



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

☞ Appendix A ... segment XVI

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

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

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

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

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

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

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

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1 the department, the department shall terminate the unique approval number of the
2 original request and issue a new unique approval number for the replacement
3 request.

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

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

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

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

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

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

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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

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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

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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).

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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, except as provided in s. 943.13
15 (1m) (c) 3., in publicly owned buildings in 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; or a place beyond a security checkpoint in an airport,
21 unless the weapon is unloaded and encased for shipment as baggage to be
22 transported by aircraft.

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

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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 may carry a weapon in a courthouse and may permit
5 in writing any other licensee or out-of-state licensee to carry a weapon in a
6 courthouse.

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

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

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

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

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

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

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

BILL**SECTION 45**

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

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

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

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

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

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

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

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

9 **440.26 (3m)** (a) A person who is employed in this state by a public agency as
10 a law enforcement officer to carry a concealed firearm if s. 941.23 (1) (e) 2. to 5. and
11 (2) (b) 1. to 3. applies.

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

13 **440.26 (3m)** (b) A qualified out-of-state law enforcement officer, as defined in
14 s. 941.23 (1) (e), to carry a concealed firearm if s. 941.23 (2) (b) 1. to 3. applies.

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

16 **440.26 (3m)** (c) A ~~former law enforcement~~^{retired} officer, as defined in s. 941.23 (1) (d),
17 to carry a concealed firearm if s. 941.23 (2) (c) 1. to 3. applies.

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

19 **440.26 (3m)** (d) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state
20 licensee, as defined in s. 175.60 (1) (g), to carry a concealed weapon as permitted
21 under s. 175.60.

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

23 **813.12 (6)** (am) 1. If an injunction is issued or extended under sub. (4) or if a
24 tribal injunction is filed under s. 806.247 (3), the clerk of the circuit court shall notify
25 the department of justice of the injunction and shall provide the department of

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

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

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

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

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

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

21 895.527 (5) (a) Section 167.30 (1), 941.20 (1) (d) or 948.605 or any rule
22 promulgated under those sections regulating or prohibiting the discharge of
23 firearms.

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

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1 938.396 **(2g)** (n) *Firearms restriction record search or background check*. If a
2 juvenile is adjudged delinquent for an act that would be a felony if committed by an
3 adult, the court clerk shall notify the department of justice of that fact. No other
4 information from the juvenile's court records may be disclosed to the department of
5 justice except by order of the court. The department of justice may disclose any
6 information provided under this subsection only as part of a firearms restrictions
7 record search under s. 175.35 (2g) (c) or a background check under s. 175.60 (9g) (a).

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

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

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

18 941.23 **(2)** (intro.) Any person ~~except a peace officer, other than one of the~~
19 following, who ~~goes armed with~~ carries a concealed and dangerous weapon is guilty
20 of a Class A misdemeanor. ~~Notwithstanding:~~

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

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

25 941.23 **(1)** In this section:

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SECTION 58

Law enforcement agency

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

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

3 (b) "~~Former employer~~" has the meaning given in s. 175.49 (1) (b). ✓

Retired

4 ~~(d) "Former law enforcement officer"~~ means a person who was employed as a
5 law enforcement officer with a public agency. *before retiring*

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

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

9 1. The person is employed by a state or local government agency in another
10 state.

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

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

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

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

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

17 941.23 (2) (b) A qualified out-of-state law enforcement officer. This paragraph
18 applies only if all of the following apply:

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

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

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

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

24 941.23 (2) (c) A ~~former law enforcement~~ officer. This paragraph applies only
25 if all of the following apply: *retired*

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1 1. The ~~former~~^{retired} officer has been issued a photographic identification document
2 described in sub. (3) (b) 1. or both of the following:

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

4 b. An identification card described in sub. (3) (b) 2. a., if the ~~former~~^{retired} officer
5 resides in this state, or a certification described in sub. (3) (b) 2. b., if the ~~former~~^{retired} officer
6 resides in another state.

7 2. The weapon is a firearm that is of the type described in a photographic
8 identification document described in subd. 1. (intro.) or a certification described in
9 subd. 1. b. *INS 43-10 ↓*

10 3. The weapon is not a machine gun, as defined in s. 941.27 (1), or a destructive
11 device. ⁴

12 4. ⁵ A firearm silencer, as defined in s. 941.298 (1), is not attached to the weapon.

13 5. ⁶ The ~~former~~^{retired} officer is not under the influence of an intoxicant.

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

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

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

23 941.23 (2) (e) An individual who carries a concealed and dangerous weapon,
24 as defined in s. 175.60 (1) (j), in his or her own dwelling or place of business or on land
25 that he or she owns, leases, or legally occupies.

INS 43-15

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

2 941.23 (3) (a) A qualified out-of-state law enforcement officer shall, while
3 carrying a concealed firearm, also have with him or her an identification card that
4 contains his or her photograph and that was issued by the law enforcement agency
5 by which he or she is employed.

