



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

☞ Appendix A ... segment XXIV

LRB BILL HISTORY RESEARCH APPENDIX

☞ The drafting file for 2011 LRB-1066 (For: Rep. Galloway)

has been transferred to the drafting file for

2011 LRB-2027 (For: Rep. Galloway)

☞ Are These “Companion Bills” ?? ... No



RESEARCH APPENDIX -
PLEASE KEEP WITH THE DRAFTING FILE

Date Transfer Requested: 05/04/2011 (Per: CMH)

☞ The attached [redacted] draft was incorporated into the new [redacted] draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as an appendix, to the new [redacted] drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

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1 (c) The individual is prohibited from possessing a firearm under s. 941.29.

2 (d) The individual is not a Wisconsin resident.

3 (5) APPLICATION AND RENEWAL FORMS. (a) The department shall design an
4 application form for use by individuals who apply for a license under this section and
5 a renewal form for use by individuals applying for renewal of a license under sub.
6 (15). The department shall complete the design of the application form no later than
7 the first day of the 2nd month beginning after the effective date of this paragraph
8 [LRB inserts date], and shall complete the design of the renewal form no later than
9 the first day of the 36th month beginning after the effective date of this paragraph
10 [LRB inserts date]. The forms shall require the applicant to provide only his or
11 her name, address, date of birth, state identification card number, race, sex, height,
12 hair color, and eye color and shall include all of the following:

13 1. A statement that the applicant is ineligible for a license if sub. (3) (a), (b), (c),
14 or (d) applies to the applicant.

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

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

20 4. A statement that an applicant may be prosecuted if he or she intentionally
21 gives a false answer to any question on the application or intentionally submits a
22 falsified document with the application.

23 5. A statement of the penalties for intentionally giving a false answer to any
24 question on the application or intentionally submitting a falsified document with the
25 application.

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1 6. A statement of the places under sub. (16) where a licensee is prohibited from
2 carrying a weapon, as well as an explanation of the provisions under sub. (15m) and
3 ss. 943.13 (1m) (c) and (1n) and 948.605 (2) (b) 1r. that could limit the places where
4 the licensee may carry a weapon, with a place for the applicant to sign his or her name
5 to indicate that he or she has read and understands the statement.

6 (b) The department shall make the forms described in this subsection available
7 on the Internet and, upon request, by mail.

8 **(7) SUBMISSION OF APPLICATION.** An individual may apply for a license under this
9 section with the department by submitting, by mail or other means made available
10 by the department, to the department all of the following:

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

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

15 (c) A license fee in an amount, as determined by the department by rule, that
16 is equal to the cost of issuing the license but does not exceed \$52. The department
17 shall determine the costs of issuing a license by using a 5-year planning period.

18 (d) A fee for a background check that is equal to the fee charged under s. 175.35
19 (2i).

20 **(9) PROCESSING OF APPLICATION.** (a) Upon receiving an application submitted
21 under sub. (7), the department shall conduct a background check.

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

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

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1 2. Deny the application, but only if sub. (3) (a), (b), (c), or (d) applies to the
2 applicant. If the department denies the application, the department shall inform the
3 applicant in writing, stating the reason and factual basis for the denial.

4 **(9g) BACKGROUND CHECKS.** (a) The department shall conduct a background
5 check regarding an applicant for a license using the following procedure:

6 1. The department shall create a confirmation number associated with the
7 applicant.

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

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

11 a. If the background check indicates sub. (3) (b) or (c) applies to the applicant,
12 create a unique nonapproval number for the applicant.

13 b. If the completed background check does not indicate that sub. (3) (b) or (c)
14 applies to the applicant, create a unique approval number for the applicant.

15 (b) The department shall maintain a record of all completed application forms
16 and a record of all approval or nonapproval numbers regarding background checks
17 under this subsection.

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

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

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1 (c) If the holder of an emergency license issued under par. (a) applies for a
2 license under sub. (7) and is determined to be ineligible under sub. (3) for a license,
3 the emergency license is void.

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

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

8 b. "Court automated information systems" means the systems under s. 758.19
9 (4).

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

15 a. The individual is found by a court to have committed a felony or any other
16 crime that would disqualify the individual from having a license under this section.

