



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-2007/Pz P3
CMH&RNK:kjfjf

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Reyn (at)

1 **AN ACT to repeal** 23.33 (3) (e), 165.81 (2), 167.31 (1) (b), 167.31 (1) (g), 167.31 (2)
2 (a), 167.31 (2) (b), 167.31 (4) (am) 2. and 3., 167.31 (4) (bg), (bn) and (bt), 167.31
3 (4) (cm) and (d), 941.235, 941.237, 941.295 and 973.137 (1); **to renumber**
4 29.091, 29.621 (4), 167.30, 943.13 (1e) (a) and 947.01; **to renumber and**
5 **amend** 167.31 (4) (am) 1., 943.13 (2) and 948.605 (2) (a); **to amend** 29.089 (2),
6 29.314 (3) (a), 29.314 (4) (a), 48.685 (2) (bb), 50.065 (2) (bb), 59.54 (6), 66.0409
7 (3) (b), 110.07 (1) (a) 1., 110.07 (1) (a) 3., 110.07 (1) (b), 167.31 (2) (c), 167.31 (2)
8 (d), 167.31 (2) (e), 167.31 (3) (title), 167.31 (3) (a), 167.31 (3) (b), 167.31 (4) (a),
9 167.31 (4) (b), 167.31 (4) (c), 167.31 (4) (f), 345.11 (1s), 345.20 (2) (f), 895.527 (5)
10 (a), 938.34 (14q), 938.78 (3), 939.22 (10), 939.632 (1) (e) 3., 941.23, 941.299 (1)
11 (a), 943.13 (1m) (b), 943.13 (3), 947.011 (2) (a) 1., 947.011 (2) (c) 1., 947.011 (2)
12 (d), 948.60 (1), 948.605 (1) (a), 968.255 (1) (a) 2., 971.37 (1m) (a) 2. and 973.055
13 (1) (a) 1.; and **to create** 29.091 (1), 29.314 (1) (ah), 29.621 (4) (a), 66.0409 (6),
14 167.30 (2), 167.31 (4) (at), 939.22 (11m), 941.232, 943.13 (1e) (aL), 943.13 (1e)
15 (at), 943.13 (1e) (cm), 943.13 (1m) (c), 943.13 (2) (bm), 947.01 (2), 948.605 (1)

1 (af), 948.605 (1) (bm) and 948.605 (2) (a) 2. of the statutes; **relating to:** going
 2 armed with handguns, possessing or transporting a firearm, bow, or crossbow
 3 under certain circumstances, disorderly conduct limitations, and electric
 4 weapons.

Analysis by the Legislative Reference Bureau

In general, under current Wisconsin law, no person may go armed with a concealed and dangerous weapon. The "going armed with" language includes cases in which a person is carrying a concealed weapon but has not gone and is not going anywhere with it and cases in which a weapon is readily accessible to a person in a car. A person who violates the prohibition may be fined not more than \$10,000 or imprisoned for not more than nine months or both. This prohibition has many exceptions. First, Wisconsin Statutes expressly exempt law enforcement officers. In addition, under *State v. Hamdan*, 2003 WI 113, 264 Wis. 2d 433, this prohibition is unconstitutional if applied to a person carrying a concealed weapon at his or her own business when: 1) the person's interest in carrying a concealed weapon substantially outweighs the state's interest in enforcing the concealed weapons law; 2) the person has no other reasonable means to keep and handle the weapon; and 3) the person is not motivated by an unlawful purpose in concealing it. In *Hamdan*, the court also indicated that the constitutional right to keep and bear arms for security allows a person to carry a concealed weapon under certain circumstances in his or her own home. Finally, under federal law, qualified law enforcement officers and qualified retired law enforcement officers may carry concealed firearms that have been shipped or transported in interstate or foreign commerce, regardless of any state prohibition. This bill eliminates the prohibition against going armed with a concealed handgun, which is defined as any weapon designed or redesigned, or made or remade, and intended to be fired while held in one hand and to use the energy of an explosive to expel a projectile through a smooth or rifled bore.

Current law also prohibits, with certain exceptions, going armed with or possessing a firearm in a public building, tavern, state park, or wildlife refuge or within 1,000 feet of the grounds of a school. This bill eliminates the prohibitions against going armed with or possessing a firearm in a public building or tavern but this bill adds general prohibitions against carrying weapons into a police station, sheriff's office, or state patrol station; a prison, jail, house of correction, or secured correctional facility; a courthouse; a place beyond a security checkpoint in an airport; and a building owned or leased by the state or any political subdivision of the state if the building provides electronic screening for weapons at all public entrances to the building and provides locked storage for weapons on the premises while the person carrying the weapon is in the building. This bill applies the prohibition against going armed with or possessing a firearm in a state park or a wildlife refuge only to firearms that are not handguns. This bill also applies the prohibition against going

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 other than a switchblade knife or
 a billy club

armed with or possessing a firearm within 1,000 feet of the grounds of a school only to firearms that are not handguns unless the person is on the premises of a school, including a school building, grounds, or property regularly used for school administration. Any federal prohibitions against guns in school zones still apply.