6 (b) A ^{retired} ~~former~~ law enforcement officer shall, while carrying a concealed firearm,
7 also have with him or her one of the following:

8 1. A photographic identification document issued by the ^{retired} ~~former~~ officer's former
9 employer that indicates that, within the 12 months preceding the date on which the
10 ^{retired} ~~former~~ officer is carrying the concealed firearm, he or she was tested or otherwise
11 found by ^{the law enforcement agency from which the retired officer retired} his or her former employer to meet the standards for qualification in
12 firearms training that the ~~employer~~ ^{law enforcement agency} sets for active duty law enforcement officers to
13 carry a revolver or semiautomatic pistol, whichever the former officer is carrying. INS ↓
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14 2. A photographic identification document issued by the ~~former officer's former~~
15 ~~employer~~ and one of the following: ^{law enforcement agency from which the retired officer retired}

16 a. ^{A certification} ~~An identification~~ card issued under s. 175.49 (2), if the ~~former~~ officer resides
17 in this state.

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

INS ↓
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1 (c) A person who violates this subsection may be required to forfeit not more
2 than \$25.

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

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

7 941.235 (2) (intro.) This section does not apply to ~~peace~~ any of the following:

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

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

15 941.235 (2) (c) A qualified out-of-state law enforcement officer, as defined in
16 s. 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

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

18 941.235 (2) (d) A ^{retired} ~~former law enforcement~~ officer, as defined in s. 941.23 (1) (d),
19 to whom s. 941.23 (2) (c) 1. to ~~3.~~ ⁷⁰ applies. ✓

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

21 941.235 (2) (e) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state
22 licensee, as defined in s. 175.60 (1) (g), if the firearm is a handgun, as defined in s.
23 175.60 (1) (bm).

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

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

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

4 941.237 (3) (ct) A ~~former law enforcement~~^{retired} officer, as defined in s. 941.23 (1) (c),
5 to whom s. 941.23 (2) (c) 1. to ~~4~~ applies. 70

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

7 941.237 (3) (cx) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state
8 licensee, as defined in s. 175.60 (1) (g), if the licensee or out-of-state licensee is not
9 consuming alcohol on the premises and if the firearm is a handgun, as defined in s.
10 175.60 (1) (bm).

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

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

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

14 941.295 (1c) (b) "Licensee" has the meaning given in s. 175.60 (1) (d).

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

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

17 941.295 (2) (intro.) Subsection ~~(1)~~ (1m) does not apply to any of the following:

18 SECTION 75. 941.295 (2) (d) of the statutes is renumbered 941.295 (2) (d) (intro.)
19 and amended to read:

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

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

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

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

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

4 941.295 (2g) The prohibition in sub. (1m) on possessing or going armed with
5 an electric weapon does not apply to any of the following:

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

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

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

11 941.295 (2r) The prohibition in sub. (1m) on transporting an electric weapon
12 does not apply to any of the following:

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

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

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

19 941.295 (1c) (intro.) In this section, ~~“electric;~~

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

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

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

25 943.13 (1e) (aL) “Carry” has the meaning given in s. 175.60 (1) (ag).

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

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

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

5 943.13 **(1e)** (cm) “Nonresidential building” includes any privately or publicly
6 owned building on the grounds of a university or college.

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

8 943.13 **(1e)** (g) “Weapon” has the meaning given in s. 175.60 (1) (j).

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

10 943.13 **(1m)** (b) Enters or remains on any land of another after having been
11 notified by the owner or occupant not to enter or remain on the premises. This
12 paragraph does not apply to a licensee if the owner’s or occupant’s intent is to prevent
13 the licensee from carrying a weapon on the owner’s or occupant’s land.

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

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

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1 2. While carrying a weapon, enters or remains in any part of a nonresidential
2 building that the actor does not own or occupy after the owner of the building, if that
3 part of the building has not been leased to another person, or the occupant of that
4 part of the building has notified the actor not to enter or remain in that part of the
5 building while carrying a weapon or with that type of weapon. This subdivision does
6 not apply to a part of a building occupied by the state or ^{by a local governmental} ~~one of its political~~ ^{unit}
7 ~~subdivisions~~ or, if the weapon is in a vehicle driven or parked in the parking facility,
8 to any part of a building used as a parking facility.

9 3. While carrying a weapon, enters or remains in any part of a building that
10 is owned, occupied, or controlled by the state or any ^{local governmental unit} ~~political subdivision of the state~~,
11 excluding any building or portion of a building under s. 175.60 (16) (am) 1., if the state
12 or ^{local governmental unit} ~~political subdivision~~ has notified the actor not to enter or remain in the building
13 while carrying a weapon or with that type of weapon. This subdivision does not apply
14 to a person who leases residential or business premises in the building or, if the
15 weapon is in a vehicle driven or parked in the parking facility, to any part of the
16 building used as a parking facility.

17 **SECTION 87.** 943.13 (2) of the statutes is renumbered 943.13 (2) (am), and
18 943.13 (2) (am) (intro.) and 1., as renumbered, are amended to read:

19 943.13 (2) (am) (intro.) A person has received notice from the owner or occupant
20 within the meaning of sub. (1m) (b), (e) or (f) if he or she has been notified personally,
21 either orally or in writing, or if the land is posted. Land is considered to be posted
22 under this ~~subsection~~ paragraph under either of the following procedures:

23 1. If a sign at least 11 inches square is placed in at least 2 conspicuous places
24 for every 40 acres to be protected. The sign must ~~carry~~ provide an appropriate notice
25 and the name of the person giving the notice followed by the word “owner” if the

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1 person giving the notice is the holder of legal title to the land and by the word
2 “occupant” if the person giving the notice is not the holder of legal title but is a lawful
3 occupant of the land. Proof that appropriate signs as provided in this ~~paragraph~~
4 subdivision were erected or in existence upon the premises to be protected prior to
5 the event complained of shall be prima facie proof that the premises to be protected
6 were posted as provided in this ~~paragraph~~ subdivision.

