



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

☞ Appendix A ... segment XII

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.

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

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

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

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

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

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

24 3. Neither a law enforcement agency nor any of its employees may sort or access
25 information regarding vehicle stops, investigations, civil or criminal offenses, or

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1 other activities involving the agency based on the status as licensees of any
2 individuals involved.

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

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

16 (am) The department shall suspend a license issued under this section if a court
17 has prohibited the licensee from possessing a dangerous weapon under s. 969.02 (3)
18 (c). If the individual whose license was suspended is no longer subject to the
19 prohibition under s. 969.02 (3) (c), sub. (3) (b), (c), or (d) does not apply to the
20 individual, and the suspended license would not have expired under sub. (15) (a) had
21 it not been suspended, the department shall restore the license within 5 business
22 days of notification that the licensee is no longer subject to the prohibition.

23 (b) 1. If the department suspends or revokes a license issued under this section,
24 the department shall send the individual whose license has been suspended or

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1 revoked notice of the suspension or revocation by certified mail within one day after
2 the suspension or revocation.

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

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

8 a. Deliver the license document personally or by certified mail to the
9 department.

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

13 **(14g) DEPARTMENTAL REVIEW.** The department shall promulgate rules providing
14 for the review of any action by the department denying an application for, or
15 suspending or revoking, a license under this section.

16 **(14m) APPEALS TO THE CIRCUIT COURT.** (a) An individual aggrieved by any action
17 by the department denying an application for, or suspending or revoking, a license
18 under this section, may appeal directly to the circuit court of the county in which the
19 individual resides without regard to whether the individual has sought review under
20 the process established in sub. (14g).

21 (b) To begin an appeal under this subsection, the aggrieved individual shall file
22 a petition for review with the clerk of the applicable circuit court within 30 days of
23 receiving notice of denial of an application for a license or of suspension or revocation
24 of a license. The petition shall state the substance of the department's action from
25 which the individual is appealing and the grounds upon which the individual

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1 believes the department's action to be improper. The petition may include a copy of
2 any records or documents that are relevant to the grounds upon which the individual
3 believes the department's action to be improper.

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

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

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

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

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

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

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

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

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

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

5 2. If the court reverses the department's action, the court may order the
6 department to pay the aggrieved individual all court costs and reasonable attorney
7 fees.

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

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

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

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

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

21 4. Pays all of the following:

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

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

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

11 **(15m) EMPLOYER RESTRICTIONS.** (a) Except as provided in par. (b), an employer
12 may prohibit a licensee or an out-of-state licensee that it employs from carrying a
13 concealed weapon or a particular type of concealed weapon in the course of the
14 licensee's or out-of-state licensee's employment or during any part of the licensee's
15 or out-of-state licensee's course of employment.

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

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

except as provided in s 943.13(1m), c) 3.

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

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

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

12 b. A judge who is a licensee may carry a weapon in a courthouse and may permit
13 in writing any other licensee or out-of-state licensee to carry a weapon in a
14 courthouse.

15 c. A district attorney, or an assistant district attorney, who is a licensee may
16 carry a weapon in a courthouse.

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

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

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

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

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

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

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

10 (ag) Any person who violates sub. (2m) (e), (12), or (12g) may be fined not more
11 than \$500 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) (am) or (at) may be fined not more than
18 \$500 or imprisoned for not more than 30 days or both.

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

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

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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.

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

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

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

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

24 **440.26 (3m) RULES CONCERNING DANGEROUS WEAPONS.** (intro.) The department
25 shall promulgate rules relating to the carrying of dangerous weapons by a person

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1 who holds a license or permit issued under this section or who is employed by a
2 person licensed under this section. The rules shall meet the minimum requirements
3 specified in 15 USC 5902 (b), and shall allow all of the following:

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

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

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

9 440.26 (3m) (b) A qualified out-of-state law enforcement officer, as defined in
10 s. 941.23 (1) (e), to carry a concealed firearm if s. 941.23 (2) (b) 1. to 3. applies.

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

12 440.26 (3m) (c) A former law enforcement officer, as defined in s. 941.23 (1) (c),
13 to carry a concealed firearm if s. 941.23 (2) (c) 1. to 5. applies.

