



# State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

## ☞ Appendix A ... segment X

### 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 an 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.

**BILL**

1           2. If an individual is carrying a concealed weapon and claims to hold a valid  
2 license issued under this section but does not have his or her license document, to  
3 confirm that an individual holds a valid license under this section.

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

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

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

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

17          **(13) LOST OR DESTROYED LICENSE.** If a license document is lost, a licensee no  
18 longer has possession of his or her license, or a license document is destroyed,  
19 unreadable, or unusable, a licensee may submit to the department a statement  
20 requesting a replacement license document, the license document or any portions of  
21 the license document if available, and a \$15 replacement fee. The department shall  
22 issue a replacement license document to the licensee within 14 days of receiving the  
23 statement and fee. If the licensee does not submit the original license document to  
24 the department, the department shall terminate the unique approval number of the

## BILL

1 original request and issue a new unique approval number for the replacement  
2 request.

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

6 (am) The department shall suspend a license issued under this section if a court  
7 has prohibited the licensee from possessing a dangerous weapon under s. 969.02 (3)  
8 (c). If the individual whose license was suspended is no longer subject to the  
9 prohibition under s. 969.02 (3) (c), sub. (3) (b), (c), or (d) <sup>does</sup> ~~do~~ not apply to the individual,  
10 and the suspended license would not have expired under sub. (15) (a) had it not been  
11 suspended, the department shall restore the license within 5 business days of  
12 notification that the licensee is no longer subject to the prohibition.

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

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

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

22 a. Deliver the license document personally or by certified mail to the  
23 department.

**BILL**

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

4           **(14g)** DEPARTMENTAL REVIEW. The department shall promulgate rules providing  
5 for the review of any action by the department denying an application for, or  
6 suspending or revoking, a license under this section.

7           **(14m)** APPEALS TO THE CIRCUIT COURT. (a) An individual aggrieved by any action  
8 by the department denying an application for, or suspending or revoking, a license  
9 under this section, may appeal directly to the circuit court of the county in which the  
10 individual resides without regard to whether the individual has sought review under  
11 the process established in sub. (14g).

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

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

23           (d) The department shall file an answer within 15 days after being served with  
24 the petition under par. (c). The answer shall include a brief statement of the actions

**BILL**

1 taken by the department. The department shall include with the answer when filed  
2 a copy of any documents or records on which the department based its action.

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

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

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

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

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

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

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

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

21 2. If the court reverses the department's action, the court may order the  
22 department to pay the aggrieved individual all court costs and reasonable attorney  
23 fees.

24 **(15) LICENSE EXPIRATION AND RENEWAL.** (a) Except as provided in par. (e) and  
25 sub. (9r) (b), a license issued under this section is valid for a period of 5 years from

**BILL**

1 the date on which the license is issued unless the license is suspended or revoked  
2 under sub. (14).

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

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

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

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

12 4. Pays all of the following:

13 a. A renewal fee in an amount, as determined by the department by rule, that  
14 is equal to the cost of renewing the license but does not exceed \$27. The department  
15 shall determine the costs of renewing a license by using a 5-year planning period.

16 b. A fee for a background check that is equal to the fee charged under s. 175.35  
17 (2i).

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

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

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

**BILL**

1           **(15m) EMPLOYER RESTRICTIONS.** (a) Except as provided in par. (b), an employer  
2 may prohibit a licensee or an out-of-state licensee that it employs from carrying a  
3 concealed weapon or a particular type of concealed weapon in the course of the  
4 licensee's or out-of-state licensee's employment or during any part of the licensee's  
5 or out-of-state licensee's course of employment.

6           (b) An employer may not prohibit a licensee or an out-of-state licensee, as a  
7 condition of employment, from carrying a concealed weapon, a particular type of  
8 concealed weapon, or ammunition or from storing a weapon, a particular type of  
9 weapon, or ammunition in the licensee's or out-of-state licensee's own motor vehicle,  
10 regardless of whether the motor vehicle is used in the course of employment or  
11 whether the motor vehicle is driven or parked on property used by the employer.

