



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

☞ Appendix A ... segment VI

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.

1 Insert A-1

a licensee who, for a second or subsequent time, fails to notify DOJ of a change in address within 30 days of the change may be required to forfeit \$50. Third,

2

3 Insert A-2

OTHER LAWS REGARDING WEAPONS

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

4

5 Insert 8-24

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 of the statutes is repealed and recreated to read:

7 29.314 (3) (b) 1. Any of the following:

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

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

12 c. A ~~retired~~^{former} law enforcement officer, as defined in s. 941.23 (1) (f), to whom s.
13 941.23 (2) (c) 1. to 7. applies.

14 d. 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), if the gun or firearm is a handgun, as defined in s. 175.60
16 (1) (bm).

17 **SECTION 2.** 29.314 (4) (b) 1. of the statutes is renumbered 29.314 (4) (b) 1r. and
18 amended to read:

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

4 History: 1979 c. 190; 1983 a. 27, 419, 538; 1987 a. 399; 1997 a. 1; 1997 a. 248 s. 438; Stats. 1997 s. 29.314; 1997 a. 249; 2001 a. 109; 2003 a. 75; 2005 a. 57, 291.

4 **SECTION 3.** 29.314 (4) (b) 1g. of the statutes is created to read:

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

6 **SECTION 4.** 29.314 (5) (b) 1. of the statutes is renumbered 29.314 (5) (b) 1r. and
7 amended to read:

8 29.314 (5) (b) 1r. To ~~a peace officer on official business~~, an employee of the
9 department on official business or a person authorized by the department to conduct
10 a game census or to observe bear for educational purposes.

11 History: 1979 c. 190; 1983 a. 27, 419, 538; 1987 a. 399; 1997 a. 1; 1997 a. 248 s. 438; Stats. 1997 s. 29.314; 1997 a. 249; 2001 a. 109; 2003 a. 75; 2005 a. 57, 291.

11 **SECTION 5.** 29.314 (5) (b) 1g. of the statutes is created to read:

12 29.314 (5) (b) 1g. To any person under sub. (3) (b) 1.

14 Insert 9-25

15 **SECTION 6.** 48.685 (2) (bb) of the statutes is amended to read:

16 48.685 (2) (bb) If information obtained under par. (am) or (b) 1. indicates a
17 charge of a serious crime, but does not completely and clearly indicate the final
18 disposition of the charge, the department, county department, agency contracted
19 with under s. 48.651 (2), child welfare agency, school board, or entity shall make
20 every reasonable effort to contact the clerk of courts to determine the final disposition
21 of the charge. If a background information form under sub. (6) (a) or (am) indicates
22 a charge or a conviction of a serious crime, but information obtained under par. (am)
23 or (b) 1. does not indicate such a charge or conviction, the department, county
24 department, agency contracted with under s. 48.651 (2), child welfare agency, school

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

History: 1997 a. 27, 237, 281; 1999 a. 9, 32, 56, 185, 186; 2001 a. 109; 2003 a. 321; 2005 a. 149, 184, 277; 2007 a. 20 ss. 1346 to 1358, 9121 (6) (a); 2007 a. 97, 111, 116, 130, 153; 2009 a. 28, 76, 94, 185; s. 13.92 (2) (i).

11 **SECTION 7.** 50.065 (2) (bb) of the statutes is amended to read:

12 50.065 (2) (bb) If information obtained under par. (am) or (b) indicates a charge
 13 of a serious crime, but does not completely and clearly indicate the final disposition
 14 of the charge, the department or entity shall make every reasonable effort to contact
 15 the clerk of courts to determine the final disposition of the charge. If a background
 16 information form under sub. (6) (a) or (am), or any disclosure made pursuant to a
 17 disclosure policy described under sub. (6) (am), indicates a charge or a conviction of
 18 a serious crime, but information obtained under par. (am) or (b) does not indicate
 19 such a charge or conviction, the department or entity shall make every reasonable
 20 effort to contact the clerk of courts to obtain a copy of the criminal complaint and the
 21 final disposition of the complaint. If information obtained under par. (am) or (b), a
 22 background information form under sub. (6) (a) or (am), any disclosure made
 23 pursuant to a disclosure policy described under sub. (6) (am), or any other
 24 information indicates a conviction of a violation of s. 940.19 (1), 940.195, 940.20,

1 941.30, 942.08, 947.01 (1), or 947.013 obtained not more than 5 years before the date
2 on which that information was obtained, the department or entity shall make every
3 reasonable effort to contact the clerk of courts to obtain a copy of the criminal
4 complaint and judgment of conviction relating to that violation.