In addition, current law prohibits, with certain exceptions, carrying a firearm, bow, or crossbow in most vehicles unless the firearm is unloaded and encased or the bow or crossbow is unstrung and encased. This bill eliminates the requirements that the firearm be unloaded and encased and that the bow or crossbow be unstrung and encased in order to be carried in a vehicle.

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

This bill also repeals the current law prohibition against possessing electric weapons.

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 repealed.

2 **SECTION 2.** 29.089 (2) of the statutes is amended to read:

3 29.089 (2) Except as provided in sub. (3) and except if the firearm is a handgun
4 as defined in s. 175.35 (1) (b), no person may have in his or her possession or under
5 his or her control a firearm on land located in state parks or state fish hatcheries
6 unless the firearm is unloaded and enclosed within a carrying case.

7 **SECTION 3.** 29.091 of the statutes is renumbered 29.091 (2).

8 **SECTION 4.** 29.091 (1) of the statutes is created to read:

9 29.091 (1) In this section:

10 (a) "Firearm" does not include a handgun.

11 (b) "Gun" does not include a handgun.

12 (c) "Handgun" has the meaning given in s. 175.35 (1) (b).

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

2 29.314 (1) (ah) "Handgun" has the meaning given in s. 175.35 (1) (b).

3 **SECTION 6.** 29.314 (3) (a) of the statutes is amended to read:

4 29.314 (3) (a) *Prohibition.* No person may use or possess with intent to use a
5 light for shining deer, elk, or bear while the person is hunting deer, elk, or bear or in
6 possession of a firearm that is not a handgun, bow and arrow, or crossbow.

7 **SECTION 7.** 29.314 (4) (a) of the statutes is amended to read:

8 29.314 (4) (a) *Prohibition.* No person may use or possess with intent to use a
9 light for shining wild animals while the person is hunting or in possession of a
10 firearm that is not a handgun, bow and arrow, or crossbow.

11 **SECTION 8.** 29.621 (4) of the statutes is renumbered 29.621 (4) (b).

12 **SECTION 9.** 29.621 (4) (a) of the statutes is created to read:

13 29.621 (4) (a) In this subsection:

- 14 1. "Firearm" does not include a handgun.
15 2. "Gun" does not include a handgun.
16 3. "Handgun" has the meaning given in s. 175.35 (1) (b).

17 **SECTION 10.** 48.685 (2) (bb) of the statutes is amended to read:

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

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

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

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

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

5 **SECTION 12.** 59.54 (6) of the statutes is amended to read:

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

11 **SECTION 13.** 66.0409 (3) (b) of the statutes is amended to read:

12 66.0409 **(3)** (b) Nothing in this section prohibits a city, village or town that is
13 authorized to exercise village powers under s. 60.22 (3) from enacting an ordinance
14 or adopting a resolution that restricts the discharge of a firearm. Any ordinance or
15 resolution that restricts the discharge of a firearm does not apply and may not be
16 enforced if the actor's conduct is justified or, had it been subject to a criminal penalty,
17 would have been subject to a defense described in s. 939.45.

18 **SECTION 14.** 66.0409 (6) of the statutes is created to read:

19 66.0409 **(6)** No person may be in violation of, or be charged with a violation of,
20 an ordinance of a political subdivision relating to disorderly conduct or other
21 inappropriate behavior for loading, carrying, or going armed with a firearm, without
22 regard to whether the firearm is loaded or is concealed or openly carried. Any
23 ordinance in violation of this subsection does not apply and may not be enforced.

24 **SECTION 15.** 110.07 (1) (a) 1. of the statutes is amended to read:

1 110.07 (1) (a) 1. Enforce and assist in the administration of this chapter and
2 chs. 194, 218, 341 to 349 and 351, and ss. 23.33, 125.07 (4) (b), 125.085 (3) (b), 167.31
3 (2) ~~(b) to (c)~~ (c) and (d) and 287.81 and ch. 350 where applicable to highways, or orders
4 or rules issued pursuant thereto.

5 **SECTION 16.** 110.07 (1) (a) 3. of the statutes is amended to read:

6 110.07 (1) (a) 3. Have authority to enter any place where vehicles subject to this
7 chapter, ss. 167.31 (2) ~~(b) to (c)~~ (c) and (d) and 287.81 and chs. 194, 218 and 341 to 350
8 are stored or parked at any time to examine such vehicles, or to stop such vehicles
9 while en route at any time upon the public highways to examine the same and make
10 arrests for all violations thereof.

11 **SECTION 17.** 110.07 (1) (b) of the statutes is amended to read:

12 110.07 (1) (b) All municipal judges, judges, district attorneys and law
13 enforcement officers shall assist in enforcing this chapter, ss. 167.31 (2) ~~(b) to (c)~~ (c)
14 (d) and 287.81 and chs. 194, 218 and 341 to 351, and orders or rules issued pursuant
15 thereto and shall report to the department the disposition of every uniform traffic
16 citation issued for cases involving those chapters.

17 **SECTION 18.** 165.81 (2) of the statutes is repealed.

18 **SECTION 19.** 167.30 of the statutes is renumbered 167.30 (1).