17 b. The individual is found incompetent under s. 971.14.

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

20 d. The individual is involuntarily committed for treatment under s. 51.20 or
21 51.45.

22 e. The individual is found incompetent under ch. 54.

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

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

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

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

8 (b) 1. No later than 30 days after changing his or her address, a licensee shall
9 inform the department of the new address. The department shall include the
10 individual's new address in the list under sub. (12) (a).

11 2. Except as provided in subd. 3., for a first violation of subd. 1., the department
12 must issue the licensee a warning.

13 3. If an individual is in violation of subd. 1. and his or her license has been
14 suspended or revoked under sub. (14), the individual is subject to the penalty under
15 sub. (17) (ac).

16 4. A licensee may not be charged with a violation of subd. 1. if the department
17 learns of the violation when the licensee informs the department of the address
18 change.

19 (12) MAINTENANCE, USE, AND PUBLICATION OF RECORDS BY THE DEPARTMENT. (a) The
20 department shall maintain a computerized record listing the names and the
21 information specified in sub. (2m) (b) of all individuals who have been issued a license
22 under this section. Subject to par. (b) 2., neither the department nor any employee
23 of the department may store, maintain, format, sort, or access the information in any
24 way other than by the names, dates of birth, or sex of licensees or by the identification
25 numbers assigned to licensees under sub. (2m) (b) 6.

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1 (b) A law enforcement officer may not request or be provided information under
2 par. (a) concerning a specific licensee except for one of the following purposes:

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

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

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

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

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

16 **(12g) PROVIDING LICENSEE INFORMATION TO LAW ENFORCEMENT AGENCIES.** (a) The
17 department shall provide information concerning a specific licensee to a law
18 enforcement agency, but only if the law enforcement agency is requesting the
19 information for any of the following purposes:

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

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

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

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

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

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

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

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SECTION 61

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

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

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

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

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

20 a. Deliver the license document personally or by certified mail to the
21 department.

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

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1 **(14g) DEPARTMENTAL REVIEW.** The department shall promulgate rules providing
2 for the review of any action by the department denying an application for, or
3 suspending or revoking, a license under this section.

4 **(14m) APPEALS TO THE CIRCUIT COURT.** (a) An individual aggrieved by any action
5 by the department denying an application for, or suspending or revoking, a license
6 under this section, may appeal directly to the circuit court of the county in which the
7 individual resides without regard to whether the individual has sought review under
8 the process established in sub. (14g).

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

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

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

24 (e) The court shall review the petition, the answer, and any records or
25 documents submitted with the petition or the answer. The review under this

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1 paragraph shall be conducted by the court without a jury but the court may schedule
2 a hearing and take testimony.

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

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

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

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

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

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

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

17 2. If the court reverses the department's action, the court may order the
18 department to pay the aggrieved individual all court costs and reasonable attorney
19 fees.

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

24 (b) The department shall design a notice of expiration form. At least 90 days
25 before the expiration date of a license issued under this section, the department shall

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1 mail to the licensee a notice of expiration form and a form for renewing the license.

2 The department shall renew the license if, no later than 90 days after the expiration

3 date of the license, the licensee does all of the following:

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

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

6 1. is true and complete to the best of his or her knowledge and that he or she is not

7 disqualified under sub. (3).

8 4. Pays all of the following:

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

12 b. A fee for a background check that is equal to the fee charged under s. 175.35
13 (2i).

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

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

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

22 **(15m) EMPLOYER RESTRICTIONS.** (a) Except as provided in par. (b), an employer
23 may prohibit a licensee or an out-of-state licensee that it employs from carrying a
24 concealed weapon or a particular type of concealed weapon in the course of the

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1 licensee's or out-of-state licensee's employment or during any part of the licensee's
2 or out-of-state licensee's course of employment.

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

9 **(16) PROHIBITED ACTIVITY.** (a) Except as provided in par. (am), a licensee or an
10 out-of-state licensee may carry a concealed weapon or a weapon that is not
11 concealed anywhere on publicly owned property and, except as provided in s. 943.13
12 (1n), in publicly owned buildings in this state.

