an identification card that
10 contains his or her photograph and that was issued by the law enforcement agency
11 by which he or she is employed.

12 (b) A former law enforcement officer shall, while carrying a concealed firearm,
13 also have with him or her one of the following:

14 1. A photographic identification document issued by the former officer's former
15 employer that indicates that, within the 12 months preceding the date on which the
16 former officer is carrying the concealed firearm, he or she was tested or otherwise
17 found by his or her former employer to meet the standards for qualification in
18 firearms training that the employer sets for active duty law enforcement officers to
19 carry a revolver or semiautomatic pistol, whichever the former officer is carrying.

20 2. A photographic identification document issued by the former officer's former
21 employer and one of the following:

22 a. An identification card issued under s. 175.49 (2), if the former officer resides
23 in this state.

24 b. A certification issued by the state in which the former officer resides, if the
25 former officer resides in another state, that indicates that, within the 12 months

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1 preceding the date on which the former officer is carrying the concealed firearm, he
2 or she was tested or otherwise found by that state to meet the standards for
3 qualification in firearms training that the state sets for active duty law enforcement
4 officers to carry a revolver or semiautomatic pistol, whichever the former officer is
5 carrying.

6 (c) A person who violates this subsection may be required to forfeit not more
7 than \$25.

8 (d) This subsection does not apply to a licensee, as defined in s. 175.60 (1) (d),
9 or an out-of-state licensee, as defined in s. 175.60 (1) (g).

10 **SECTION 47.** 941.235 (2) of the statutes is renumbered 941.235 (2) (intro.) and
11 amended to read:

12 941.235 (2) (intro.) This section does not apply to ~~peace~~ any of the following:

13 (a) Peace officers or armed forces or military personnel who go armed in the line
14 of duty or to any person duly authorized by the chief of police of any city, village or
15 town, the chief of the capitol police, or the sheriff of any county to possess a firearm
16 in any building under sub. (1). Notwithstanding s. 939.22 (22), for purposes of this
17 subsection paragraph, peace officer does not include a commission warden who is not
18 a state-certified commission warden.

19 **SECTION 48.** 941.235 (2) (c) of the statutes is created to read:

20 941.235 (2) (c) A qualified out-of-state law enforcement officer, as defined in
21 s. 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

22 **SECTION 49.** 941.235 (2) (d) of the statutes is created to read:

23 941.235 (2) (d) A former law enforcement officer, as defined in s. 941.23 (1) (c),
24 to whom s. 941.23 (2) (c) 1. to 5. applies.

25 **SECTION 50.** 941.235 (2) (e) of the statutes is created to read:

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1 941.235 (2) (e) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state
2 licensee, as defined in s. 175.60 (1) (g), if the firearm is a handgun, as defined in s.
3 175.60 (1) (bm).

4 **SECTION 51.** 941.237 (3) (cr) of the statutes is created to read:

5 941.237 (3) (cr) A qualified out-of-state law enforcement officer, as defined in
6 s. 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

7 **SECTION 52.** 941.237 (3) (ct) of the statutes is created to read:

8 941.237 (3) (ct) A former law enforcement officer, as defined in s. 941.23 (1) (c),
9 to whom s. 941.23 (2) (c) 1. to 5. applies.

10 **SECTION 53.** 941.237 (3) (cx) of the statutes is created to read:

11 941.237 (3) (cx) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state
12 licensee, as defined in s. 175.60 (1) (g), if the licensee or out-of-state licensee is not
13 consuming alcohol on the premises and if the ^{firearm is a} handgun ~~is not a machine~~ gun, as
14 defined in s. ~~941.27 (1), a short barreled rifle, as defined in s. 941.28 (1) (b), or a~~
15 ~~short barreled shotgun,~~ as defined in s. ~~941.28 (1) (c).~~ 175.60 (1) (bm)

16 **SECTION 54.** 941.237 (4) of the statutes is repealed.

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17 **SECTION 55.** 941.295 (2) (d) of the statutes is renumbered 941.295 (2) (d) (intro.)

18 and amended to read:

19 941.295 (2) (d) (intro.) Any manufacturer or seller whose of electric weapons
20 are used in this state solely by persons, unless the manufacturer or seller engages
21 in the conduct described in sub. (1) ^{1m} with the intent to provide an electric weapon to
22 someone other than one of the following:

23 1. A person specified in pars. (a) to (c) ~~or sub. (2g)(a).~~

), a licensee, or
an out-of-state
licensee ✓

24 **SECTION 56.** 941.295 (2) (d) 2. of the statutes is created to read:

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1 941.295 (2) (d) 2. A person for use in his or her dwelling or place of business
2 or on land that he or she owns, leases, or legally occupies.

3 **SECTION 57.** 941.295 (2g) of the statutes is created to read:

4 941.295 (2g) The prohibition in sub. (f) ^{lm} on possessing or going armed with an
5 electric weapon does not apply to any of the following:

6 (a) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state licensee, as
7 defined in s. 175.60 (1) (g).

8 (b) An individual who goes armed with an electric weapon in his or her own
9 dwelling or place of business or on land that he or she owns, leases, or legally
10 occupies.

11 **SECTION 58.** 941.295 (2r) of the statutes is created to read:

12 941.295 (2r) The prohibition in sub. (f) ^{lm} on transporting an electric weapon does
13 not apply to any of the following:

14 (a) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state licensee, as
15 defined in s. 175.60 (1) (g), is not a licensee or an out-of-state licensee who

16 (b) An individual who transports an electric weapon from any of the following
17 places to any of the following places, if the electric weapon is enclosed within
18 a carrying case.