5 *History:* 1997 a. 27, 105, 237; 1999 a. 9, 32, 56, 185, 186; 2001 a. 109; 2005 a. 25, 184, 277, 351; 2007 a. 20 s. 9121 (6) (a); 2007 a. 97, 116, 130, 153, 172; 2009 a. 276.

6 **SECTION 8.** 59.54 (6) of the statutes is amended to read:

7 **59.54 (6) PEACE AND ORDER.** The board may enact and enforce ordinances to
8 preserve the public peace and good order within the county including, but not limited
9 by enumeration, ordinances prohibiting conduct that is the same as or similar to
10 conduct that is prohibited by ss. 947.01 (1) and 947.02, and provide a forfeiture for
a violation of the ordinances.

11 *History:* 1995 a. 201 ss. 146 to 149, 154 to 156, 159, 160, 162, 175 to 177, 179, 180, 183, 191, 193, 210 to 213, 222, 226 to 228, 274, 283, 366, 403, 404; 1995 a. 448 s. 59; 1997 a. 27, 35; 2001 a. 16; 2003 a. 193; 2005 a. 90; 2009 a. 42.

12 **SECTION 9.** 66.0409 (3) (b) of the statutes is amended to read:

13 **66.0409 (3) (b)** Nothing in this section prohibits a city, village or town that is
14 authorized to exercise village powers under s. 60.22 (3) from enacting an ordinance
15 or adopting a resolution that restricts the discharge of a firearm. Any ordinance or
resolution that restricts the discharge of a firearm does not apply if the actor's
conduct is justified or, had it been subject to a criminal penalty, would have been
subject to a defense of privilege as described in s. 939.45.

16 *History:* 1995 a. 72; 1999 a. 150 s. 260; Stats. 1999 s. 66.0409.

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

18 **66.0409 (6)** No person may be in violation of, or be charged with a violation of,
19 an ordinance of a political subdivision relating to disorderly conduct or other
20 inappropriate behavior for loading, carrying, or going armed with a handgun, as
21 defined in s. 175.35 (1) (b), without regard to whether the handgun is loaded or is
22 concealed or openly carried. Any ordinance in violation of this subsection is void.
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2 Insert 10-5

3 *10 9* Promulgate by rule a list of states that issue a permit, license, approval, or other
4 authorization to carry a concealed weapon if the permit, license, approval, or other
5 authorization requires, or provides the option for and designates that the individual

6 *0* choose the option of, a criminal background check. *that is comparable to a background check, as defined in s. 175.60(1)(a2)*
7
8 Insert 10-23

9 **SECTION 11.** 167.30 of the statutes is renumbered 167.30 (1).

10 **SECTION 12.** 167.30 (2) of the statutes is created to read:

11 167.30 (2) Subsection (1) does not apply to the discharge of a firearm if the
12 actor's conduct is justified or, had it been subject to a criminal penalty, would have
13 been subject to a defense of privilege as described in s. 939.45.

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

15 167.31 (1) (b) "Encased" means enclosed in a case ~~that is expressly made for~~
16 ~~the purpose of containing a firearm and~~ that is completely zipped, snapped, buckled,
17 tied or otherwise fastened with no part of the firearm exposed.

History: 1985 a. 36; 1987 a. 27, 353; 1991 a. 77; 1993 a. 147; 1995 a. 122, 201; 1997 a. 248, 249; 1999 a. 32, 158; 2001 a. 8, 56, 90, 108; 2003 a. 33, 139, 326; 2005 a. 169, 253, 286, 345; 2007 a. 97; 2009 a. 246.