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

16           (am) 1. Except as provided in subd. 2., neither a licensee nor an out-of-state  
17 licensee may knowingly carry a concealed weapon or a weapon that is not concealed  
18 in any portion of a building that is a police station, sheriff's office, or state patrol  
19 station; a prison, jail, house of correction, or secured correctional facility; a county,  
20 state, or federal courthouse; a school administration office; or a place beyond a  
21 security checkpoint in an airport, unless the weapon is unloaded and encased for  
22 shipment as baggage to be transported by aircraft.

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

**BILL**

1 a. A parking facility located in a building that is used as, or any portion of which  
2 is used as, a location under subd. 1. if the weapon is in a vehicle driven or parked in  
3 the parking facility.

4 b. A judge who is a licensee and who presides over any courtroom in the  
5 courthouse may carry a weapon in the courthouse and may permit in writing any  
6 other licensee or out-of-state licensee to carry a weapon in the courthouse.

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

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

16 1. A person authorized to carry a weapon in the building by the chief of police  
17 of the city, village, or town or the sheriff of the county in which the building is located.

18 2. A person authorized to carry a weapon in the building by the chief of the  
19 capitol police, if the building is owned or leased by the state.

20 3. A person who leases residential or business premises in the building.

21 4. A parking facility that is located in the building if the concealed weapon is  
22 in a vehicle driven or parked in the parking facility.

23 (17) PENALTIES. (a) Any person who violates sub. (2g) (b) or (c) may be required  
24 to forfeit not more than \$25.



**BILL**

1 (ac) Except as provided in sub. (11) (b) 2., any person who violates sub. (11) (b)  
2 1. may be required to forfeit \$50.

3 (ag) Any person who violates sub. (2m) (e), (12), or (12g) may be fined not more  
4 than \$500 or sentenced to a term of imprisonment of not more than 30 days or both.

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

10 (b) Any person who violates sub. (16) (am) or (at) may be fined not more than  
11 \$500 or imprisoned for not more than 30 days or both.

12 (e) Any person required under sub. (14) (b) 3. to relinquish or deliver a license  
13 document to the department who intentionally violates the requirements of that  
14 subdivision shall be fined not more than \$500 and may be imprisoned for not more  
15 than 30 days or both.

16 **(18) RECIPROCITY AGREEMENTS.** The department may enter into reciprocity  
17 agreements with other states as to matters relating to licenses or other authorization  
18 to carry concealed weapons.

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

**BILL**

1 The department may not include in the report any information that may be used to  
2 identify an applicant or a licensee, including, but not limited to, a name, address,  
3 birth date, or social security number.

4 **(21) IMMUNITY.** (a) The department of justice, the department of  
5 transportation, and the employees of each department; clerks, as defined in sub. (11)  
6 (a) 1. a., and their staff; and court automated information systems, as defined under  
7 sub. (11) (a) 1. b., and their employees are immune from liability arising from any act  
8 or omission under this section, if done in good faith.

9 (b) A person that does not prohibit an individual from carrying a concealed  
10 weapon on property that the person owns or occupies is immune from any liability  
11 arising from its decision, if done in good faith.

12 (c) An employer that does not prohibit one or more employees from carrying a  
13 concealed weapon under sub. (15m) is immune from any liability arising from its  
14 decision, if done in good faith.

15 **SECTION 46.** 440.26 (3m) of the statutes is renumbered 440.26 (3m) (intro.) and  
16 amended to read:

17 440.26 **(3m)** RULES CONCERNING DANGEROUS WEAPONS. (intro.) The department  
18 shall promulgate rules relating to the carrying of dangerous weapons by a person  
19 who holds a license or permit issued under this section or who is employed by a  
20 person licensed under this section. The rules shall meet the minimum requirements  
21 specified in 15 USC 5902 (b); and shall allow all of the following:

22 **SECTION 47.** 440.26 (3m) (a) of the statutes is created to read:

23 440.26 **(3m)** (a) A person who is employed in this state by a public agency as  
24 a law enforcement officer to carry a concealed firearm if s. 941.23 (1) (e) 2. to 5. and  
25 (2) (b) 1. to 3. applies.