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

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

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

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

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

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) may be fined not more than \$500 or
18 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 62.** 345.11 (1s) of the statutes is amended to read:

23 **345.11 (1s)** The uniform traffic citation shall be used by a traffic officer
24 employed under s. 110.07 for a violation of s. 167.31 (2) (b) 1. or 2., (c) or (d) when
25 committed on a highway.

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1 **SECTION 63.** 345.20 (2) (f) of the statutes is amended to read:

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

7 **SECTION 64.** 440.26 (3m) of the statutes is renumbered 440.26 (3m) (intro.) and
8 amended to read:

9 440.26 (3m) **RULES CONCERNING DANGEROUS WEAPONS.** (intro.) The department
10 shall promulgate rules relating to the carrying of dangerous weapons by a person
11 who holds a license or permit issued under this section or who is employed by a
12 person licensed under this section. The rules shall meet the minimum requirements
13 specified in 15 USC 5902 (b); and shall allow all of the following:

14 **SECTION 65.** 440.26 (3m) (a) of the statutes is created to read:

15 440.26 (3m) (a) A person who is employed in this state by a public agency as
16 a law enforcement officer to carry a concealed firearm if s. 941.23 (1) (e) 2. to 5. and
17 (2) (b) 1. to 3. applies.

18 **SECTION 66.** 440.26 (3m) (b) of the statutes is created to read:

19 440.26 (3m) (b) A qualified out-of-state law enforcement officer, as defined in
20 s. 941.23 (1) (e), to carry a concealed firearm if s. 941.23 (2) (b) 1. to 3. applies.

21 **SECTION 67.** 440.26 (3m) (c) of the statutes is created to read:

22 440.26 (3m) (c) A retired officer, as defined in s. 941.23 (1) (d), to carry a
23 concealed firearm if s. 941.23 (2) (c) 1. to 7. applies.

24 **SECTION 68.** 440.26 (3m) (d) of the statutes is created to read:

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

4 **SECTION 69.** 813.12 (6) (am) 1. of the statutes is amended to read:

5 813.12 (6) (am) 1. If an injunction is issued or extended under sub. (4) or if a
6 tribal injunction is filed under s. 806.247 (3), the clerk of the circuit court shall notify
7 the department of justice of the injunction and shall provide the department of
8 justice with information concerning the period during which the injunction is in
9 effect and information necessary to identify the respondent for purposes of a firearms
10 restrictions record search under s. 175.35 (2g) (c) or a background check under s.
11 175.60 (9g) (a).

12 **SECTION 70.** 813.122 (9) (am) 1. of the statutes is amended to read:

13 813.122 (9) (am) 1. If an injunction is issued or extended under sub. (5), the
14 clerk of the circuit court shall notify the department of justice of the injunction and
15 shall provide the department of justice with information concerning the period
16 during which the injunction is in effect and information necessary to identify the
17 respondent for purposes of a firearms restrictions record search under s. 175.35 (2g)
18 (c) or a background check under s. 175.60 (9g) (a).

19 **SECTION 71.** 813.125 (5r) (a) of the statutes is amended to read:

20 813.125 (5r) (a) If an order prohibiting a respondent from possessing a firearm
21 is issued under sub. (4m), the clerk of the circuit court shall notify the department
22 of justice of the existence of the order prohibiting a respondent from possessing a
23 firearm and shall provide the department of justice with information concerning the
24 period during which the order is in effect and information necessary to identify the

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1 respondent for purposes of a firearms restrictions record search under s. 175.35 (2g)
2 (c) or a background check under s. 175.60 (9g) (a).

3 **SECTION 72.** 895.527 (5) (a) of the statutes is amended to read:

4 895.527 (5) (a) Section 167.30 (1), 941.20 (1) (d) or 948.605 or any rule
5 promulgated under those sections regulating or prohibiting the discharge of
6 firearms.

7 **SECTION 73.** 938.396 (2g) (n) of the statutes is amended to read:

8 938.396 (2g) (n) *Firearms restriction record search or background check.* If a
9 juvenile is adjudged delinquent for an act that would be a felony if committed by an
10 adult, the court clerk shall notify the department of justice of that fact. No other
11 information from the juvenile's court records may be disclosed to the department of
12 justice except by order of the court. The department of justice may disclose any
13 information provided under this subsection only as part of a firearms restrictions
14 record search under s. 175.35 (2g) (c) or a background check under s. 175.60 (9g) (a).