19 **SECTION 20.** 167.30 (2) of the statutes is created to read:

20 167.30 (2) Subsection (1) does not apply to the discharge of a firearm if the
21 actor's conduct is justified or, had it been subject to a criminal penalty, would have
22 been subject to a defense described in s. 939.45.

23 **SECTION 21.** 167.31 (1) (b) of the statutes is repealed.

24 **SECTION 22.** 167.31 (1) (g) of the statutes is repealed.

25 **SECTION 23.** 167.31 (2) (a) of the statutes is repealed.

1 **SECTION 24.** 167.31 (2) (b) of the statutes is repealed.

2 **SECTION 25.** 167.31 (2) (c) of the statutes is amended to read:

3 167.31 (2) (c) Except as provided in sub. (4), no person may load or discharge
4 a firearm or shoot a bolt or an arrow from a bow or crossbow in or from a vehicle.

5 **SECTION 26.** 167.31 (2) (d) of the statutes is amended to read:

6 167.31 (2) (d) Except as provided in sub. (4) (a), ~~(b)~~, (c), (e), and (g), no person
7 may discharge a firearm or shoot a bolt or an arrow from a bow or crossbow from or
8 across a highway or within 50 feet of the center of a roadway.

9 **SECTION 27.** 167.31 (2) (e) of the statutes is amended to read:

10 167.31 (2) (e) A person who violates ~~pars. (a) to par. (c)~~ or (d) is subject to a
11 forfeiture of not more than \$100.

12 **SECTION 28.** 167.31 (3) (title) of the statutes is amended to read:

13 167.31 (3) (title) ~~PROHIBITIONS~~ PROHIBITION; AIRCRAFT.

14 **SECTION 29.** 167.31 (3) (a) of the statutes is amended to read:

15 167.31 (3) (a) Except as provided in sub. (4), no person may place, possess or
16 transport a firearm, ~~bow or crossbow~~ in or on ~~an~~ a commercial aircraft, unless the
17 firearm is unloaded and encased ~~or unless the bow or crossbow is unstrung or is~~
18 ~~enclosed in a carrying case.~~

19 **SECTION 30.** 167.31 (3) (b) of the statutes is amended to read:

20 167.31 (3) (b) Except as provided in sub. (4), no person may load or discharge
21 a firearm or shoot a bolt or an arrow from a bow or crossbow in or from ~~an~~ a
22 commercial aircraft.

23 **SECTION 31.** 167.31 (4) (a) of the statutes is amended to read:

24 167.31 (4) (a) Subsections (2) (c) and (d) and (3) (a) and (b) do not apply to any
25 of the following who, in the line of duty, place, possess, transport, load or discharge

1 a firearm in, on or from a vehicle, motorboat or commercial aircraft or discharge a
2 firearm from or across a highway or within 50 feet of the center of a roadway:

3 **SECTION 32.** 167.31 (4) (am) 1. of the statutes is renumbered 167.31 (4) (am)
4 and amended to read:

5 167.31 (4) (am) Subsections (2) ~~(a)~~, (c) and (d) and (3) (a) and (b) do not apply
6 to a peace officer who, in the line of duty, loads or discharges a firearm in, on, or from
7 a vehicle, motorboat or commercial aircraft or discharges a firearm from or across a
8 highway or within 50 feet of the center of a roadway.

9 **SECTION 33.** 167.31 (4) (am) 2. and 3. of the statutes are repealed.

10 **SECTION 34.** 167.31 (4) (at) of the statutes is created to read:

11 167.31 (4) (at) Subsections (2) (c) and (d), (3) (a) and (b), and (3m) (a) do not
12 apply to the discharge of a firearm if the actor's conduct is justified or, had it been
13 subject to a criminal penalty, would have been subject to a defense described in s.
14 939.45.

15 **SECTION 35.** 167.31 (4) (b) of the statutes is amended to read:

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

20 **SECTION 36.** 167.31 (4) (bg), (bn) and (bt) of the statutes are repealed.

21 **SECTION 37.** 167.31 (4) (c) of the statutes is amended to read:

22 167.31 (4) (c) Subsection (2) ~~(b) and~~ (c) does not apply to the holder of a Class A
23 or Class B permit under s. 29.193 (2) who is hunting from a stationary vehicle.

24 **SECTION 38.** 167.31 (4) (cm) and (d) of the statutes are repealed.

25 **SECTION 39.** 167.31 (4) (f) of the statutes is amended to read:

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

4 **SECTION 40.** 345.11 (1s) of the statutes is amended to read:

5 345.11 (1s) The uniform traffic citation shall be used by a traffic officer
6 employed under s. 110.07 for a violation of s. 167.31 (2) ~~(b)~~, (c) or (d) when committed
7 on a highway.

8 **SECTION 41.** 345.20 (2) (f) of the statutes is amended to read:

9 345.20 (2) (f) Sections 23.50 to 23.85 apply to actions in circuit court to recover
10 forfeitures and weapons surcharges imposed under ch. 814 for violations of s. 167.31
11 (2) ~~(b)~~, (c), or (d). No points may be assessed against the driving record of a person
12 convicted of a violation of s. 167.31 (2) ~~(b)~~, (c), or (d). The report of conviction shall
13 be forwarded to the department.