**BILL****SECTION 48**

1           **SECTION 48.** 440.26 (3m) (b) of the statutes is created to read:

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

4           **SECTION 49.** 440.26 (3m) (c) of the statutes is created to read:

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

7           **SECTION 50.** 440.26 (3m) (d) of the statutes is created to read:

8           440.26 **(3m)** (d) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state  
9 licensee, as defined in s. 175.60 (1) (g), to carry a concealed weapon as permitted  
10 under s. 175.60.

11           **SECTION 51.** 813.12 (6) (am) 1. of the statutes is amended to read:

12           813.12 **(6)** (am) 1. If an injunction is issued or extended under sub. (4) or if a  
13 tribal injunction is filed under s. 806.247 (3), the clerk of the circuit court shall notify  
14 the department of justice of the injunction and shall provide the department of  
15 justice with information concerning the period during which the injunction is in  
16 effect and information necessary to identify the respondent for purposes of a firearms  
17 restrictions record search under s. 175.35 (2g) (c) or a background check under s.  
18 175.60 (9g) (a).

19           **SECTION 52.** 813.122 (9) (am) 1. of the statutes is amended to read:

20           813.122 **(9)** (am) 1. If an injunction is issued or extended under sub. (5), the  
21 clerk of the circuit court shall notify the department of justice of the injunction and  
22 shall provide the department of justice with information concerning the period  
23 during which the injunction is in effect and information necessary to identify the  
24 respondent for purposes of a firearms restrictions record search under s. 175.35 (2g)  
25 (c) or a background check under s. 175.60 (9g) (a).

**BILL**

1           **SECTION 53.** 813.125 (5r) (a) of the statutes is amended to read:

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

9           **SECTION 54.** 895.527 (5) (a) of the statutes is amended to read:

10          895.527 **(5)** (a) Section 167.30 (1), 941.20 (1) (d) or 948.605 or any rule  
11 promulgated under those sections regulating or prohibiting the discharge of  
12 firearms.

13          **SECTION 55.** 938.396 (2g) (n) of the statutes is amended to read:

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

21          **SECTION 56.** 939.22 (10) of the statutes is amended to read:

22          939.22 **(10)** "Dangerous weapon" means any firearm, whether loaded or  
23 unloaded; any device designed as a weapon and capable of producing death or great  
24 bodily harm; any ligature or other instrumentality used on the throat, neck, nose, or  
25 mouth of another person to impede, partially or completely, breathing or circulation

**BILL****SECTION 56**

1 of blood; any electric weapon, as defined in s. 941.295 (4) (1c) (a); or any other device  
2 or instrumentality which, in the manner it is used or intended to be used, is  
3 calculated or likely to produce death or great bodily harm.

4 **SECTION 57.** 941.23 of the statutes is renumbered 941.23 (2) (intro.) and  
5 amended to read:

6 941.23 (2) (intro.) Any person ~~except a peace officer, other than one of the~~  
7 following, who ~~goes armed with~~ carries a concealed and dangerous weapon is guilty  
8 of a Class A misdemeanor. ~~Notwithstanding:~~

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

12 **SECTION 58.** 941.23 (1) of the statutes is created to read:

13 941.23 (1) In this section:

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

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

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

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

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

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

22 1. The person is employed by a state or local government agency in another  
23 state.

24 2. The agency has authorized the person to carry a firearm.

25 3. The person is not the subject of any disciplinary action by the agency.

**BILL**

1           4. The person meets all standards established by the agency to qualify the  
2 person on a regular basis to use a firearm.

3           5. The person is not prohibited under federal law from possessing a firearm.