15 **SECTION 74.** 939.22 (10) of the statutes is amended to read:

16 939.22 (10) "Dangerous weapon" means any firearm, whether loaded or
17 unloaded; any device designed as a weapon and capable of producing death or great
18 bodily harm; any ligature or other instrumentality used on the throat, neck, nose, or
19 mouth of another person to impede, partially or completely, breathing or circulation
20 of blood; any electric weapon, as defined in s. 941.295 (4) (1c) (a); or any other device
21 or instrumentality which, in the manner it is used or intended to be used, is
22 calculated or likely to produce death or great bodily harm.

23 **SECTION 75.** 941.23 of the statutes is renumbered 941.23 (2) (intro.) and
24 amended to read:

BILL**SECTION 75**

1 941.23 (2) (intro.) Any person ~~except a peace officer, other than one of the~~
2 ~~following~~, who goes armed with carries a concealed and dangerous weapon is guilty
3 of a Class A misdemeanor. ~~Notwithstanding:~~

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

7 **SECTION 76.** 941.23 (1) of the statutes is created to read:

8 941.23 (1) In this section:

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

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

11 (b) "Law enforcement agency" has the meaning given in s. 175.49 (1) (b).

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

13 (d) "Retired officer" means a person who, before retiring, was employed as a law
14 enforcement officer with a public agency.

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

17 1. The person is employed by a state or local government agency in another
18 state.

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

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

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

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

24 **SECTION 77.** 941.23 (2) (b) of the statutes is created to read:

BILL

1 941.23 (2) (b) A qualified out-of-state law enforcement officer. This paragraph
2 applies only if all of the following apply:

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

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

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

7 **SECTION 78.** 941.23 (2) (c) of the statutes is created to read:

8 941.23 (2) (c) A retired officer. This paragraph applies only if all of the following
9 apply:

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

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

13 b. An identification card described in sub. (3) (b) 2. a., if the retired officer
14 resides in this state, or a certification described in sub. (3) (b) 2. b., if the retired
15 officer resides in another state.

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

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

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

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

25 6. The retired officer is not under the influence of an intoxicant.

BILL**SECTION 78**

1 7. The retired officer is not prohibited under federal law from possessing a
2 firearm.

3 **SECTION 79.** 941.23 (2) (d) of the statutes is created to read:

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

11 **SECTION 80.** 941.23 (2) (e) of the statutes is created to read:

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

15 **SECTION 81.** 941.23 (3) of the statutes is created to read:

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

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

22 1. A photographic identification document issued by the retired officer's former
23 employer that indicates that, within the 12 months preceding the date on which the
24 retired officer is carrying the concealed firearm, he or she was tested or otherwise
25 found by the law enforcement agency from which the retired officer retired to meet

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1 the standards for qualification in firearms training that the law enforcement agency
2 sets for active duty law enforcement officers to carry a firearm of the same type as
3 the firearm that the retired officer is carrying.

4 2. A photographic identification document issued by the law enforcement
5 agency from which the retired officer retired and one of the following:

6 a. A certification card issued under s. 175.49 (2), if the retired officer resides
7 in this state.

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

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

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

19 **SECTION 82.** 941.235 (2) of the statutes is renumbered 941.235 (2) (intro.) and
20 amended to read:

21 941.235 (2) (intro.) This section does not apply to ~~peace~~ any of the following:

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

BILL**SECTION 82**

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

3 **SECTION 83.** 941.235 (2) (c) of the statutes is created to read:

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

6 **SECTION 84.** 941.235 (2) (d) of the statutes is created to read:

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

9 **SECTION 85.** 941.235 (2) (e) of the statutes is created to read:

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

13 **SECTION 86.** 941.237 (3) (cr) of the statutes is created to read:

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

16 **SECTION 87.** 941.237 (3) (ct) of the statutes is created to read:

17 941.237 (3) (ct) A retired officer, as defined in s. 941.23 (1) (d), to whom s. 941.23
18 (2) (c) 1. to 7. applies.

19 **SECTION 88.** 941.237 (3) (cx) of the statutes is created to read:

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

24 **SECTION 89.** 941.237 (4) of the statutes is repealed.