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

8 943.13 (2) (bm) 1. In this paragraph, “sign” means a sign that states a
9 restriction imposed under subd. 2. that is at least 8.5 inches by 11 inches and colored
10 orange as described in s. 29.301 (2).

11 2. For the purposes of sub. (1m) (c) 2. and 3., an owner or occupant of a part of
12 a nonresidential building or the state or ~~any political subdivision of the state~~ ^{local governmental unit} has
13 notified an individual not to enter or remain in that part of the building while
14 carrying a weapon or with a particular type of weapon if the owner, occupant, state,
15 or ~~political subdivision of the state~~ ^{local governmental unit} has posted a sign that is located in a prominent
16 place near all of the entrances to the part of the building to which the restriction
17 applies and any individual entering the building can be reasonably expected to see
18 the sign.

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

20 943.13 (3) Whoever erects on the land of another signs which are the same as
21 or similar to those described in sub. (2) (am) without obtaining the express consent
22 of the lawful occupant of or holder of legal title to such land is subject to a Class C
23 forfeiture.

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

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

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

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

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

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

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

11 (e) Intentionally reproduces by any means a copy of a license for a purpose that
12 is prohibited under this subsection.

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

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

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

16 947.01 **(2)** A person is not in violation of, and may not be charged with a
17 violation of, sub. (1) for loading, carrying, or going armed with a firearm, without
18 regard to whether the firearm is loaded or is concealed or openly carried.

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

20 947.011 **(2)** (a) 1. Engage in conduct that is prohibited under s. 947.01 (1) within
21 500 feet of any entrance to a facility being used for the service with the intent to
22 disrupt the service.

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

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

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

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

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

5 948.60 **(1)** In this section, "dangerous weapon" means any firearm, loaded or
6 unloaded; any electric weapon, as defined in s. 941.295 ~~(4)~~ (1c) (a); metallic knuckles
7 or knuckles of any substance which could be put to the same use with the same or
8 similar effect as metallic knuckles; a nunchaku or any similar weapon consisting of
9 2 sticks of wood, plastic or metal connected at one end by a length of rope, chain, wire
10 or leather; a cestus or similar material weighted with metal or other substance and
11 worn on the hand; a shuriken or any similar pointed star-like object intended to
12 injure a person when thrown; or a manrikigusari or similar length of chain having
13 weighted ends.

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

15 948.605 **(2)** (b) (intro.) Paragraph (a) does not apply to the possession of a
16 firearm by any of the following:

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

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

19 948.605 **(2)** (b) 1m. Except if the possession is on school premises, as defined
20 in s. 948.61 (1) (c), a person who possesses the firearm in accordance with 18 USC
21 922 (q) (2) (B). For purposes of 18 USC (q) (2) (B) (ii), an out-of-state licensee, as
22 defined in s. 175.60 (1) (g), is fully licensed under the laws of this state.

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

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1 948.605 (2) (b) 2m. ~~By a law enforcement officer or~~ A state-certified
2 commission warden acting in his or her official capacity; ~~or.~~

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

5 948.605 (2) (b) 3m. ~~By a~~ A person who is legally hunting in a school forest if
6 the school board has decided that hunting may be allowed in the school forest under
7 s. 120.13 (38).

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

9 968.255 (1) (a) 2. Arrested for any misdemeanor under s. 167.30 (1), 940.19,
10 941.20 (1), 941.23, 941.237, 941.24, 948.60, or 948.61.

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

12 971.37 (1m) (a) 2. An adult accused of or charged with a criminal violation of
13 s. 940.19, 940.20 (1m), 940.201, 940.225, 940.23, 940.285, 940.30, 940.42, 940.43,
14 940.44, 940.45, 940.48, 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49,
15 947.01 (1), 947.012 or 947.0125 and the conduct constituting the violation involved
16 an act by the adult person against his or her spouse or former spouse, against an
17 adult with whom the adult person resides or formerly resided or against an adult
18 with whom the adult person has created a child.

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

20 973.055 (1) (a) 1. The court convicts the person of a violation of a crime specified
21 in s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.19, 940.20 (1m), 940.201, 940.21,
22 940.225, 940.23, 940.235, 940.285, 940.30, 940.305, 940.31, 940.42, 940.43, 940.44,
23 940.45, 940.48, 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49, 947.01 (1),
24 947.012 or 947.0125 or of a municipal ordinance conforming to s. 940.201, 941.20,
25 941.30, 943.01, 943.011, 943.14, 943.15, 946.49, 947.01 (1), 947.012 or 947.0125; and

2007 ASSEMBLY BILL 876

February 26, 2008 – Introduced by Representatives FRISKE and BIES, cosponsored by Senators BRESKE, S. FITZGERALD and HANSEN. Referred to Committee on Criminal Justice.

1 AN ACT ~~to create~~ 20.455 (2) (gu) of the statutes; **relating to:** fees from retired
 2 law enforcement officers seeking to carry concealed weapons and making an
 3 appropriation.