4           **SECTION 59.** 941.23 (2) (b) of the statutes is created to read:

5           941.23 **(2)** (b) A qualified out-of-state law enforcement officer. This paragraph  
6 applies only if all of the following apply:

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

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

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

11          **SECTION 60.** 941.23 (2) (c) of the statutes is created to read:

12          941.23 **(2)** (c) A former law enforcement officer. This paragraph applies only  
13 if all of the following apply:

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

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

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

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

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

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

**BILL**

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

2           **SECTION 61.** 941.23 (2) (d) of the statutes is created to read:

3           941.23 (2) (d) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state  
4           licensee, as defined in s. 175.60 (1) (g), if the dangerous weapon is a weapon, as  
5           defined under s. 175.60 (1) (j). An individual formerly licensed under s. 175.60 whose  
6           license has been suspended or revoked under s. 175.60 (14) may not assert his or her  
7           refusal to accept a notice of revocation or suspension mailed under s. 175.60 (14) (b)  
8           1. as a defense to prosecution under this subsection, regardless of whether the person  
9           has complied with s. 175.60 (11) (b) 1.

10          **SECTION 62.** 941.23 (2) (e) of the statutes is created to read:

11          941.23 (2) (e) An individual carries a concealed and dangerous weapon, as  
12          defined in s. 175.60 (1) (j), in his or her own dwelling or place of business or on land  
13          that he or she owns, leases, or legally occupies.

14          **SECTION 63.** 941.23 (3) of the statutes is created to read:

15          941.23 (3) (a) A qualified out-of-state law enforcement officer shall, while  
16          carrying a concealed firearm, also have with him or her an identification card that  
17          contains his or her photograph and that was issued by the law enforcement agency  
18          by which he or she is employed.

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

21               1. A photographic identification document issued by the former officer's former  
22               employer that indicates that, within the 12 months preceding the date on which the  
23               former officer is carrying the concealed firearm, he or she was tested or otherwise  
24               found by his or her former employer to meet the standards for qualification in

**BILL**

1 firearms training that the employer sets for active duty law enforcement officers to  
2 carry a revolver or semiautomatic pistol, whichever the former officer is carrying.

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

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

7 b. A certification issued by the state in which the former officer resides, if the  
8 former officer resides in another state, that indicates that, within the 12 months  
9 preceding the date on which the former officer is carrying the concealed firearm, he  
10 or she was tested or otherwise found by that state to meet the standards for  
11 qualification in firearms training that the state sets for active duty law enforcement  
12 officers to carry a revolver or semiautomatic pistol, whichever the former officer is  
13 carrying.

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

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

18 **SECTION 64.** 941.235 (2) of the statutes is renumbered 941.235 (2) (intro.) and  
19 amended to read:

20 941.235 (2) (intro.) This section does not apply to ~~peace~~ any of the following:

21 (a) Peace officers or armed forces or military personnel who go armed in the line  
22 of duty or to any person duly authorized by the chief of police of any city, village or  
23 town, the chief of the capitol police, or the sheriff of any county to possess a firearm  
24 in any building under sub. (1). Notwithstanding s. 939.22 (22), for purposes of this



**BILL****SECTION 64**

1 ~~subsection paragraph~~, peace officer does not include a commission warden who is not  
2 a state-certified commission warden.

3 **SECTION 65.** 941.235 (2) (c) of the statutes is created to read:

4 941.235 (2) (c) A qualified out-of-state law enforcement officer, as defined in  
5 s. 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

6 **SECTION 66.** 941.235 (2) (d) of the statutes is created to read:

7 941.235 (2) (d) A former law enforcement officer, as defined in s. 941.23 (1) (c),  
8 to whom s. 941.23 (2) (c) 1. to 5. applies.

9 **SECTION 67.** 941.235 (2) (e) of the statutes is created to read:

10 941.235 (2) (e) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state  
11 licensee, as defined in s. 175.60 (1) (g), if the firearm is a handgun, as defined in s.  
12 175.60 (1) (bm).

13 **SECTION 68.** 941.237 (3) (cr) of the statutes is created to read:

14 941.237 (3) (cr) A qualified out-of-state law enforcement officer, as defined in  
15 s. 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

16 **SECTION 69.** 941.237 (3) (ct) of the statutes is created to read:

17 941.237 (3) (ct) 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 70.** 941.237 (3) (cx) of the statutes is created to read:

20 941.237 (3) (cx) 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 licensee or out-of-state licensee is not  
22 consuming alcohol on the premises and if the firearm is a handgun, as defined in s.  
23 175.60 (1) (bm).