25 **SECTION 90.** 941.295 (1) of the statutes is renumbered 941.295 (1m).

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1 **SECTION 91.** 941.295 (1c) (b) and (c) of the statutes are created to read:

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

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

4 **SECTION 92.** 941.295 (2) (intro.) of the statutes is amended to read:

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

6 **SECTION 93.** 941.295 (2) (d) of the statutes is renumbered 941.295 (2) (d) (intro.)
7 and amended to read:

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

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

13 **SECTION 94.** 941.295 (2) (d) 2. of the statutes is created to read:

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

16 **SECTION 95.** 941.295 (2g) of the statutes is created to read:

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

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

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

23 **SECTION 96.** 941.295 (2r) of the statutes is created to read:

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

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

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

5 **SECTION 97.** 941.295 (4) of the statutes is renumbered 941.295 (1c) (intro.) and
6 amended to read:

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

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

11 **SECTION 98.** 943.13 (1e) (a) of the statutes is renumbered 943.13 (1e) (ar).

12 **SECTION 99.** 943.13 (1e) (aL) of the statutes is created to read:

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

14 **SECTION 100.** 943.13 (1e) (bm) of the statutes is created to read:

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

17 **SECTION 101.** 943.13 (1e) (cm) of the statutes is created to read:

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

20 **SECTION 102.** 943.13 (1e) (g) of the statutes is created to read:

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

22 **SECTION 103.** 943.13 (1m) (b) of the statutes is amended to read:

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

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

3 **SECTION 104.** 943.13 (1m) (c) of the statutes is created to read:

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

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

22 **SECTION 105.** 943.13 (1n) of the statutes is created to read:

23 943.13 (1n) A person is guilty of a Class C misdemeanor if he or she, while
24 carrying a weapon, enters or remains in any part of a building that is owned,
25 occupied, or controlled by the state or any local governmental unit, excluding any

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1 building or portion of a building under s. 175.60 (16) (am) 1., if the state or local
2 governmental unit has notified the actor not to enter or remain in the building while
3 carrying a weapon or with that type of weapon. This subsection does not apply to a
4 person who leases residential or business premises in the building or, if the weapon
5 is in a vehicle driven or parked in the parking facility, to any part of the building used
6 as a parking facility.

7 **SECTION 106.** 943.13 (2) of the statutes is renumbered 943.13 (2) (am), and
8 943.13 (2) (am) (intro.) and 1., as renumbered, are amended to read:

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

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

22 **SECTION 107.** 943.13 (2) (bm) of the statutes is created to read:

23 943.13 (2) (bm) 1. In this paragraph, “sign” means a sign that states a
24 restriction imposed under subd. 2. that is at least 8.5 inches by 11 inches and colored
25 orange as described in s. 29.301 (2).

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1 2. For the purposes of subs. (1m) (c) 2. and (1n), an owner or occupant of a part
2 of a nonresidential building or the state or a local governmental unit has notified an
3 individual not to enter or remain in that part of the building while carrying a weapon
4 or with a particular type of weapon if the owner, occupant, state, or local
5 governmental unit has posted a sign that is located in a prominent place near all of
6 the entrances to the part of the building to which the restriction applies and any
7 individual entering the building can be reasonably expected to see the sign.

8 **SECTION 108.** 943.13 (3) of the statutes is amended to read:

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

13 **SECTION 109.** 946.71 of the statutes is created to read:

14 **946.71 Unlawful use of license for carrying concealed weapons. (1)** In
15 this section, “license” means a license issued under s. 175.60 (2) or (9r).

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

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

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

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

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

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

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

2 **SECTION 110.** 947.01 of the statutes is renumbered 947.01 (1).

3 **SECTION 111.** 947.01 (2) of the statutes is created to read:

4 947.01 (2) A person is not in violation of, and may not be charged with a
5 violation of, sub. (1) for loading, carrying, or going armed with a firearm, without
6 regard to whether the firearm is loaded or is concealed or openly carried.

7 **SECTION 112.** 947.011 (2) (a) 1. of the statutes is amended to read:

8 947.011 (2) (a) 1. Engage in conduct that is prohibited under s. 947.01 (1) within
9 500 feet of any entrance to a facility being used for the service with the intent to
10 disrupt the service.