14 **SECTION 42.** 895.527 (5) (a) of the statutes is amended to read:

15 895.527 (5) (a) Section 167.30 (1), 941.20 (1) (d) or 948.605 or any rule
16 promulgated under those sections regulating or prohibiting the discharge of
17 firearms.

18 **SECTION 43.** 938.34 (14q) of the statutes is amended to read:

19 938.34 (14q) CERTAIN BOMB SCARES AND FIREARM VIOLATIONS. In addition to any
20 other disposition imposed under this section, if the juvenile is found to have violated
21 s. 947.015 and the property involved is owned or leased by the state or any political
22 subdivision of the state, or if the property involved is a school premises, as defined
23 in s. 948.61 (1) (c), or if the juvenile is found to have violated s. ~~941.235~~ or 948.605,
24 immediately suspend the juvenile's operating privilege, as defined in s. 340.01 (40),
25 for 2 years. The court shall immediately forward to the department of transportation

1 the notice of suspension, stating that the suspension is for a violation of s. 947.015
2 involving school premises, or for a violation of s. ~~941.235~~ or 948.605. If otherwise
3 eligible, the juvenile is eligible for an occupational license under s. 343.10.

4 **SECTION 44.** 938.78 (3) of the statutes is amended to read:

5 **938.78 (3) RELEASE OF INFORMATION WHEN ESCAPE OR ABSENCE; RULES.** If a juvenile
6 adjudged delinquent under s. 48.12, 1993 stats., or s. 938.12 or found to be in need
7 of protection or services under s. 48.13 (12), 1993 stats., or s. 48.13 (14), 1993 stats.,
8 or s. 938.13 (12) or (14) on the basis of a violation of s. 943.23 (1m) or (1r), 1999 stats.,
9 or s. 941.10, 941.11, 941.20, 941.21, 941.23, ~~941.235, 941.237~~, 941.24, 941.26, 941.28,
10 ~~941.295~~, 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03, 943.04, 943.10 (2)
11 (a), 943.23 (1g), 943.32 (2), 948.02, 948.025, 948.03, 948.05, 948.055, 948.085 (2),
12 948.60, 948.605, or 948.61 or any crime specified in ch. 940 has escaped from a
13 juvenile correctional facility, residential care center for children and youth, inpatient
14 facility, as defined in s. 51.01 (10), juvenile detention facility, or juvenile portion of
15 a county jail, or from the custody of a peace officer or a guard of such a facility, center,
16 or jail, or has been allowed to leave a juvenile correctional facility, residential care
17 center for children and youth, inpatient facility, juvenile detention facility, or
18 juvenile portion of a county jail for a specified time period and is absent from the
19 facility, center, home, or jail for more than 12 hours after the expiration of the
20 specified period, the department or county department having supervision over the
21 juvenile may release the juvenile's name and any information about the juvenile that
22 is necessary for the protection of the public or to secure the juvenile's return to the
23 facility, center, home, or jail. The department shall promulgate rules establishing
24 guidelines for the release of the juvenile's name or information about the juvenile to
25 the public.

1 **SECTION 45.** 939.22 (10) of the statutes is amended to read:

2 939.22 (10) "Dangerous weapon" means any firearm, whether loaded or
3 unloaded; any device designed as a weapon and capable of producing death or great
4 bodily harm; any ligature or other instrumentality used on the throat, neck, nose, or
5 mouth of another person to impede, partially or completely, breathing or circulation
6 of blood; any electric weapon, ~~as defined in s. 941.295 (4)~~; or any other device or
7 instrumentality which, in the manner it is used or intended to be used, is calculated
8 or likely to produce death or great bodily harm.

9 **SECTION 46.** 939.22 (11m) of the statutes is created to read:

10 939.22 (11m) "Electric weapon" means any device which is designed,
11 redesigned, used or intended to be used, offensively or defensively, to immobilize or
12 incapacitate persons by the use of electric current.

13 **SECTION 47.** 939.632 (1) (e) 3. of the statutes is amended to read:

14 939.632 (1) (e) 3. Any misdemeanor under s. 940.19 (1), 940.225 (3m), 940.32
15 (2), 940.42, 940.44, 941.20 (1), 941.23, ~~941.235~~, 941.24 or 941.38 (3).

16 **SECTION 48.** 941.23 of the statutes is amended to read:

17 **941.23 Carrying concealed weapon.** Any person except a peace officer who
18 goes armed with a concealed and dangerous weapon that is not a handgun, as defined
19 in s. 175.35 (1) (b), is guilty of a Class A misdemeanor. Notwithstanding s. 939.22
20 (22), for purposes of this section, peace officer does not include a commission warden
21 who is not a state-certified commission warden.

22 **SECTION 49.** 941.232 of the statutes is created to read:

23 **941.232 Carrying a weapon at certain locations.** (1) In this section: ↓

24 (a) "Carry" means to go armed with. Notwithstanding s. 939.22 (10) for
purposes of this section, a dangerous weapon does not
include a handgun, as defined in s. 175.35 (1) (b), an
electric weapon, a knife other than a switchblade knife
under s. 941.24, or a billy club.