24 **SECTION 71.** 941.237 (4) of the statutes is repealed.

25 **SECTION 72.** 941.295 (1) of the statutes is renumbered 941.295 (1m).

**BILL**

1           **SECTION 73.** 941.295 (1c) (b) and (c) of the statutes are created to read:

2           941.295 (1c) (b) "Licensee" has the meaning given in s. 175.60 (1) (d).

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

4           **SECTION 74.** 941.295 (2) (intro.) of the statutes is amended to read:

5           941.295 (2) (intro.) Subsection (1) (1m) does not apply to any of the following:

6           **SECTION 75.** 941.295 (2) (d) of the statutes is renumbered 941.295 (2) (d) (intro.)

7 and amended to read:

8           941.295 (2) (d) (intro.) Any manufacturer or seller whose of electric weapons  
9 ~~are used in this state solely by persons, unless the manufacturer or seller engages~~  
10 ~~in the conduct described in sub. (1m) with the intent to provide an electric weapon~~  
11 ~~to someone other than one of the following:~~

12           1. A person specified in pars. (a) to (c), a licensee, or an out-of-state licensee.

13           **SECTION 76.** 941.295 (2) (d) 2. of the statutes is created to read:

14           941.295 (2) (d) 2. A person for use in his or her dwelling or place of business  
15 or on land that he or she owns, leases, or legally occupies.

16           **SECTION 77.** 941.295 (2g) of the statutes is created to read:

17           941.295 (2g) The prohibition in sub. (1m) on possessing or going armed with  
18 an electric weapon does not apply to any of the following:

19           (a) A licensee or an out-of-state licensee.

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

23           **SECTION 78.** 941.295 (2r) of the statutes is created to read:

24           941.295 (2r) The prohibition in sub. (1m) on transporting an electric weapon  
25 does not apply to any of the following:

**BILL**

1 (a) A licensee or an out-of-state licensee.

2 (b) An individual who is not a licensee or an out-of-state licensee who  
3 transports an electric weapon if the electric weapon is enclosed within a carrying  
4 case.

5 **SECTION 79.** 941.295 (4) of the statutes is renumbered 941.295 (1c) (intro.) and  
6 amended to read:

7 941.295 (1c) (intro.) In this section, ~~“electric;~~

8 (a) “Electric weapon” means any device which is designed, redesigned, used or  
9 intended to be used, offensively or defensively, to immobilize or incapacitate persons  
10 by the use of electric current.

11 **SECTION 80.** 943.13 (1e) (a) of the statutes is renumbered 943.13 (1e) (ar).

12 **SECTION 81.** 943.13 (1e) (aL) of the statutes is created to read:

13 943.13 (1e) (aL) “Carry” has the meaning given in s. 175.60 (1) (ag).

14 **SECTION 82.** 943.13 (1e) (bm) of the statutes is created to read:

15 943.13 (1e) (bm) “Licensee” means a licensee, as defined in s. 176.60 (1) (d), or  
16 an out-of-state licensee, as defined in s. 175.60 (1) (g).

17 **SECTION 83.** 943.13 (1e) (cm) of the statutes is created to read:

18 943.13 (1e) (cm) “Nonresidential building” includes any privately or publicly  
19 owned building on the grounds of a university or college.

20 **SECTION 84.** 943.13 (1e) (g) of the statutes is created to read:

21 943.13 (1e) (g) “Weapon” has the meaning given in s. 175.60 (1) (j).

22 **SECTION 85.** 943.13 (1m) (b) of the statutes is amended to read:

23 943.13 (1m) (b) Enters or remains on any land of another after having been  
24 notified by the owner or occupant not to enter or remain on the premises. This

**BILL**

1 paragraph does not apply to a licensee if the owner's or occupant's intent is to prevent  
2 the licensee from carrying a weapon on the owner's or occupant's land.