18 **SECTION 14.** 167.31 (2) (a) of the statutes is amended to read:

19 167.31 (2) (a) Except as provided in sub. (4), no person may place, possess or
20 transport a firearm, ~~bow or crossbow~~ in or on a motorboat with the motor running,
21 unless the firearm is unloaded ~~or unless the bow or crossbow is unstrung or is~~
22 ~~enclosed in a carrying case.~~

History: 1985 a. 36; 1987 a. 27, 353; 1991 a. 77; 1993 a. 147; 1995 a. 122, 201; 1997 a. 248, 249; 1999 a. 32, 158; 2001 a. 8, 56, 90, 108; 2003 a. 33, 139, 326; 2005 a. 169, 253, 286, 345; 2007 a. 97; 2009 a. 246.

23 **SECTION 15.** 167.31 (2) (b) of the statutes is amended to read:

1 167.31 (2) (b) Except as provided in sub. (4), no person may place, possess or
2 transport a firearm, ~~bow or crossbow~~ in or on a vehicle, unless the firearm is unloaded
3 and encased ~~or unless the bow or crossbow is unstrung or is enclosed in a carrying~~
4 ease.

History: 1985 a. 36; 1987 a. 27, 353; 1991 a. 77; 1993 a. 147; 1995 a. 122, 201; 1997 a. 248, 249; 1999 a. 32, 158; 2001 a. 8, 56, 90, 108; 2003 a. 33, 139, 326; 2005 a. 169, 253, 286, 345; 2007 a. 97; 2009 a. 246.

5 **SECTION 16.** 167.31 (3) (a) of the statutes is amended to read:

6 167.31 (3) (a) Except as provided in sub. (4), no person may place, possess or
7 transport a firearm, ~~bow or crossbow~~ in or on an aircraft, unless the firearm is
8 unloaded and encased ~~or unless the bow or crossbow is unstrung or is enclosed in a~~
9 carrying case.

History: 1985 a. 36; 1987 a. 27, 353; 1991 a. 77; 1993 a. 147; 1995 a. 122, 201; 1997 a. 248, 249; 1999 a. 32, 158; 2001 a. 8, 56, 90, 108; 2003 a. 33, 139, 326; 2005 a. 169, 253, 286, 345; 2007 a. 97; 2009 a. 246.

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11 Insert 11-11

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

13 167.31 (4) (at) Subsections (2) (c) and (d) and (3) (b) do not apply to the
14 discharge of a firearm if the actor's conduct is justified or, had it been subject to a
15 criminal penalty, would have been subject to a defense of privilege as described in s.
16 939.45.

17 **SECTION 18.** 167.31 (4) (cm) of the statutes is amended to read:

18 167.31 (4) (cm) For purposes of pars. (c) and (cg), the exemption from sub. (2)
19 (b) under these paragraphs only applies only to the firearm, ~~bow or crossbow~~ being
20 used for hunting by the holder of the Class A or Class B permit under s. 29.193 (2).

History: 1985 a. 36; 1987 a. 27, 353; 1991 a. 77; 1993 a. 147; 1995 a. 122, 201; 1997 a. 248, 249; 1999 a. 32, 158; 2001 a. 8, 56, 90, 108; 2003 a. 33, 139, 326; 2005 a. 169, 253, 286, 345; 2007 a. 97; 2009 a. 246.

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22 Insert 15-7

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

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

10 (4) GOING ARMED WITH A FIREARM. This section does not limit an individual's
11 right to go armed with a firearm that is not concealed.

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13 Insert 17-2

14 No FF No conditions, limitations, or requirements that are not expressly provided for
15 in this section may be imposed on the issuance, scope, effect, or content of a license.

16 (b) This section does not limit an individual's right to carry a firearm that is
17 not concealed.

18
19 Insert 18-3

20 (bm) The reverse side of a license document issued under this section shall
21 contain the requirement under sub. (11) (b) that the licensee shall inform the
22 department of any address change no later than 30 days after his or her address
23 changes and the penalty for a violation of the requirement.