Analysis by the Legislative Reference Bureau

This bill creates an appropriation account into which the Department of Justice (DOJ) may deposit any fees that DOJ charges retired law enforcement officers who are seeking a certification card that will allow them to carry concealed weapons. The creation of the appropriation account is contingent upon passage of another bill that makes certain changes in Wisconsin law to account for a federal law that requires the state to permit an individual who has retired from working as a law enforcement officer in Wisconsin or in any other state to carry a concealed firearm, regardless of any prohibition imposed under state law, if the person meets certain qualifications and is carrying certain forms of identification and certification.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 INS
7-12 SECTION ~~#~~ 20.455 (2) (gu) of the statutes is created to read:

ASSEMBLY BILL 876

SECTION 1

(sm)

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com.

1 20.455 (2) (gu) *Certification cards for carrying concealed weapons.* All moneys
 2 received as fees under s. ~~175.48~~^{175.49} to verify eligibility of, and to issue certification cards
 3 to, retired ~~law enforcement~~ officers seeking to carry concealed weapons.

SECTION 2. Nonstatutory provisions.

5 (1) RECONCILIATION PROVISION. The creation of section 20.455 (2) (gu) of the
 6 statutes by this act is void unless 2007 Wisconsin Act (Senate Bill/Assembly Bill
 7) (LRB-3780/1) creates, under section 175.48 of the statutes, as created by that act,
 8 a process by which the department of justice may issue certification cards to retired
 9 law enforcement officers permitting them to carry concealed weapons.

(END)

ASSEMBLY BILL 474

state concealed weapons prohibition

retired as a law enforcement officer; and b) a certification issued by the state in which the person resides that indicates that, within the preceding 12 months, the state has tested the person or otherwise found that he or she meets its standards for training and qualification for active duty law enforcement officers to carry the type of firearm that the qualified retired law enforcement officer is carrying concealed. Federal law, however, specifies that the exemption for qualified law enforcement officers and qualified retired law enforcement officers does not apply if the firearm involved is a machine gun, has a silencer attached to it, or is a destructive device (such as a bomb). Federal law also specifies that a state may 1) permit private persons or entities to bar the possession of concealed firearms on their own property; and 2) prohibit or restrict the possession of firearms on any state or local government property, installation, base, building, or park.

The bill regarding concealed weapons

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This bill codifies in the state concealed weapons statute the provisions of federal law that make the statute inapplicable to active duty and retired law enforcement officers under the circumstances specified in federal law as described above. To implement federal law, the bill also makes certain other state law prohibitions regarding the carrying of firearms inapplicable to an active duty or retired law enforcement officer if he or she is carrying a concealed firearm under those same circumstances. These include the prohibition on going armed with a handgun in a tavern, the prohibition regarding the possession, transportation, or loading of a handgun in vehicles, motorboats, and aircraft, and the prohibition on possessing a firearm that may arise in certain domestic abuse cases. (Depending on the facts, however, a person who is subject to such an injunction may, as a result of that case, also be prohibited under federal law from possessing a firearm, which means that the federal law regarding the carrying of a concealed firearm would not apply.)

The bill also permits the Department of Justice (DOJ) and other state and local law enforcement agencies in Wisconsin to enable retired law enforcement officers to carry concealed firearms in the manner provided under federal law. These agencies may issue and renew certification cards. If these agencies issue and renew certification cards, the cards must include personal information about the certification card holder such as the person's name, address, date of birth, a description of the person, and a photograph. The cards must also include the type of firearm the person is certified to carry (which cannot be a machine gun or a destructive device such as a bomb), a statement that the retired officer has met certain standards for training and qualification, and an expiration date of 12 months after the certification card is issued or renewed.

*requires
of
must*

qualified

The requirement to issue or renew a certification card to a retired officer applies only if the retired officer satisfies the following criteria: 1) the officer retired from service in law enforcement in good standing for reasons other than mental instability; 2) the retired officer was employed as a law enforcement officer for an aggregate of at least 15 years or retired from law enforcement due to a service-connected disability after completing any probationary period; 3) the retired officer has a nonforfeitable right to benefits under the law enforcement agency's retired plan; and 4) federal law does not prohibit the retired officer from possessing

to qualified retired law enforcement officers

ASSEMBLY BILL 474

a firearm. For a law enforcement officer who was employed in Wisconsin, the law enforcement agency that employed the officer will verify the criteria before issuing or renewing the certification card. For a retired federal law enforcement officer who was employed by a law enforcement agency that is not in Wisconsin but who now resides in Wisconsin, DOJ will verify the criteria before issuing or renewing the certification card.

If a retired officer is carrying his or her valid certification card, he or she is exempt from the prohibitions against carrying a concealed weapon described above only if the following apply: 1) the retired officer is not carrying a firearm that is not designated on the card or identification, if the card or identification includes such a designation, and the firearm is not a machine gun or a destructive device and does not have a firearm silencer attached; 2) the retired officer is not under the influence of an intoxicant; and 3) federal law does not prohibit the retired officer from possessing a firearm.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 23.33 (3) (e) of the statutes is renumbered 23.33 (3) (e) (intro.) and
2 amended to read:

3 23.33 (3) (e) (intro.) With any firearm in his or her possession unless it is
4 unloaded and enclosed in a carrying case, or any bow unless it is unstrung or enclosed
5 in a carrying case. The prohibition against a firearm does not apply to any of the
6 following:

7 **SECTION 2.** 23.33 (3) (e) 1., 2., 3. and 4. of the statutes are created to read:

8 23.33 (3) (e) 1. A law enforcement officer, as defined in s. 175.48 (1) (c), to whom
9 s. 941.23 (2) (b) applies.