11 **SECTION 113.** 947.011 (2) (c) 1. of the statutes is amended to read:

12 947.011 (2) (c) 1. Engage in conduct that is prohibited under s. 947.01 (1) within
13 500 feet of any entrance to a facility being used for the service.

14 **SECTION 114.** 947.011 (2) (d) of the statutes is amended to read:

15 947.011 (2) (d) No person may impede vehicles that are part of a funeral
16 procession if the person's conduct violates s. 947.01 (1).

17 **SECTION 115.** 948.60 (1) of the statutes is amended to read:

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

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1 injure a person when thrown; or a manrikigusari or similar length of chain having
2 weighted ends.

3 **SECTION 116.** 948.605 (1) (a) and (am) of the statutes are repealed.

4 **SECTION 117.** 948.605 (2) (b) (intro.) of the statutes is amended to read:

5 948.605 (2) (b) (intro.) Paragraph (a) does not apply to the possession of a
6 firearm by any of the following:

7 **SECTION 118.** 948.605 (2) (b) 1. to 5. and 7. of the statutes are repealed.

8 **SECTION 119.** 948.605 (2) (b) 1m. and 1r. of the statutes are created to read:

9 948.605 (2) (b) 1m. A person who possesses the firearm in accordance with 18
10 USC 922 (q) (2) (B) (i), (iii), (iv), (v), (vi), or (vii).

11 1r. Except if the person is in or on the grounds of a school, a person who
12 possesses the firearm in accordance with 18 USC 922 (q) (2) (B) ii. for purposes of 18
13 USC 922 (q) (2) (B) (ii), an out-of-state licensee, as defined in s. 175.60 (1) (g), is fully
14 licensed under the laws of this state.

15 **SECTION 120.** 948.605 (2) (b) 6. of the statutes is renumbered 948.605 (2) (b) 2m.
16 and amended to read:

17 948.605 (2) (b) 2m. ~~By a law enforcement officer or~~ A state-certified
18 commission warden acting in his or her official capacity; ~~or~~.

19 **SECTION 121.** 948.605 (2) (b) 8. of the statutes is renumbered 948.605 (2) (b) 3m.
20 and amended to read:

21 948.605 (2) (b) 3m. ~~By a~~ A person who is legally hunting in a school forest if
22 the school board has decided that hunting may be allowed in the school forest under
23 s. 120.13 (38).

24 **SECTION 122.** 968.255 (1) (a) 2. of the statutes is amended to read:

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

3 **SECTION 123.** 971.37 (1m) (a) 2. of the statutes is amended to read:

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

11 **SECTION 124.** 973.055 (1) (a) 1. of the statutes is amended to read:

12 973.055 (1) (a) 1. The court convicts the person of a violation of a crime specified
13 in s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.19, 940.20 (1m), 940.201, 940.21,
14 940.225, 940.23, 940.235, 940.285, 940.30, 940.305, 940.31, 940.42, 940.43, 940.44,
15 940.45, 940.48, 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49, 947.01 (1),
16 947.012 or 947.0125 or of a municipal ordinance conforming to s. 940.201, 941.20,
17 941.30, 943.01, 943.011, 943.14, 943.15, 946.49, 947.01 (1), 947.012 or 947.0125; and

18 **SECTION 125. Nonstatutory provisions.**

19 (1) Using the procedure under section 227.24 of the statutes, the department
20 of justice shall promulgate rules required under section 165.25 (12) of the statutes,
21 as created by this act, for the period before the effective date of the permanent rules
22 promulgated under those sections, but not to exceed the period authorized under
23 section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a),
24 (2) (b), and (3) of the statutes, the department is not required to provide evidence that
25 promulgating a rule under this subsection as an emergency rule is necessary for the

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1 preservation of public peace, health, safety, or welfare and is not required to provide
2 a finding of an emergency for a rule promulgated under this subsection.

3 **SECTION 126. Effective dates.** This act takes effect on the first day of the 4th
4 month beginning after publication, except as follows:

5 (1) The treatment of sections 165.25 (12), 175.49 (4), and 175.60 (2m) and (5)
6 of the statutes and SECTION 125 (1) of this act take effect on the day after publication.

7 (END)