3 **SECTION 86.** 943.13 (1m) (c) of the statutes is created to read:

4 943.13 (1m) (c) 1. While carrying a weapon, enters or remains at a residence  
5 that the person does not own or occupy after the owner of the residence, if he or she  
6 has not leased it to another person, or the occupant of the residence has notified the  
7 actor not to enter or remain at the residence while carrying a weapon or with that  
8 type of weapon. In this subdivision, "residence," with respect to a single-family  
9 residence, includes the residence building and the parcel of land upon which the  
10 residence building is located, and "residence," with respect to a residence that is not  
11 a single-family residence, does not include any common area of the building in which  
12 the residence is located or any common areas of the rest of the parcel of land upon  
13 which the residence building is located.

14 2. While carrying a weapon, enters or remains in any part of a nonresidential  
15 building that the person does not own or occupy after the owner of the building, if that  
16 part of the building has not been leased to another person, or the occupant of that  
17 part of the building has notified the actor not to enter or remain in that part of the  
18 building while carrying a weapon or with that type of weapon. This subdivision does  
19 not apply to a part of a building occupied by the state or one of its political  
20 subdivisions or, if the weapon is in a vehicle driven or parked in the parking facility,  
21 to any part of a building used as a parking facility.

22 **SECTION 87.** 943.13 (2) of the statutes is renumbered 943.13 (2) (am), and  
23 943.13 (2) (am) (intro.) and 1., as renumbered, are amended to read:

24 943.13 (2) (am) (intro.) A person has received notice from the owner or occupant  
25 within the meaning of sub. (1m) (b), (e) or (f) if he or she has been notified personally,

**BILL****SECTION 87**

1 either orally or in writing, or if the land is posted. Land is considered to be posted  
2 under this ~~subsection~~ paragraph under either of the following procedures:

3 1. If a sign at least 11 inches square is placed in at least 2 conspicuous places  
4 for every 40 acres to be protected. The sign must ~~carry~~ provide an appropriate notice  
5 and the name of the person giving the notice followed by the word "owner" if the  
6 person giving the notice is the holder of legal title to the land and by the word  
7 "occupant" if the person giving the notice is not the holder of legal title but is a lawful  
8 occupant of the land. Proof that appropriate signs as provided in this ~~paragraph~~  
9 subdivision were erected or in existence upon the premises to be protected prior to  
10 the event complained of shall be prima facie proof that the premises to be protected  
11 were posted as provided in this ~~paragraph~~ subdivision.

12 **SECTION 88.** 943.13 (2) (bm) of the statutes is created to read:

13 943.13 (2) (bm) 1. In this paragraph, "sign" means a sign that states a  
14 restriction imposed under subd. 2. that is at least 8.5 inches by 11 inches and colored  
15 orange as described in s. 29.301 (2).

16 2. For the purposes of sub. (1m) (c) 2., an owner or occupant of a part of a  
17 nonresidential building has notified an individual not to enter or remain in that part  
18 of the nonresidential building while carrying a weapon or with a particular type of  
19 weapon if the owner or occupant has posted a sign that is located in a prominent place  
20 near all of the entrances to the part of the nonresidential building to which the  
21 restriction applies and any individual entering the nonresidential building can be  
22 reasonably expected to see the sign.

23 **SECTION 89.** 943.13 (3) of the statutes is amended to read:

24 943.13 (3) Whoever erects on the land of another signs which are the same as  
25 or similar to those described in sub. (2) (am) without obtaining the express consent

**BILL**

1 of the lawful occupant of or holder of legal title to such land is subject to a Class C  
2 forfeiture.

3 **SECTION 90.** 946.71 of the statutes is created to read:

4 **946.71 Unlawful use of license for carrying concealed weapons. (1)** In  
5 this section, "license" means a valid license issued under s. 175.60 (2) or (9r).

6 **(2)** Whoever does any of the following is guilty of a Class A misdemeanor:

7 (a) Intentionally represents as valid any revoked, suspended, fictitious, or  
8 fraudulently altered license.

9 (b) If the actor holds a license, intentionally sells or lends the license to any  
10 other individual or knowingly permits another individual to use the license.

11 (c) Intentionally represents as one's own any license not issued to him or her.