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

15 440.26 (3m) (d) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state
16 licensee, as defined in s. 175.60 (1) (g), to carry a concealed weapon as permitted
17 under s. 175.60.

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

19 813.12 (6) (am) 1. If an injunction is issued or extended under sub. (4) or if a
20 tribal injunction is filed under s. 806.247 (3), the clerk of the circuit court shall notify
21 the department of justice of the injunction and shall provide the department of
22 justice with information concerning the period during which the injunction is in
23 effect and information necessary to identify the respondent for purposes of a firearms
24 restrictions record search under s. 175.35 (2g) (c) or a background check under s.
25 175.60 (9g) (a).

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

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

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

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

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

17 895.527 **(5)** (a) Section 167.30 (1), 941.20 (1) (d) or 948.605 or any rule
18 promulgated under those sections regulating or prohibiting the discharge of
19 firearms.

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

21 938.396 **(2g)** (n) *Firearms restriction record search or background check.* If a
22 juvenile is adjudged delinquent for an act that would be a felony if committed by an
23 adult, the court clerk shall notify the department of justice of that fact. No other
24 information from the juvenile's court records may be disclosed to the department of
25 justice except by order of the court. The department of justice may disclose any

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1 information provided under this subsection only as part of a firearms restrictions
2 record search under s. 175.35 (2g) (c) or a background check under s. 175.60 (9g) (a).

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

4 939.22 (10) "Dangerous weapon" means any firearm, whether loaded or
5 unloaded; any device designed as a weapon and capable of producing death or great
6 bodily harm; any ligature or other instrumentality used on the throat, neck, nose, or
7 mouth of another person to impede, partially or completely, breathing or circulation
8 of blood; any electric weapon, as defined in s. 941.295 (4) (1c) (a); or any other device
9 or instrumentality which, in the manner it is used or intended to be used, is
10 calculated or likely to produce death or great bodily harm.

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

13 941.23 (2) (intro.) Any person ~~except a peace officer, other than one of the~~
14 following, who goes armed with carries a concealed and dangerous weapon is guilty
15 of a Class A misdemeanor. ~~Notwithstanding:~~

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

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

20 941.23 (1) In this section:

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

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

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

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

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

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

4 1. The person is employed by a state or local government agency in another
5 state.

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

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

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

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

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

12 941.23 (2) (b) A qualified out-of-state law enforcement officer. This paragraph
13 applies only if all of the following apply:

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

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

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

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

19 941.23 (2) (c) A former law enforcement officer. This paragraph applies only
20 if all of the following apply:

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

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

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

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

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

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

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

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

12 941.23 (2) (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), if the dangerous weapon is a weapon, as
14 defined under s. 175.60 (1) (j). An individual formerly licensed under s. 175.60 whose
15 license has been suspended or revoked under s. 175.60 (14) may not assert his or her
16 refusal to accept a notice of revocation or suspension mailed under s. 175.60 (14) (b)
17 1. as a defense to prosecution under this subsection, regardless of whether the person
18 has complied with s. 175.60 (11) (b) 1.

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

20 941.23 (2) (e) An individual carries a concealed and dangerous weapon, as
21 defined in s. 175.60 (1) (j), in his or her own dwelling or place of business or on land
22 that he or she owns, leases, or legally occupies.

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

24 941.23 (3) (a) A qualified out-of-state law enforcement officer shall, while
25 carrying a concealed firearm, also have with him or her an identification card that

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1 contains his or her photograph and that was issued by the law enforcement agency
2 by which he or she is employed.

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

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

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

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

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

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

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

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

3 941.235 (2) (intro.) This section does not apply to ~~peace~~ any of the following:

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

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

11 941.235 (2) (c) A qualified out-of-state law enforcement officer, as defined in
12 s. 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

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

14 941.235 (2) (d) A former law enforcement officer, as defined in s. 941.23 (1) (c),
15 to whom s. 941.23 (2) (c) 1. to 5. applies.

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

17 941.235 (2) (e) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state
18 licensee, as defined in s. 175.60 (1) (g), if the firearm is a handgun, as defined in s.
19 175.60 (1) (bm).