10 2. A retired officer, as defined in s. 175.48 (1) (e), who is carrying a current
11 certification card issued under s. 175.48 (2) (a) or renewed under s. 175.48 (5) and
12 to whom s. 941.23 (2) (c) applies.

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ASSEMBLY BILL 474

1 3. A retired federal officer, as defined in s. 175.48 (1) (d), who is carrying a
2 current certification card issued under s. 175.48 (3) (a) or renewed under s. 175.48
3 (5) and to whom s. 941.23 (2) (d) applies.

4 4. A retired nonresident law enforcement officer, as defined in s. 941.23 (1) (h),
5 to whom s. 941.23 (2) (e) applies.

6 **SECTION 3.** 167.31 (4) (ar) of the statutes is created to read:

7 167.31 (4) (ar) Subsections (2) (a) and (b) and (3) (a) and (b) do not apply to the
8 placement, possession, or transportation of a firearm by any of the following:

9 1. A law enforcement officer, as defined in s. 175.48 (1) (c), to whom s. 941.23
10 (2) (b) applies.

11 2. A retired officer, as defined in s. 175.48 (1) (e), who is carrying a current
12 certification card issued under s. 175.48 (2) (a) or renewed under s. 175.48 (5) and
13 to whom s. 941.23 (2) (c) applies.

14 3. A retired federal officer, as defined in s. 175.48 (1) (d), who is carrying a
15 current certification card issued under s. 175.48 (3) (a) or renewed under s. 175.48
16 (5) and to whom s. 941.23 (2) (d) applies.

17 4. A retired nonresident law enforcement officer, as defined in s. 941.23 (1) (h),
18 to whom s. 941.23 (2) (e) applies.

19 **SECTION 4.** ~~175.48~~ of the statutes is created to read:

20 ~~175.48~~ ^{175.49} **Carrying of concealed weapons by retired law enforcement**
21 **officers.** (1) DEFINITIONS. In this section:

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

23 (b) "Law enforcement agency" means an agency that consists of one or more
24 persons employed by the federal government, a state, or a political subdivision of a
25 state, the U.S. armed forces, or the national guard that has as its purposes the

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⑧ ↓
seeking to carry concealed weapons

ASSEMBLY BILL 474

SECTION 4

1 prevention and detection of crime and the enforcement of laws or ordinances, and
2 that is authorized to make arrests for crimes.

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

7 (d) "Retired federal officer" means a retired law enforcement officer who was
8 a law enforcement officer employed by a federal law enforcement agency and who
9 resides in Wisconsin.

10 (e) "Retired officer" means a law enforcement officer who retired from a state
11 or local law enforcement agency in Wisconsin.

and at the expense of the Retired officer

12 (2) CERTIFICATION OF RETIRED OFFICERS. (a) Upon the request of a retired officer,
13 a law enforcement agency that employed the retired officer ^{shall} may prior to his or her
14 retirement, except as provided in par. (b), issue the retired officer a certification card
15 as described in sub. (4) stating all of the following:

16 1. The type of firearm the retired officer is certified to carry, but no retired
17 officer may be certified to carry a ~~prohibited firearm, as defined in s. 941.23 (1)(d).~~

18 2. The retired officer has met either the state's standards for training and
19 qualification for law enforcement officers to carry firearms, or, if no state standards
20 exist, the law enforcement agency's standards for training and qualification for law
21 enforcement officers to carry a firearm of the type under subd. 1.

22 3. The date on which the finding under subd. 2. was made and an expiration
23 date that is 12 months later than that date.

24 4. That, due to the finding under subd. 2., the retired officer is qualified to carry
25 a concealed firearm of the type under subd. 1.

*a firearm silencer,
or a
destructive
device*

ASSEMBLY BILL 474

1 (b) The law enforcement agency may not issue the retired officer a certification
2 card under par. (a) unless the law enforcement agency first verifies all of the
3 following:

4 1. At the time he or she retired from the law enforcement agency, the retired
5 officer was employed as a law enforcement officer.

6 2. The retired officer retired in good standing from service as a law enforcement
7 officer for reasons other than mental instability.

8 3. The retired officer was regularly employed as a law enforcement officer for
9 at least the number of years of service specified in 18 USC 926C (c) (3) (A) or the
10 retired officer retired from law enforcement service due to a service-connected
11 disability, as determined by the retired officer's employer, after completing any
12 applicable probationary period.

13 4. The retired officer has a nonforfeitable right to benefits under the retirement
14 plan of the law enforcement agency from which he or she retired.

15 5. The retired officer is not prohibited under federal law from possessing a
16 firearm as indicated by a search of the transaction information for management of
17 enforcement system and the national crime information center system.