24
25 Insert 18-8

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

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

10
11 Insert 19-24

12 in an amount, as determined by the department by rule, that is equal to the cost
13 of issuing the license but not to exceed \$52. The department shall determine the
14 costs of issuing a license by using a 5-year planning period.

15
16 Insert 21-19

17 **(9r)** EMERGENCY LICENSE. (a) An individual who requires an immediate license
18 may petition ^{the} court in the county in which he or she resides for such a license. Unless
19 the court knows that the individual is ineligible for a license under sub. (3), a court
20 may issue a temporary license to an individual if the court determines that
21 immediate licensure is warranted to protect the individual from death or great bodily
22 harm, as defined in s. 939.22 (14).

23 (b) An emergency license issued under this subsection is valid for 30 days
24 unless revoked under par. (c).

as soon as practicable, - 9 -

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(c) If a court issues an emergency license under par. (a), the department shall conduct a background check on the individual. If the department determines that the individual is ineligible for a license under sub. (3), the department shall revoke the individual's emergency license.

Insert 23-4

2. For a first violation of subd. 1., the department must issue the licensee a warning.

3. A licensee may not be charged with a violation of subd. 1. if the department learns of the violation when the licensee informs the department of the address change later than 30 days after changing his or her address.

Insert 25-15

If a license document is lost, a licensee no longer has possession of the license, or a license document is destroyed, unreadable, or unusable, a licensee may submit to the department a statement requesting a replacement license document, the license document or any portions of the license document if available, and a \$15 replacement fee. The department shall issue a replacement license document to the licensee within 14 days of receiving the statement and fee. If the licensee does not submit the original license document to the department, the department shall terminate the unique approval number of the original request and issue a new unique approval number for the replacement request.

Insert 26-4

109

have

1 If the individual whose license was suspended is no longer subject to the
 2 prohibition under s. 969.02 (3) (c), sub. (3) (b), (c), (d), or (e) do not apply to the
 3 individual, and the suspended license would not have expired under sub. (15) (a) had it not
 4 been suspended, the department shall restore the license within 5 business days of
 5 notification that the licensee is no longer subject to the prohibition.

6
 7 Insert 28-24

8 in an amount, as determined by the department by rule, that is equal to the cost
 9 of renewing the license but not to exceed \$27. The department shall determine the
 10 costs of renewing a license by using a 5-year planning period.

11
 12 Insert 29-24

13 Except as provided in par. (am), a licensee or an out-of-state licensee may carry
 14 a concealed weapon or a weapon that is not concealed anywhere on publicly owned
 15 property and in publicly owned buildings in this state.

16
 17 Insert 30-12

18 c. A district attorney, or an assistant district attorney, who is a licensee may
 19 carry a concealed weapon in a courthouse if he or she is assigned a case that is
 20 scheduled to be tried in the courthouse.

21
 22 Insert 36-11

23 **SECTION 19.** 895.527 (5) (a) of the statutes is amended to read:

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

4 **History:** 1997 a. 242; 2001 a. 30; 2005 a. 155; 2009 a. 371.

5 Insert 41-17

6 **SECTION 20.** 941.295 (1) of the statutes is renumbered 941.295 (1m).

7 **SECTION 21.** 941.295 (1c) (b) and (c) of the statutes are created to read:

8 941.295 (1c) (b) "Licensee" has the meaning given in s. 175.60 (1) (d).

9 (c) "Out-of-state licensee" has the meaning given in s. 175.60 (1) (g).

10 **SECTION 22.** 941.295 (2) (intro.) of the statutes is amended to read:

11 941.295 (2) (intro.) Subsection (1) (1m) does not apply to any of the following:

12 **History:** 1981 c. 348; 1985 a. 29 s. 3200 (35); 1989 a. 31, 56; 2001 a. 109; 2007 a. 27, 128.

13 Insert 42-21

14 **SECTION 23.** 941.295 (4) of the statutes is renumbered 941.295 (1c) (intro.) and
 15 amended to read:

16 941.295 (1c) (intro.) In this section, "~~electric~~

17 (a) "Electric weapon" means any device which is designed, redesigned, used or
 18 intended to be used, offensively or defensively, to immobilize or incapacitate persons
 19 by the use of electric current.