1 (b) "Weapon" means a handgun, an electric weapon, a knife other than a
2 switchblade knife under s. 941.24, or a billy club.

3 (2) (a) Except as provided in par. (b), any person other than a law enforcement
4 officer who knowingly carries a weapon into any of the following places is guilty of
5 a Class C misdemeanor:

6 1. Any portion of a building that is a police station, sheriff's office, or state
7 patrol station.

8 2. A prison, jail, house of correction, or secured correctional facility.

9 3. A county, state, or federal courthouse.

10 4. A place beyond a security checkpoint in an airport, unless the weapon is
11 unloaded and encased for shipment as baggage to be transported by aircraft.

12 5. A building owned or leased by the state or any political subdivision of the
13 state if the building provides electronic screening for weapons at all public entrances
14 to the building and provides locked storage for weapons on the premises while the
15 person carrying the weapon is in the building.

16 (b) The prohibitions under par. (a) do not apply to any of the following:

17 1. A parking facility located in a building that is used as, or any portion of which
18 is used as, a location under par. (a) if the weapon is in a vehicle driven or parked in
19 the parking facility.

20 2. A judge carrying a weapon in a courthouse and any other individual the judge
21 permits in writing to carry a weapon in a courthouse.

22 3. A district attorney, or an assistant district attorney, carrying a weapon in a
23 courthouse.

24 4. If the place is a building under par. (a) 5., a person leasing residential or
25 business premises in the building.

1 **SECTION 50.** 941.235 of the statutes is repealed.

2 **SECTION 51.** 941.237 of the statutes is repealed.

3 **SECTION 52.** 941.295 of the statutes is repealed.

4 **SECTION 53.** 941.299 (1) (a) of the statutes is amended to read:

5 941.299 (1) (a) “Correctional officer” ~~has the meaning given in s. 941.237 (1)~~

6 **(b)** means any person employed by the state or any political subdivision as a guard
7 or officer whose principal duties are the supervision and discipline of inmates.

8 **SECTION 54.** 943.13 (1e) (a) of the statutes is renumbered 943.13 (1e) (ar).

9 **SECTION 55.** 943.13 (1e) (aL) of the statutes is created to read:

10 943.13 (1e) (aL) “Carry” means to go armed with.

11 **SECTION 56.** 943.13 (1e) (at) of the statutes is created to read:

12 943.13 (1e) (at) “Handgun” has the meaning given in s. 175.35 (1) (b).

13 **SECTION 57.** 943.13 (1e) (cm) of the statutes is created to read:

14 943.13 (1e) (cm) “Nonresidential building” includes any privately or publicly
15 owned building on the grounds of a university or college.

16 **SECTION 58.** 943.13 (1m) (b) of the statutes is amended to read:

17 943.13 (1m) (b) Enters or remains on any land of another after having been
18 notified by the owner or occupant not to enter or remain on the premises. This
19 paragraph does not apply to an individual if the owner’s or occupant’s intent is to
20 prevent the individual from carrying a handgun on the owner’s or occupant’s land.

21 **SECTION 59.** 943.13 (1m) (c) of the statutes is created to read:

22 943.13 (1m) (c) 1. While carrying a handgun, enters or remains at a residence
23 that the actor does not own or occupy after the owner of the residence, if he or she
24 has not leased it to another person, or the occupant of the residence has notified the
25 actor not to enter or remain at the residence while carrying a handgun. In this

1 subdivision, "residence," with respect to a single-family residence, includes the
2 residence building and the parcel of land upon which the residence building is
3 located, and "residence," with respect to a residence that is not a single-family
4 residence, does not include any common area of the building in which the residence
5 is located or any common areas of the rest of the parcel of land upon which the
6 residence building is located.

7 2. While carrying a handgun, enters or remains in any part of a nonresidential
8 building that the actor does not own or occupy after the owner of the building, if that
9 part of the building has not been leased to another person, or the occupant of that
10 part of the building has notified the actor not to enter or remain in that part of the
11 building while carrying a handgun. This subdivision does not apply to a part of a
12 building occupied by the state or one of its political subdivisions or, if the handgun
13 is in a vehicle driven or parked in the parking facility, to any part of a building used
14 as a parking facility.

15 **SECTION 60.** 943.13 (2) of the statutes is renumbered 943.13 (2) (am), and
16 943.13 (2) (am) (intro.) and 1., as renumbered, are amended to read:

17 943.13 (2) (am) (intro.) A person has received notice from the owner or occupant
18 within the meaning of sub. (1m) (b), (e) or (f) if he or she has been notified personally,
19 either orally or in writing, or if the land is posted. Land is considered to be posted
20 under this ~~subsection~~ paragraph under either of the following procedures:

21 1. If a sign at least 11 inches square is placed in at least 2 conspicuous places
22 for every 40 acres to be protected. The sign must ~~carry~~ provide an appropriate notice
23 and the name of the person giving the notice followed by the word "owner" if the
24 person giving the notice is the holder of legal title to the land and by the word
25 "occupant" if the person giving the notice is not the holder of legal title but is a lawful

1 occupant of the land. Proof that appropriate signs as provided in this ~~paragraph~~
2 subdivision were erected or in existence upon the premises to be protected prior to
3 the event complained of shall be prima facie proof that the premises to be protected
4 were posted as provided in this ~~paragraph~~ subdivision.