12 (d) If the actor holds a license, intentionally permits any unlawful use of that  
13 license.

14 (e) Intentionally reproduces by any means whatever a copy of a license.

15 (f) Intentionally defaces or intentionally alters a license.

16 **SECTION 91.** 947.01 of the statutes is renumbered 947.01 (1).

17 **SECTION 92.** 947.01 (2) of the statutes is created to read:

18 947.01 **(2)** A person is not in violation of, and may not be charged with a  
19 violation of, sub. (1) for loading, carrying, or going armed with a handgun, as defined  
20 in s. 175.35 (1) (b), without regard to whether the handgun is loaded or is concealed  
21 or openly carried.

22 **SECTION 93.** 947.011 (2) (a) 1. of the statutes is amended to read:

23 947.011 **(2)** (a) 1. Engage in conduct that is prohibited under s. 947.01 (1) within  
24 500 feet of any entrance to a facility being used for the service with the intent to  
25 disrupt the service.

**BILL****SECTION 94**

1           **SECTION 94.** 947.011 (2) (c) 1. of the statutes is amended to read:

2           947.011 (2) (c) 1. Engage in conduct that is prohibited under s. 947.01 (1) within  
3           500 feet of any entrance to a facility being used for the service.

4           **SECTION 95.** 947.011 (2) (d) of the statutes is amended to read:

5           947.011 (2) (d) No person may impede vehicles that are part of a funeral  
6           procession if the person's conduct violates s. 947.01 (1).

7           **SECTION 96.** 948.60 (1) of the statutes is amended to read:

8           948.60 (1) In this section, "dangerous weapon" means any firearm, loaded or  
9           unloaded; any electric weapon, as defined in s. 941.295 (4) (1c) (a); metallic knuckles  
10          or knuckles of any substance which could be put to the same use with the same or  
11          similar effect as metallic knuckles; a nunchaku or any similar weapon consisting of  
12          2 sticks of wood, plastic or metal connected at one end by a length of rope, chain, wire  
13          or leather; a cestus or similar material weighted with metal or other substance and  
14          worn on the hand; a shuriken or any similar pointed star-like object intended to  
15          injure a person when thrown; or a manrikigusari or similar length of chain having  
16          weighted ends.

17          **SECTION 97.** 948.605 (2) (b) (intro.) of the statutes is amended to read:

18          948.605 (2) (b) (intro.) Paragraph (a) does not apply to the possession of a  
19          firearm by any of the following:

20          **SECTION 98.** 948.605 (2) (b) 1. to 5. and 7. of the statutes are repealed.

21          **SECTION 99.** 948.605 (2) (b) 1m. of the statutes is created to read:

22          948.605 (2) (b) 1m. A person who possesses the firearm in accordance with 18  
23          USC 922 (q) (2) (B). For purposes of 18 USC (q) (2) (B) (ii), an out-of-state licensee,  
24          as defined in s. 175.60 (1) (g), is fully licensed under the laws of this state. ✓

if the possession is  
Exception on school premises, as defined in s. 948.61  
/ (1) (c),

**BILL**

1           **SECTION 100.** 948.605 (2) (b) 6. of the statutes is renumbered 948.605 (2) (b) 2m.  
2 and amended to read:

3           948.605 (2) (b) 2m. ~~By a law enforcement officer or~~ A state-certified  
4 commission warden acting in his or her official capacity; ~~or.~~

5           **SECTION 101.** 948.605 (2) (b) 8. of the statutes is renumbered 948.605 (2) (b) 3m.  
6 and amended to read:

7           948.605 (2) (b) 3m. ~~By a~~ A person who is legally hunting in a school forest if  
8 the school board has decided that hunting may be allowed in the school forest under  
9 s. 120.13 (38).

10           **SECTION 102.** 948.61 (3m) of the statutes is created to read: ✓

11           948.61 (3m) This section does not apply to the possession of a weapon, as  
12 defined in s. 175.60 (1) (j), other than a handgun, ~~as defined in s. 175.60 (1) (bm), by~~  
13 a licensee, as defined in s. 175.60 (1) (d), or an out-of-state licensee, as defined in s.  
14 175.60 (1) (g).