20 **History:** 1981 c. 348; 1985 a. 29 s. 3200 (35); 1989 a. 31, 56; 2001 a. 109; 2007 a. 27, 128.

21 Insert 43-3

22 **SECTION 24.** 943.13 (1e) (cm) of the statutes is created to read:

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

1

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Insert 45-9 A

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SECTION 25. 947.01 of the statutes is renumbered 947.01 (1).

4

SECTION 26. 947.01 (2) of the statutes are created to read:

5

947.01 (2) A person is not in violation of, and may not be charged with a violation of, sub. (1) for loading, carrying, or going armed with a handgun, as defined in s. 175.35 (1) (b), without regard to whether the handgun is loaded or is concealed or openly carried.

9

SECTION 27. 947.011 (2) (a) 1. of the statutes is amended to read:

10

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

12

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History: 2005 a. 114.

SECTION 28. 947.011 (2) (c) 1. of the statutes is amended to read:

14

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

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History: 2005 a. 114.

SECTION 29. 947.011 (2) (d) of the statutes is amended to read:

17

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

18

19

History: 2005 a. 114.

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Insert 45-24

21

SECTION 30. 968.255 (1) (a) 2. of the statutes is amended to read:

22

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

23

1 **SECTION 31.** 971.37 (1m) (a) 2. of the statutes is amended to read:

2 **971.37 (1m) (a) 2.** An adult accused of or charged with a criminal violation of
3 s. 940.19, 940.20 (1m), 940.201, 940.225, 940.23, 940.285, 940.30, 940.42, 940.43,
4 940.44, 940.45, 940.48, 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49,
5 947.01 (1), 947.012 or 947.0125 and the conduct constituting the violation involved
6 an act by the adult person against his or her spouse or former spouse, against an
7 adult with whom the adult person resides or formerly resided or against an adult
8 with whom the adult person has created a child.

History: 1979 c. 111; 1981 c. 88, 366; 1983 a. 204; 1987 a. 27; 1987 a. 332 s. 64; 1991 a. 39; 1993 a. 227, 262, 319; 1995 a. 343, 353, 456; 1997 a. 35, 143; 2003 a. 139; 2005 a. 277.

9 **SECTION 32.** 973.055 (1) (a) 1. of the statutes is amended to read:

10 **973.055 (1) (a) 1.** The court convicts the person of a violation of a crime specified
11 in s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.19, 940.20 (1m), 940.201, 940.21,
12 940.225, 940.23, 940.235, 940.285, 940.30, 940.305, 940.31, 940.42, 940.43, 940.44,
13 940.45, 940.48, 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49, 947.01 (1),
14 947.012 or 947.0125 or of a municipal ordinance conforming to s. 940.201, 941.20,
15 941.30, 943.01, 943.011, 943.14, 943.15, 946.49, 947.01 (1), 947.012 or 947.0125; and

History: 1979 c. 111; 1979 c. 221 s. 2202 (20); 1979 c. 355; 1981 c. 20 s. 2202 (20) (s); 1983 a. 27 s. 2202 (20); 1987 a. 27; 1989 a. 31; 1991 a. 39; 1993 a. 262, 319; 1995 a. 27, 201, 343, 353; 1997 a. 27, 35, 143; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16; 2003 a. 33, 139, 225, 326, 327; 2007 a. 20, 97, 127.

941.295 (4) renumbered to (1c) (intro.)

(1c) (a)

INS
10-19

165.81; AM

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

939.22; AM

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

INS
36-
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(1c) (a)

948.60; AM

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

(1c) (a)

INS
45-9
ABP

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1066/2ins2
CMH:.....