18 6. The retired officer has, during the previous 12 months, met, at his or her own
19 expense, either the state's standards for training and qualification for law
20 enforcement officers to carry firearms or, if no state standards exist, the law
21 enforcement agency's standards for training and qualification for law enforcement
22 officers to carry the firearm of the type under par. (a) 1. ✓

23 (3) CERTIFICATION OF RETIRED FEDERAL OFFICERS. (a) Upon the request of a retired
24 federal officer, the department ~~may~~^{shall}, except as provided in par. (b), issue the retired
25 federal officer a certification card as described in sub. (4) stating all of the following:

and at the expense of the retired federal officer

*→ a firearm
silencer*

ASSEMBLY BILL 474

1 1. The type of firearm the retired federal officer is certified to carry, but no
2 retired federal officer may be certified to carry a ~~prohibited firearm, as defined in s~~

3 ~~941.23 (1) (f)~~ *machine gun, as defined in s. 941, 27 (1) or*
4 *a destructive device*

5 2. The retired federal officer has met either the state's standards for training
6 and qualification for law enforcement officers to carry firearms or, if no state
7 standards exist, the standards of the department's division of criminal investigation
8 for training and qualification for law enforcement officers to carry a firearm of the
9 type under subd. 1.

10 3. The date on which the finding under subd. 2. was made and an expiration
11 date that is 12 months later than that date.

12 4. That, due to the finding under subd. 2., the retired federal officer is qualified
13 to carry a concealed firearm of the type under subd. 1.

14 (b) The department may not issue the retired federal officer a certification card
15 under par. (a) unless the department first verifies all of the following:

16 1. At the time he or she retired from the federal law enforcement agency, the
17 retired federal officer was employed as a law enforcement officer.

18 2. The retired federal officer retired in good standing from service as a law
19 enforcement officer for reasons other than mental instability.

20 3. The retired federal officer was regularly employed as a law enforcement
21 officer for at least the number of years specified in 18 USC 926C (c) (3) (A) or the
22 retired federal officer retired from law enforcement service due to a
23 service-connected disability, as determined by the retired federal officer's employer,
24 after completing any applicable probationary period.

25 4. The retired federal officer has a nonforfeitable right to benefits under the
retirement plan of the law enforcement agency from which he or she retired.

ASSEMBLY BILL 474

1 5. The retired federal officer is not prohibited under federal law from
2 possessing a firearm as indicated by a search of the transaction information for
3 management of enforcement system and the national crime information center
4 system.

5 6. The retired federal officer has, during the previous 12 months, met, at his
6 or her own expense, either the state's standards for training and qualification for law
7 enforcement officers to carry firearms or, if no state standards exist, the standards
8 of the department's division of criminal investigation for training and qualification
9 for law enforcement officers to carry the firearm of the type under par. (a) 1.

10 (4) CERTIFICATION CARDS. (a) 1. Subject to pars. (b), (c), and (d) and sub. (3) (a),
11 the department shall design a certification card to be issued by the department under
12 sub. (3) (a). *upon a request under sub. (3)*

13 2. Subject to pars. (b), (c), and (d) and sub. (2) (a), *upon a request under sub.*
14 (2), each law enforcement agency shall design a certification card to be issued by the
15 law enforcement agency under sub. (2) (a).

16 (b) A certification card shall contain on one side all of the following:

17 1. The full name, date of birth, and residence address of the person who holds
18 the certification card.

19 2. A photograph of the certification card holder and a physical description that
20 includes sex, height, *weight, and hair* and eye color.

21 3. The name of this state.

22 (c) A certification card shall include a statement that the certification card does
23 not confer any law enforcement authority on the certification card holder and does
24 not make the certification card holder an employee or agent of the certifying agency
25 or department.

ASSEMBLY BILL 474

SECTION 4

1 (d) A certification card may not contain the certification card holder's social
2 security number.

3 (5) RENEWAL OF CERTIFICATION CARDS. A person who holds a current certification
4 card issued under sub. (2) or (3) may renew the certification card by requesting the
5 department or the law enforcement agency, whichever issued the current
6 certification card, to renew the certification card, if, before the date the certification
7 card expires, the law enforcement agency verifies sub. (2) (b) 5. and 6., if the
8 certification card holder is a retired officer, or the department verifies sub. (3) (b) 5.
9 and 6., if the certification card holder is a retired federal officer, and the certification
10 card holder provides any information necessary for the verification. The renewal
11 shall state the date on which verification was made and an expiration date that is
12 12 months later than that date.

at the expense of the person holding the card

INS PINK

13 (6) IMMUNITY. (a) When acting in good faith under this section, the department
14 and its employees and a law enforcement agency and its employees are immune from
15 civil and criminal liability arising from any act or omission under this section.

16 (b) When acting in good faith under this section, an entity providing firearms
17 training to comply with the requirements under sub. (2) (a) 2., (3) (a) 2., or (5) and
18 its employees are immune from civil and criminal liability arising from any act or
19 omission that is related to that training.

20 SECTION 5. 941.23 of the statutes is renumbered 941.23 (2) (intro.) and
21 amended to read:

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

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INSERT ANALYSIS

No ff

The bill allows an individual to carry a handgun in a vehicle, including a motorboat and an airplane, regardless of whether it is encased or loaded. If the firearm is not a handgun, it must be unloaded when carried in most vehicles but it need not be encased. The bill also eliminates the requirement that a bow or crossbow be unstrung and encased in order to be carried in a vehicle. Instead, under the bill, the bow or crossbow may be carried in most vehicles, including airplanes, if it is not armed with a bolt or an arrow. The bill does not change current law with regard to carrying a bow or ^acrossbow in a motorboat, snowmobile, or all-terrain vehicle.