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

21 941.237 (3) (cr) A qualified out-of-state law enforcement officer, as defined in
22 s. 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

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

24 941.237 (3) (ct) A former law enforcement officer, as defined in s. 941.23 (1) (c),
25 to whom s. 941.23 (2) (c) 1. to 5. applies.

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

2 941.237 (3) (cx) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state
3 licensee, as defined in s. 175.60 (1) (g), if the licensee or out-of-state licensee is not
4 consuming alcohol on the premises and if the firearm is a handgun, as defined in s.
5 175.60 (1) (bm).

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

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

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

9 941.295 (1c) (b) "Licensee" has the meaning given in s. 175.60 (1) (d).

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

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

12 941.295 (2) (intro.) Subsection (4) (1m) does not apply to any of the following:

13 **SECTION 75.** 941.295 (2) (d) of the statutes is renumbered 941.295 (2) (d) (intro.)
14 and amended to read:

15 941.295 (2) (d) (intro.) Any manufacturer or seller ~~whose~~ of electric weapons
16 ~~are used in this state solely by persons, unless the manufacturer or seller engages~~
17 ~~in the conduct described in sub. (1m) with the intent to provide an electric weapon~~
18 ~~to someone other than one of the following~~:

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

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

21 941.295 (2) (d) 2. A person for use in his or her dwelling or place of business
22 or on land that he or she owns, leases, or legally occupies.

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

24 941.295 (2g) The prohibition in sub. (1m) on possessing or going armed with
25 an electric weapon does not apply to any of the following:

BILL

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

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

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

6 941.295 (2r) The prohibition in sub. (1m) on transporting an electric weapon
7 does not apply to any of the following:

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

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

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

14 941.295 (1c) (intro.) In this section, ~~“electric~~:

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

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

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

20 943.13 (1e) (aL) “Carry” has the meaning given in s. 175.60 (1) (ag).

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

22 943.13 (1e) (bm) “Licensee” means a licensee, as defined in s. 176.60 (1) (d), or
23 an out-of-state licensee, as defined in s. 175.60 (1) (g).

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

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

3 **SECTION 84.** 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 85.** 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 weapon on the owner's or occupant's land.

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

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

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

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SECTION 86

1 not apply to a part of a building occupied by the state or one of its political
2 subdivisions or, if the weapon is in a vehicle driven or parked in the parking facility,
3 to any part of a building used as a parking facility.

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4 **SECTION 87.** 943.13 (2) of the statutes is renumbered 943.13 (2) (am), and
5 943.13 (2) (am) (intro.) and 1., as renumbered, are amended to read:

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

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

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

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

23 2. For the purposes of sub. (1m) (c) 2., ^{and 3.} an owner or occupant of a part of a
24 nonresidential building has notified an individual not to enter or remain in that part
25 of the nonresidential building while carrying a weapon or with a particular type of

or the state or any political subdivision of
the state

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state, or political subdivision of the state

1 weapon if the owner or occupant has posted a sign that is located in a prominent place
 2 near all of the entrances to the part of the nonresidential building to which the
 3 restriction applies and any individual entering the nonresidential building can be
 4 reasonably expected to see the sign.

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

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

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

11 **946.71 Unlawful use of license for carrying concealed weapons. (1)** In
 12 this section, "license" means a license issued under s. 175.60 (2) or (9r).

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

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

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

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

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

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

(f) Intentionally defaces or intentionally alters a license.

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

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

for a purpose that is prohibited under this subsection

BILL**SECTION 92**

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

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

6 947.011 (2) (a) 1. Engage in conduct that is prohibited under s. 947.01 (1) within
7 500 feet of any entrance to a facility being used for the service with the intent to
8 disrupt the service.

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

10 947.011 (2) (c) 1. Engage in conduct that is prohibited under s. 947.01 (1) within
11 500 feet of any entrance to a facility being used for the service.

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

13 947.011 (2) (d) No person may impede vehicles that are part of a funeral
14 procession if the person's conduct violates s. 947.01 (1).