1 Insert 45-9^β

2 SECTION 1. 948.605 (2) (b) (intro.) of the statutes is amended to read:

3 948.605 (2) (b) (intro.) Paragraph (a) does not apply to the possession of a
4 firearm by any of the following:

5 History: 1991 a. 17; 1993 a. 336; 2001 a. 109; 2005 a. 290; 2007 a. 27.

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

7 SECTION 3. 948.605 (2) (b) 1m. of the statutes is created to read:

8 948.605 (2) (b) 1m. A person who possesses the firearm in accordance with 18
9 USC 922 (q) (2) (B). For purposes of 18 USC (q) (2) (B), an out-of-state licensee, as
10 defined in s. 175.60 (1) (g), is the same as a licensee, as defined in s. 175.60 (1) (d).

11 SECTION 4. 948.605 (2) (b) 6. of the statutes is renumbered 948.605 (2) (b) 2m.
12 and amended to read:

13 948.605 (2) (b) 2m. ~~By a law enforcement officer or~~ A state-certified
14 commission warden acting in his or her official capacity; ~~or~~.

15 History: 1991 a. 17; 1993 a. 336; 2001 a. 109; 2005 a. 290; 2007 a. 27.

16 SECTION 5. 948.605 (2) (b) 8. of the statutes is renumbered 948.605 (2) (b) 3m.
17 and amended to read:

18 948.605 (2) (b) 8. ~~By a~~ A person who is legally hunting in a school forest if the
school board has decided that hunting may be allowed in the school forest under s.
120.13 (38).

History: 1991 a. 17; 1993 a. 336; 2001 a. 109; 2005 a. 290; 2007 a. 27.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1066/21ms

CMH:

dn
je
jf

Date

Larry:

For the most part, I don't think my changes are significant. I am just including them here for your reference:

1. See changes to the definition of "background check" (s. 175.60 (1) (ac)). I made the changes because listing every step of the check could be problematic. Someday NICs could be replaced by another check and then the definition will not work well with the actual check. That should have been changed last time so thanks for pointing out the issue.

2. See s. 175.60 (2m) (e) -- DOT employees are prohibited from using the information DOJ provides. I added the violation to the penalty section under s. 175.60 (17) (ag), a provision that provides penalties for similar offenses. The penalty would be a fine of not more than \$500 or a term of imprisonment of not more than 30 days or both (this is a criminal penalty). Is that OK? Note there is no similar criminal penalty under s. 175.49 (4) (e). A person who violated s. 175.49 (4) (e) would be subject to a \$200 forfeiture (s. 939.61 (1)). Is that OK?

3. I did not add "including a handgun" in the definition of "out-of-state license" (s. 175.60 (1) (f)). The term "weapon" is there and "weapon" is defined to include a handgun.

4. I put some of the language suggested to go under s. 175.50 (2) into ss. 175.48 and 175.49 (see the last subsections in each of those). OK?

5. I did not add hair color to s. 175.49 (4) (b) 2. although it has been added to s. 175.60 (2m) (b) 2. I did add hair color to s. 175.60 (5) (a).

6. Given the change to the s. 175.60 (3) (intro.), I changed the language around some cross-references to s. 175.60 (3).

7. Is "a 5-year planning period" under s. 175.60 (7) (bc) clear enough?

8. I added "by mail or other means made available by the department" to s. 175.60 (7) (intro.) instead of to s. 175.60 (9).

9. For the failure to notify the department of an address change, I am not sure I understand your language "The department must issue a warning upon a first

violation of this paragraph unless the person's license is suspended or revoked at the time of the violation." What happens if the license is suspended or revoked-- is he or she subject to the fine or does the department just not have to issue a warning? For now, I omitted the language. I put the penalty for a second or subsequent violation in s. 175.60 (17).

10. Under s. 175.60 (13), does the department issue a new number if only half of the document is returned for replacement? I am not sure if it matters, but it is unclear.

11. Please review s. 175.60 (9r), the emergency licensure subsection.

12. The language in s. 165.25 (12) needs some finessing. While you review the rest of the draft, I will finesse.

13. I need more information on reciprocity agreements. Out-of-state licensees are already covered. What would the agreements do? Or is this where the school-zone provisions come in?

14. I believe that -1066/1 already exempted licensees from the loading prohibition-- see s. 167.31 (4) (ar). Please let me know if I am misunderstanding your intent.