5 **SECTION 61.** 943.13 (2) (bm) of the statutes is created to read:

6 943.13 (2) (bm) 1. In this paragraph, "sign" means a sign that states a
7 restriction imposed under subd. 2. that is at least 8.5 inches by 11 inches and colored
8 orange as described in s. 29.301 (2).

9 2. For the purposes of sub. (1m) (c) 2., an owner or occupant of a part of a
10 nonresidential building has notified an individual not to enter or remain in that part
11 of the building while carrying a handgun if the owner or occupant has posted a sign
12 that is located in a prominent place near all of the entrances to the part of the
13 building to which the restriction applies and any individual entering the building
14 can be reasonably expected to see the sign.

15 **SECTION 62.** 943.13 (3) of the statutes is amended to read:

16 943.13 (3) Whoever erects on the land of another signs which are the same as
17 or similar to those described in sub. (2) (am) without obtaining the express consent
18 of the lawful occupant of or holder of legal title to such land is subject to a Class C
19 forfeiture.

20 **SECTION 63.** 947.01 of the statutes is renumbered 947.01 (1).

21 **SECTION 64.** 947.01 (2) of the statutes is created to read:

22 947.01 (2) A person is not in violation of, and may not be charged with a
23 violation of, sub. (1) for loading, carrying, or going armed with a handgun, as defined
24 in s. 175.35 (1) (b), without regard to whether the handgun is loaded or is concealed
25 or openly carried.

1 **SECTION 65.** 947.011 (2) (a) 1. of the statutes is amended to read:

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

5 **SECTION 66.** 947.011 (2) (c) 1. of the statutes is amended to read:

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

8 **SECTION 67.** 947.011 (2) (d) of the statutes is amended to read:

9 947.011 (2) (d) No person may impede vehicles that are part of a funeral
10 procession if the person's conduct violates s. 947.01 (1).

11 **SECTION 68.** 948.60 (1) of the statutes is amended to read:

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

21 **SECTION 69.** 948.605 (1) (a) of the statutes is amended to read:

22 948.605 (1) (a) "Encased" ~~has the meaning given in s. 167.31 (1) (b)~~ means
23 enclosed in a case that is completely zipped, snapped, buckled, tied, or otherwise
24 fastened with no part of the firearm exposed.

25 **SECTION 70.** 948.605 (1) (af) of the statutes is created to read:

1 948.605 (1) (af) "Handgun" has the meaning given in s. 175.35 (1) (b).

2 **SECTION 71.** 948.605 (1) (bm) of the statutes is created to read:

3 948.605 (1) (bm) "School premises" has the meaning given under s. 948.61 (1)
4 (c) except "school premises" does not include buildings that are not regularly used for
5 school administration.

6 **SECTION 72.** 948.605 (2) (a) of the statutes is renumbered 948.605 (2) (a) 1. and
7 amended to read:

8 948.605 (2) (a) 1. Any individual who knowingly possesses a firearm that is not
9 a handgun at a place that the individual knows, or has reasonable cause to believe,
10 is a school zone is guilty of a Class I felony.

11 **SECTION 73.** 948.605 (2) (a) 2. of the statutes is created to read:

12 948.605 (2) (a) 2. Any individual who knowingly possesses a handgun at a place
13 that the individual knows, or has reasonable cause to believe, is on school premises
14 is guilty of a Class I felony.

15 **SECTION 74.** 968.255 (1) (a) 2. of the statutes is amended to read:

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

18 **SECTION 75.** 971.37 (1m) (a) 2. of the statutes is amended to read:

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

Hanaman, Cathlene

From: Konopacki, Larry
Sent: Tuesday, May 03, 2011 11:28 PM
To: Hanaman, Cathlene
Cc: Esser, Jennifer
Subject: Comments on LRB 1066/9 and LRB 2007/3

Hi Cathlene, sorry to have been out of contact today. Below are a list of "final" instructions on the two carry drafts as approved by Jen in Sen. Galloway's office. I have tried to be as specific as possible with respect to these changes due to Jen and Tim's target deadline. Please feel free to contact me if you have any questions. You can call my cell phone if you cannot reach me at my office - 358-4500.

Both:
Jen asked that both drafts be re-drafted with new LRB numbers.