15           **SECTION 103.** 968.255 (1) (a) 2. of the statutes is amended to read:

16           968.255 (1) (a) 2. Arrested for any misdemeanor under s. 167.30 (1), 940.19,  
17 941.20 (1), 941.23, 941.237, 941.24, 948.60, or 948.61.

18           **SECTION 104.** 971.37 (1m) (a) 2. of the statutes is amended to read:

19           971.37 (1m) (a) 2. An adult accused of or charged with a criminal violation of  
20 s. 940.19, 940.20 (1m), 940.201, 940.225, 940.23, 940.285, 940.30, 940.42, 940.43,  
21 940.44, 940.45, 940.48, 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49,  
22 947.01 (1), 947.012 or 947.0125 and the conduct constituting the violation involved  
23 an act by the adult person against his or her spouse or former spouse, against an  
24 adult with whom the adult person resides or formerly resided or against an adult  
25 with whom the adult person has created a child.



**BILL****SECTION 105**

1           **SECTION 105.** 973.055 (1) (a) 1. of the statutes is amended to read:

2           973.055 (1) (a) 1. The court convicts the person of a violation of a crime specified  
3 in s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.19, 940.20 (1m), 940.201, 940.21,  
4 940.225, 940.23, 940.235, 940.285, 940.30, 940.305, 940.31, 940.42, 940.43, 940.44,  
5 940.45, 940.48, 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49, 947.01 (1),  
6 947.012 or 947.0125 or of a municipal ordinance conforming to s. 940.201, 941.20,  
7 941.30, 943.01, 943.011, 943.14, 943.15, 946.49, 947.01 (1), 947.012 or 947.0125; and

8           **SECTION 106. Nonstatutory provisions.**

9           (1) Using the procedure under section 227.24 of the statutes, the department  
10 of justice shall promulgate rules required under section 165.25 (12) of the statutes,  
11 as created by this act, for the period before the effective date of the permanent rules  
12 promulgated under those sections, but not to exceed the period authorized under  
13 section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a),  
14 (2) (b), and (3) of the statutes, the department is not required to provide evidence that  
15 promulgating a rule under this subsection as an emergency rule is necessary for the  
16 preservation of public peace, health, safety, or welfare and is not required to provide  
17 a finding of an emergency for a rule promulgated under this subsection.

18           **SECTION 107. Effective dates.** This act takes effect on the first day of the 4th  
19 month beginning after publication, except as follows:

20           (1) The treatment of sections 165.25 (12), 175.49 (4), and 175.60 (2m) and (5)  
21 of the statutes and SECTION 106 (1) of this act take effect on the day after publication.

22

(END)

**2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1066/3ins2  
CMH:.....

1           Insert A

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

## Hanaman, Cathlene

---

**From:** Konopacki, Larry  
**Sent:** Friday, April 29, 2011 1:42 PM  
**To:** Hanaman, Cathlene  
**Cc:** Esser, Jennifer  
**Subject:** LRB 1066/3

Hi Cathlene, I only found two other things in my review of the /3 draft:

- Remove "s. 941.20 (1) (b)" from the list of exceptions on page 23, line 18. This prohibition applies without being listed here because it does not reference a "place" where a person cannot be armed, and if it remains in this list it could be argued that this is the ONLY paragraph in s. 941.20 that would apply to a person carrying a concealed weapon.
- p. 51, ln 21 - Qualify the prohibition so that it only applies to reproductions made for a purpose which is unlawful under that section.

**And, as noted earlier in our conversation:**

- allow public buildings not listed as being a place where carrying a firearm is prohibited under (16) to be closed by the public entity with management and control of the building by erection of signage similar to that required for closure of non-residential private buildings. Keep the exceptions on p. 38 ln 3-4 for buildings closed in this manner. (This also makes the electronic screening/locked storage provision obsolete, so it can be removed)
- remove provisions allowing sheriffs/chiefs to authorize firearms possession in places otherwise closed to firearms possession.

Thanks,

Larry

---

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