- 19 1. His or her dwelling.
- 20 2. His or her own place of business.
- 21 3. Land that he or she owns, leases, or legally occupies.

22 **SECTION 59.** 943.13 (1e) (a) of the statutes is renumbered 943.13 (1e) (ar).

23 **SECTION 60.** 943.13 (1e) (aL) of the statutes is created to read:

24 943.13 (1e) (aL) "Carry" has the meaning given in s. 175.60 (1) (ag).

SECTION 61. 943.13 (1e) (bm) of the statutes is created to read:

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1 943.13 (1e) (bm) "Licensee" means a licensee, as defined in s. 176.60 (1) (d), or
2 an out-of-state licensee, as defined in s. 175.60 (1) (g).

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43-3

3 **SECTION 62.** 943.13 (1e) (g) of the statutes is created to read:

4 943.13 (1e) (g) "Weapon" has the meaning given in s. 175.60 (1) (j).

5 **SECTION 63.** 943.13 (1m) (b) of the statutes is amended to read:

6 943.13 (1m) (b) Enters or remains on any land of another after having been
7 notified by the owner or occupant not to enter or remain on the premises. This
8 paragraph does not apply to a licensee if the owner's or occupant's intent is to prevent
9 the licensee from carrying a concealed weapon on the owner's or occupant's land.

10 **SECTION 64.** 943.13 (1m) (c) of the statutes is created to read:

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

19 2. While carrying a concealed weapon, enters or remains in any part of a ^{located}
20 nonresidential building that the person does not own or occupy after the owner of the
21 building, if that part of the building has not been leased to another person, or the
22 occupant of that part of the building has notified the actor not to enter or remain in
23 that part of the building while carrying a concealed weapon or with that type of
24 concealed weapon. This subdivision does not apply to a part of a building occupied

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1 by the state or one of its political subdivisions or to any part of a building used ^{as a} for
2 parking facility, if the concealed weapon is in a vehicle driven or parked
in the parking facility,

3 SECTION 65. 943.13 (2) of the statutes is renumbered 943.13 (2) (am), and
4 943.13 (2) (am) (intro.) and 1., as renumbered, are amended to read:

5 943.13 (2) (am) (intro.) A person has received notice from the owner or occupant
6 within the meaning of sub. (1m) (b), (e) or (f) if he or she has been notified personally,
7 either orally or in writing, or if the land is posted. Land is considered to be posted
8 under this subsection paragraph under either of the following procedures:

9 1. If a sign at least 11 inches square, colored orange as described in s. 29.301(2),
10 for every 40 acres to be protected. The sign must ~~carry~~ provide an appropriate notice
11 and the name of the person giving the notice followed by the word "owner" if the
12 person giving the notice is the holder of legal title to the land and by the word
13 "occupant" if the person giving the notice is not the holder of legal title but is a lawful
14 occupant of the land. Proof that appropriate signs as provided in this paragraph
15 subdivision were erected or in existence upon the premises to be protected prior to
16 the event complained of shall be prima facie proof that the premises to be protected
17 were posted as provided in this paragraph subdivision.

18 SECTION 66. 943.13 (2) (bm) of the statutes is created to read:

19 943.13 (2) (bm) 1. In this paragraph, "sign" means a sign that states a
20 restriction imposed under subd. 2. that is at least 8.5 inches by 11 inches square, and colored orange
as described in s. 29.301(2)

21 2. For the purposes of sub. (1m) (c) 2., an owner or occupant of a part of a
22 nonresidential building has notified an individual not to enter or remain in that part
23 of the nonresidential building while carrying a concealed weapon or with a particular
24 type of concealed weapon if the owner or occupant has done all of the following:

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all of

and any individual entering the nonresidential building can be reasonably expected to see the sign

1 a. Posted a sign that is located in a prominent place near the primary entrance
2 to the part of the nonresidential building to which the restriction applies.

3 b. Personally and orally notified the individual of the restriction.

4 SECTION 67. 943.13 (3) of the statutes is amended to read:

5 943.13 (3) Whoever erects on the land of another signs which are the same as
6 or similar to those described in sub. (2) (am) without obtaining the express consent
7 of the lawful occupant of or holder of legal title to such land is subject to a Class C
8 forfeiture.

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9 SECTION 68. 948.605 (2) (c) of the statutes is created to read:

10 948.605 (2) (c) Paragraph (a) does not apply to any of the following:

- 11 1. A person who is employed in this state by a public agency as a law
- 12 enforcement officer and to whom s. 941.23 (1) (e) 2. to 5. and (2) (b) 1. to 3. applies.
- 13 2. A qualified out-of-state law enforcement officer, as defined in s. 941.23 (1)
- 14 (e), to whom s. 941.23 (2) (b) 1. to 3. applies.
- 15 3. A former law enforcement officer, as defined in s. 941.23 (1) (c), to whom s.
- 16 941.23 (2) (c) 1. to 5. applies.
- 17 4. A licensee, as defined in s. 175.60 (1) (d), or an out-of-state licensee, as
- 18 defined in s. 175.60 (1) (g), if the firearm is a handgun, as defined in s. 175.60 (1) (bm).

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19 SECTION 69. 948.61 (3m) of the statutes is created to read:

20 948.61 (3m) This section does not apply to the possession of a weapon, as
21 defined in s. 175.60 (1) (j), other than a handgun, as defined in s. 175.60 (1) (bm), by
22 a licensee, as defined in s. 175.60 (1) (d), or an out-of-state licensee, as defined in s.
23 175.60 (1) (g).

24 SECTION 70. Nonstatutory provisions.

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