15. I did not eliminate the waiting period on handguns for persons issued an emergency licensure. OK?

16. I eliminated the .08 provisions per our conversation.

17. I have not done anything to the school zone provisions.

Cathlene Hanaman
Deputy Chief
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E-mail: cathlene.hanaman@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1066/2ins
CMH:kjf:rs

April 27, 2011

Our DIVE drafter, Robin Kae, is also reviewing the DIVE provisions, since I am not familiar with them, to ensure that your intent is realized.

Gen and Larry:

I incorporated many of the changes quite quickly and I am going to review the draft. In the meantime, especially since similar provisions are going into -1067, I thought you could look at the Larry draft, too. I just thought I should let you know in case some provisions change in the next version.

→ stays

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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1066/2dn
CMH:kjf:rs

April 27, 2011

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Changes to LRB 1066/2

Drafter's note 9 – if the license is suspended or revoked and the licensee or former licensee does not have his or her current address on record with the Department, the fine would apply to a first violation. If a licensee or former licensee's license is not suspended or revoked when the Department learns that the licensee did not update his or her address information, then only a warning may be issued for a first violation.

~~p. 16 In 20 – exceptions related to aircraft should only apply to non-commercial aircraft.~~

p. 21 In 22-p. 33 In 2 – I think that the definition of "out-of-state license" needs a reference to capture the designation on a license issued by another state, if any, that the licensee was subjected to a background check. (The list promulgated by the department under s. 165.25 (12) could include states that also provide licenses that do not require background checks and this definition should only incorporate those licenses that include this requirement or designation. Cathlene, this is why I thought that you needed a separate definition of "approved out-of-state license")

p. 22 In 18-19 – you may need to include reference to express limitations on a license included in statutes other than this section. (For instance, later statutes limit where the license permits carrying of a handgun)

p. 22 In 20-21 – this should also say something to the effect of "other than expressly provided in this section" – there is a list of places that a licensee is not allowed to carry a concealed OR unconcealed firearm later in this section.

~~p. 25 In 1-3 – remove these lines.~~

~~p. 27 In 15-17 – remove these lines.~~

p. 28 In 5-8 – don't require the department to do a background check, but void the emergency license if a background check conducted by the department pursuant to an application for a non-emergency requires the license to be denied.

p. 30 In 13-17 – this should prevent the listed entities from making this information available unless the condition is met.

p. 36 beginning at line 20 – add " or weapon that is not concealed" to all references to concealed weapons in subsection (16) where it is not already noted, or if you think it is more appropriate, just refer to a "weapon" instead of saying whether it is concealed or not.

p. 49 line 9 – beginning on this line and throughout the rest of s. 943.13, references to a concealed weapon should be changed to either concealed weapons or weapons that are not concealed, or just to weapons. (In other parts of the bill, it is important to still say both concealed and not concealed, like under s. 175.60 (16).)

p. 50 In 11 – remove the reference to orange signs here - blaze orange signage requirements should only apply to trespass for reason of possession of a weapon, not to trespass for other reasons (I mistakenly gave broader directions than that in the last round of instructions). Also, is subd. 2. missing?

p. 32 In 19-21 – also allow a person to satisfy this requirement by sending a signed statement to the department stating that they no longer have possession of their license document and why. Under sub. (17), change the penalty for a violation of this requirement (p. 38 In 5-8) to not more than \$500/up to 30 days/both.

Add a prohibition against intentional unlawful use of a license document that includes a list of prohibited acts similar to those under s. 343.43. The penalty for a violation of this prohibition should be \$500 to \$10,000, up to 9 months.

Remove the provision in the bill amending s. 885.235.

p. 52 In 20-21 – would you revise this to expressly state that the State of Wisconsin considers out-of-state licensees to be fully licensed under state law for purposes of 18 U.S.C. 922 (q) (2) (B) (ii)?

Reciprocity agreements – generally give the department authority to enter into reciprocity agreements with other states – this could be reciprocity for WI residents in other states or vice versa.

Add appropriation language as necessary.

CLASS
A

WI
license
other

Not
before
budget
passes