LRB 1066/9:

- p. 16 ln 11-12 and ln 24-25 and p. 17 ln 8-9 - remove these lines.
- p. 16 ln 17 - do not strike out "and encased".
- p. 17 ln 5-6 - do not strike out "and encased" or "unstrung or is enclosed in a carrying case" and delete "not armed with a bolt or an arrow".
- p. 18 ln 6 - after "transportation," add "encasing,".
- p 42 ln 9-12 - if "except as provided in s. 943.13 (1n)" is included with regard to public buildings, then "except as provided in s. 943.13 (1m)" should be included with regard to private buildings. I would recommend replacing (16) (a) with the following: "Except as provided in par. (am) and s. 943.13 (1m) and (1n), a licensee or an out-of-state licensee may carry a concealed weapon or a weapon that is not concealed anywhere on publicly owned property and in publicly owned buildings in this state."
- p. 42 ln 14 - after "that is not concealed" add "or a firearm that is not a weapon". Subd. pars. 2. a., b., and c. starting on line 21 should only apply to "weapons" as it is currently drafted, but may have to be modified slightly to clarify that point after the addition of "firearms that are not weapons" under subd. 1. For instance, you might replace subd. par. 2. a. with "A weapon, if the weapon is in a parking facility located in a building that is used as, or any portion of which is used as, a location under subd. 1. if the weapon is in a vehicle driven or parked in the parking facility." Similar changes could be made to subd. pars. b. and c.
- p. 42 ln 17-19 - remove ", unless the weapon is unloaded and encased for shipment as baggage to be transported by aircraft"
- p. 44 ln 18 and ln 21 - remove ", if done in good faith".
- p. 52 ln 11-12 - remove ", if the firearm is a handgun, as defined in s. 175.60 (1) (b)"
- p. 52 ln 22-23 - remove "and if the firearm is a handgun, as defined in s. 175.60 (1) (b)" - (s. 941.237 only creates a prohibition against handguns (not all firearms) in taverns and the term "handgun is defined in that section.)
- p. 54 ln 21 through p. 57 ln 4 - delete the definition of "weapon" and replace all instances of the word "weapon" with "firearm".

LRB 2007/3:

- p. 12/ln 16-23 - repeal s. 941.23.
- p. 13 ln 5 - after "weapon" add "or a firearm that is not a weapon".
- p. 13 ln 11-12 - remove ", unless the weapon is unloaded and encased for shipment as baggage to be transported by aircraft"

- p. 13 In 14 and In 15, replace "provides" with "does not provide" Also, this subdivision should expressly apply only to those areas of such buildings that are beyond the electronic screening.

- p. 13 In 18 -24 - subd. 1., 2., and 3 may have to be modified slightly because of the addition of "firearms that are not weapons" under par. (a). For instance, you might replace subd. 1. with "A weapon, if the weapon is in a parking facility located in a building that is used as, or any portion of which is used as, a location under par. (a) if the weapon is in a vehicle driven or parked in the parking facility." Similar changes could be made to subds. 2. and 3.

- p. 14 In 14 through p. 16 In 13 - delete the definition of "handgun" and replace all instances of the word "handgun" with "firearm".

- p. 16 In 25 and p. 17 In 1 - replace "handgun" with "firearm".

- p. 18 In 5-9 - delete the definitions of "handgun" and "school premises".

- p. 18 In 12-14 - delete the added text ("that is not a handgun") and replace "a school zone" with "the grounds of a school" on In 14. Also revise the title to sub (2) to read "Possession of a firearm on the grounds of a school".

- p. 18 In 16-18 - replace these lines with:

"948.605 (2) (a) 2. subd. 1. does not apply to possession of a firearm by any of the following:

a. A person who possesses the firearm in accordance with 18 USC 922 (q) (2) (B) (i), (iii), (iv), (v), (vi), or (vii).

b. A state-certified commission warden acting in his or her official capacity.

c. A person who is legally hunting in a school forest if the school board has decided that hunting may be allowed in the school forest under s. 120.13 (38).

- Add the provisions from p. 44 In 16-18 of LRB 1066/9, as amended above, to s. 943.13 under this draft.

- Add the provisions from p. 41 In 22 through p. 42 In 8 of LRB 1066/9 where appropriate in this draft (probably a new section of ch. 941) replacing each instance of "licensee or an out-of-state licensee" with "person" and applying the same penalty to a violation of an employer restriction under this provision as would apply under LRB 1066/9.

- Add the provisions from p. 44 In 19-21 of LRB 1066/9, as amended above, where appropriate in this draft.

Thanks,

Larry

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State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-2007/P8
CMH&RNK:kjf&wlj:md