INSERT 16-7

1 SECTION ~~#~~ 167.31 (2) (a) of the statutes is renumbered 167.31 (2) (a) 1. and
2 amended to read:

3 167.31 (2) (a) 1. Except as provided in subd. 2. and sub. (4), no person may place,
4 possess or transport a firearm, bow, or crossbow in or on a motorboat with the motor
5 running, unless the firearm is unloaded or unless the bow or crossbow is unstrung
6 or is enclosed in a carrying case.

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

7 SECTION ~~#~~ 167.31 (2) (a) 2. of the statutes is created to read:

8 167.31 (2) (a) 2. The prohibition in subd. 1. does not apply to the placement,
9 possession, or transportation of a handgun.

10 SECTION ~~#~~ 167.31 (2) (b) of the statutes is renumbered 167.31 (2) (b) 1. and
11 amended to read:

12 167.31 (2) (b) 1. Except as provided in subds. 2. and 3. and sub. (4), no person
13 may place, possess, or transport a firearm, bow, or crossbow in or on a vehicle, unless
14 the firearm is unloaded and encased or unless the bow or crossbow is unstrung or is
15 enclosed in a carrying case not armed with a bolt or an arrow.

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

1 **SECTION ~~#~~** 167.31 (2) (b) 2. of the statutes is created to read:

2 167.31 (2) (b) 2. No person may place, possess, or transport a bow or crossbow
3 in or on an all-terrain vehicle or a snowmobile, unless the bow or crossbow is
4 unstrung or is enclosed in a carrying case.

5 **SECTION ~~#~~** 167.31 (2) (b) 3. of the statutes is created to read:

6 167.31 (2) (b) 3. The prohibition in subd. 1. does not apply to the placement,
7 possession, or transportation of a handgun.

8 **SECTION ~~#~~** 167.31 (3) (a) of the statutes is renumbered 167.31 (3) (a) 1. and
9 amended to read:

plain space or delete extra space

10 167.31 (3) (a) 1. Except as provided in subd. 2. and sub. (4), no person may
11 place, possess, or transport a firearm, bow, or crossbow in or on an aircraft, unless
12 the firearm is unloaded ~~and encased~~ or unless the bow or crossbow is ~~unstrung or is~~
13 enclosed in a carrying case not armed with a bolt or an arrow.

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

14 **SECTION ~~#~~** 167.31 (3) (a) 2. of the statutes is created to read:

15 167.31 (3) (a) 2. The prohibition in subd. 1. does not apply to the placement,
16 possession, or transportation of a handgun.

17 **SECTION ~~#~~** 167.31 (3) (c) of the statutes is amended to read:

18 167.31 (3) (c) A person who violates par. (a) 1. or (b) shall be fined not more than
19 \$1,000 or imprisoned not more than 90 days or both.

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

20 **SECTION ~~#~~** 167.31 (4) (am) 1. of the statutes is amended to read:

21 167.31 (4) (am) 1. Subsections (2) (a) 1., (c) and (d) and (3) (a) 1. and (b) do not
22 apply to a peace officer who, in the line of duty, loads or discharges a firearm in, on

1 or from a vehicle, motorboat or aircraft or discharges a firearm from or across a
2 highway or within 50 feet of the center of a roadway.

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

3 **SECTION ~~10~~** 167.31 (4) (am) 2. of the statutes is amended to read:

4 167.31 (4) (am) 2. Subsection (2) (b) 1. does not apply to a peace officer who
5 places, possesses or transports a firearm in or on a vehicle, motorboat or aircraft
6 while in the line of duty.

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

7 **SECTION ~~11~~** 167.31 (4) (am) 3. of the statutes is amended to read:

8 167.31 (4) (am) 3. Subsection (2) (b) 1. does not apply to a person employed as
9 a peace officer who places, possesses or transports a firearm in or on a vehicle while
10 traveling in the vehicle from his or her residence to his or her place of employment
11 as a peace officer.

END INSERT 16-7

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

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16-23

12 **SECTION ~~12~~** 167.31 (4) (b) of the statutes is amended to read:

13 167.31 (4) (b) Subsections (2) (a) 1., (b) 1., and (c), (3) (a) 1. and (b), and (3m)
14 do not apply to the holder of a scientific research license under s. 169.25 or a scientific
15 collector permit under s. 29.614 who is using a net gun or tranquilizer gun in an
16 activity related to the purpose for which the license or permit was issued.

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

17 **SECTION ~~13~~** 167.31 (4) (bg) 1. of the statutes is amended to read:

18 167.31 (4) (bg) 1. Subsection (2) (a) 1., (b) 1. and 2., (c), and (d) does not apply
19 to a state employee or agent, or to a federal employee or agent, who is acting within
20 the scope of his or her employment or agency, who is authorized by the department
21 of natural resources to take animals in the wild for the purpose of controlling the
22 spread of disease in animals and who is hunting in an area designated by the

1 department of natural resources as a chronic wasting disease eradication zone,
2 except that this subdivision does not authorize the discharge of a firearm or the
3 shooting of a bolt or arrow from a bow or crossbow across a state trunk highway,
4 county trunk highway, or paved town highway.