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

16 948.60 (1) In this section, "dangerous weapon" means any firearm, loaded or
17 unloaded; any electric weapon, as defined in s. 941.295 (4) (1c) (a); metallic knuckles
18 or knuckles of any substance which could be put to the same use with the same or
19 similar effect as metallic knuckles; a nunchaku or any similar weapon consisting of
20 2 sticks of wood, plastic or metal connected at one end by a length of rope, chain, wire
21 or leather; a cestus or similar material weighted with metal or other substance and
22 worn on the hand; a shuriken or any similar pointed star-like object intended to
23 injure a person when thrown; or a manrikigusari or similar length of chain having
24 weighted ends.

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

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1 948.605 (2) (b) (intro.) Paragraph (a) does not apply to the possession of a
2 firearm by any of the following:

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

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

5 948.605 (2) (b) 1m. Except if the possession is on school premises, as defined
6 in s. 948.61 (1) (c), a person who possesses the firearm in accordance with 18 USC
7 922 (q) (2) (B). For purposes of 18 USC (q) (2) (B) (ii), an out-of-state licensee, as
8 defined in s. 175.60 (1) (g), is fully licensed under the laws of this state.

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

11 948.605 (2) (b) 2m. ~~By a law enforcement officer or~~ A state-certified
12 commission warden acting in his or her official capacity; ~~or,~~

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

15 948.605 (2) (b) 3m. ~~By a~~ A person who is legally hunting in a school forest if
16 the school board has decided that hunting may be allowed in the school forest under
17 s. 120.13 (38).

18 **SECTION 102.** 968.255 (1) (a) 2. of the statutes is amended to read:

19 968.255 (1) (a) 2. Arrested for any misdemeanor under s. 167.30 (1), 940.19,
20 941.20 (1), 941.23, 941.237, 941.24, 948.60, or 948.61.

21 **SECTION 103.** 971.37 (1m) (a) 2. of the statutes is amended to read:

22 971.37 (1m) (a) 2. An adult accused of or charged with a criminal violation of
23 s. 940.19, 940.20 (1m), 940.201, 940.225, 940.23, 940.285, 940.30, 940.42, 940.43,
24 940.44, 940.45, 940.48, 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49,
25 947.01 (1), 947.012 or 947.0125 and the conduct constituting the violation involved

BILL**SECTION 103**

1 an act by the adult person against his or her spouse or former spouse, against an
2 adult with whom the adult person resides or formerly resided or against an adult
3 with whom the adult person has created a child.

4 **SECTION 104.** 973.055 (1) (a) 1. of the statutes is amended to read:

5 973.055 (1) (a) 1. The court convicts the person of a violation of a crime specified
6 in s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.19, 940.20 (1m), 940.201, 940.21,
7 940.225, 940.23, 940.235, 940.285, 940.30, 940.305, 940.31, 940.42, 940.43, 940.44,
8 940.45, 940.48, 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49, 947.01 (1),
9 947.012 or 947.0125 or of a municipal ordinance conforming to s. 940.201, 941.20,
10 941.30, 943.01, 943.011, 943.14, 943.15, 946.49, 947.01 (1), 947.012 or 947.0125; and

11 **SECTION 105. Nonstatutory provisions.**

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

21 **SECTION 106. Effective dates.** This act takes effect on the first day of the 4th
22 month beginning after publication, except as follows:

23 (1) The treatment of sections 165.25 (12), 175.49 (4), and 175.60 (2m) and (5)
24 of the statutes and SECTION 105 (1) of this act take effect on the day after publication.

25 (END)

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1066/4ins
CMH:.....

1 Insert 50-4

2 3. While carrying a weapon, enters or remains in any part of a nonresidential
3 building that is owned, occupied, or controlled by the state or any political
4 subdivision of the state, excluding any building under s. 175.60 (16) (am) 1., if the
5 state or political subdivision has notified the actor not to enter or remain in the
6 building while carrying a weapon or with that type of weapon. This subdivision does
7 not apply to a person who leases residential or business premises in the building or,
8 if the weapon is in a vehicle driven or parked in the parking facility, to any part of
9 a building used as a parking facility.

10

the

or portion of building
a building