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

5 **SECTION ~~14~~ 167.31 (4) (bg) 1g.** of the statutes is amended to read:

6 167.31 (4) (bg) 1g. Subsection (2) (b) 1. and 2. and (c) does not apply to a
7 landowner, a family member of the landowner, or an employee of the landowner who
8 is using a firearm, bow, or crossbow to shoot wild animals from a farm tractor or an
9 implement of husbandry on the landowner's land that is located in an area
10 designated by the department of natural resources as a chronic wasting disease
11 eradication zone.

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

12 **SECTION ~~15~~ 167.31 (4) (bn)** of the statutes is amended to read:

13 167.31 (4) (bn) Subsection (2) (a) 1. does not apply to a person using a bow or
14 a crossbow for fishing from a motorboat.

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

15 **SECTION ~~16~~ 167.31 (4) (bt) (intro.)** of the statutes is amended to read:

16 167.31 (4) (bt) (intro.) Subsection (2) (b) 1. and 2. does not apply to the
17 placement, possession, or transportation of an unloaded firearm in or on a vehicle if
18 all of the following apply:

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

19 **SECTION ~~17~~ 167.31 (4) (c)** of the statutes is amended to read:

1 167.31 (4) (c) Subsection (2) (b) 1. and (c) does not apply to the holder of a
2 Class A or Class B permit under s. 29.193 (2) who is hunting from a stationary
3 vehicle.

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

4 ~~SECTION 167.31~~ 167.31 (4) (cm) of the statutes is amended to read:

5 167.31 (4) (cm) For purposes of pars. (c) and (cg), the exemption from sub. (2)

6 (b) 1. or 2. under these paragraphs ^{only} applies to the firearm, bow or crossbow being
7 used for hunting by the holder of the Class A or Class B permit under s. 29.193 (2).

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

8 ~~SECTION 167.31~~ 167.31 (4) (d) of the statutes is amended to read:

9 167.31 (4) (d) Subsection (2) (b) 1. does not prohibit a person from leaning an
10 unloaded firearm against a vehicle.

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

11 ~~SECTION 167.31~~ 167.31 (4) (f) of the statutes is amended to read:

12 167.31 (4) (f) Subsection (2) (d) does not prohibit a person from possessing a
13 loaded firearm within 50 feet of the center of a roadway if the person does not violate
14 sub. (2) (b) 1. or (c).

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

INSERT 38-24

15 ~~SECTION 345.11~~ 345.11 (1s) of the statutes is amended to read:

16 345.11 (1s) The uniform traffic citation shall be used by a traffic officer
17 employed under s. 110.07 for a violation of s. 167.31 (2) (b) 1. or 2., (c) or (d) when
18 committed on a highway.

History: 1971 c. 164 s. 81; 1971 c. 277; 1973 c. 218; 1975 c. 41; 1977 c. 29 ss. 1468, 1654 (7) (a), (c); 1977 c. 273; 1979 c. 34, 257; 1985 a. 29, 36, 145, 309; 1989 a. 31, 105, 170, 335; 1993 a. 436, 437; 1995 a. 227; 1997 a. 120; 1999 a. 31, 140; 2001 a. 27; 2003 a. 33; 2009 a. 55, 367.

19 ~~SECTION 345.20~~ 345.20 (2) (f) of the statutes is amended to read:

1 345.20 (2) (f) Sections 23.50 to 23.85 apply to actions in circuit court to recover
2 forfeitures and weapons surcharges imposed under ch. 814 for violations of s. 167.31
3 (2) (b), (c), or (d). No points may be assessed against the driving record of a person
4 convicted of a violation of s. 167.31 (2) (b) 1. or 2., (c), or (d). The report of conviction
5 shall be forwarded to the department.

History: 1971 c. 278; 1977 c. 305; 1979 c. 32 s. 92 (16), (17); 1979 c. 34; 1979 c. 175 s. 50; 1981 c. 20, 165; 1983 a. 74, 189; 1985 a. 36; 1987 a. 3, 267; 1989 a. 31, 105, 170, 335; 1993 a. 359; 1995 a. 227; 2003 a. 139.

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FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1066/6insch
CMH&RNK:.....

1 Insert PINK (insert to Insert 21-12)

2 (5m) FEES. The department may charge a fee to verify eligibility for a
3 certification card under this section, for the issuance of a certification card under sub.
4 (3), or for the renewal of a certification card under sub. (4), but the fee may not exceed
5 the costs the department incurs in verifying eligibility or for issuing or renewing a
6 certification card. Payments made to the department under this subsection shall
7 be credited to the appropriation ^{account} under s. 20.455 (2) (gu).

8
9 Insert 26-12

10 6. A statement of the places under sub. (16) and under s. 948.605 (2) (b) 1m. in
11 where a licensee is prohibited from carrying a weapon, as well as an explanation of
12 which a the provisions under sub. (15m) and s. 943.13 that could limit the places where the
13 licensee may carry a weapon, with a place for the applicant to sign his or her name
14 to indicate that he or she has read and understands the statement.

15
16 Insert 43-10

17 3. Within the preceding 12 months, the retired officer met the standards of the
18 state in which he or she resides for training and qualification for active duty law
19 enforcement officers to carry firearms.

20
21 Insert 43-14

22 7. The retired officer is not prohibited under federal law from possessing a
23 firearm.

1

2

Insert 44-13

3

Not

firearm of the same type as the firearm that the retired officer is carrying

4

5

Insert 44-24

6

Not

firearm of the same type as the firearm that the retired officer is carrying