Now

Stays

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Repeal

1 **AN ACT to repeal** 23.33 (3) (e), 165.81 (2), 167.31 (1) (b), 167.31 (1) (g), 167.31 (2)
2 (a), 167.31 (2) (b), 167.31 (4) (am) 2. and 3., 167.31 (4) (bg), (bn) and (bt), 167.31
3 (4) (cm) and (d), 941.235, 941.237, 941.295 and 973.137 (1); **to renumber**
4 29.091, 29.621 (4), 167.30, 943.13 (1e) (a) and 947.01; **to renumber and**
5 **amend** 167.31 (4) (am) 1., 943.13 (2) and 948.605 (2) (a); **to amend** 29.089 (2),
6 29.314 (3) (a), 29.314 (4) (a), 48.685 (2) (bb), 50.065 (2) (bb), 59.54 (6), 66.0409
7 (3) (b), 110.07 (1) (a) 1., 110.07 (1) (a) 3., 110.07 (1) (b), 167.31 (2) (c), 167.31 (2)
8 (d), 167.31 (2) (e), 167.31 (3) (title), 167.31 (3) (a), 167.31 (3) (b), 167.31 (4) (a),
9 167.31 (4) (b), 167.31 (4) (c), 167.31 (4) (f), 345.11 (1s), 345.20 (2) (f), 895.527 (5)
10 (a), 938.34 (14q), 938.78 (3), 939.22 (10), 939.632 (1) (e) 3., 941.23, 941.299 (1)
11 (a), 943.13 (1m) (b), 943.13 (3), 947.011 (2) (a) 1., 947.011 (2) (c) 1., 947.011 (2)
12 (d), 948.60 (1), 948.605 (1) (a), 968.255 (1) (a) 2., 971.37 (1m) (a) 2. and 973.055
13 (1) (a) 1.; and **to create** 29.091 (1), 29.314 (1) (ah), 29.621 (4) (a), 66.0409 (6),
14 167.30 (2), 167.31 (4) (at), 939.22 (11m), 941.232, 943.13 (1e) (aL), 943.13 (1e)
15 (at), 943.13 (1e) (cm), 943.13 (1m) (c), 943.13 (2) (bm), 947.01 (2), 948.605 (1)

1 (af), 948.605 (1) (bm) and 948.605 (2) (a) 2. of the statutes; **relating to:** going
 2 armed with ~~handguns~~ ^{weapons}, possessing or transporting a firearm, bow, or crossbow
 3 under certain circumstances, disorderly conduct limitations, and electric
 4 weapons.

Analysis by the Legislative Reference Bureau

In general, under current Wisconsin law, no person may go armed with a concealed and dangerous weapon. The "going armed with" language includes cases in which a person is carrying a concealed weapon but has not gone and is not going anywhere with it and cases in which a weapon is readily accessible to a person in a car. A person who violates the prohibition may be fined not more than \$10,000 or imprisoned for not more than nine months or both. This prohibition has many exceptions. First, Wisconsin Statutes expressly exempt law enforcement officers. In addition, under *State v. Hamdan*, 2003 WI 113, 264 Wis. 2d 433, this prohibition is unconstitutional if applied to a person carrying a concealed weapon at his or her own business when: 1) the person's interest in carrying a concealed weapon substantially outweighs the state's interest in enforcing the concealed weapons law; 2) the person has no other reasonable means to keep and handle the weapon; and 3) the person is not motivated by an unlawful purpose in concealing it. In *Hamdan*, the court also indicated that the constitutional right to keep and bear arms for security allows a person to carry a concealed weapon under certain circumstances in his or her own home. Finally, under federal law, qualified law enforcement officers and qualified retired law enforcement officers may carry concealed firearms that have been shipped or transported in interstate or foreign commerce, regardless of any state prohibition. This bill eliminates the prohibition against going armed with a concealed handgun, which is defined as any weapon designed or redesigned, or made or remade, and intended to be fired while held in one hand and to use the energy of an explosive to expel a projectile through a smooth or rifled bore; a concealed electric weapon; a concealed knife other than a switchblade knife; or a concealed billy club.

Current law also prohibits, with certain exceptions, going armed with or possessing a firearm in a public building, tavern, state park, or wildlife refuge or within 1,000 feet of the grounds of a school. This bill eliminates the prohibitions against going armed with or possessing a firearm in a public building or tavern but this bill adds general prohibitions against carrying weapons into a police station, sheriff's office, or state patrol station; a prison, jail, house of correction, or secured correctional facility; a courthouse; a place beyond a security checkpoint in an airport; and a building owned or leased by the state or any political subdivision of the state if the building provides electronic screening for weapons at all public entrances to the building and provides locked storage for weapons on the premises while the person carrying the weapon is in the building. This bill applies the prohibition against going armed with or possessing a firearm in a state park or a wildlife refuge only to

the grounds of a school

limits

however

firearms that are not handguns. This bill also ~~applies~~ the prohibition against going armed with or possessing a firearm within 1,000 feet of the grounds of a school only to firearms that are not handguns unless the person is on the premises of a school, including a school building, grounds, or property regularly used for school administration. Any federal prohibitions against guns in school zones still apply.

In addition, current law prohibits, with certain exceptions, carrying a firearm, bow, or crossbow in most vehicles unless the firearm is unloaded and encased or the bow or crossbow is unstrung and encased. This bill eliminates the requirements that the firearm be unloaded and encased and that the bow or crossbow be unstrung and encased in order to be carried in a vehicle.

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

This bill also repeals the current law prohibition against possessing electric weapons.

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

(NOT)
The bill retains the requirement that a firearm be unloaded and encased in order to be carried on a commercial aircraft

general

firearm

firearm

firearm

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 repealed.
- 2 **SECTION 2.** 29.089 (2) of the statutes is amended to read:
- 3 29.089 (2) Except as provided in sub. (3) and except if the firearm is a handgun
- 4 as defined in s. 175.35 (1) (b), no person may have in his or her possession or under
- 5 his or her control a firearm on land located in state parks or state fish hatcheries
- 6 unless the firearm is unloaded and enclosed within a carrying case.
- 7 **SECTION 3.** 29.091 of the statutes is renumbered 29.091 (2).
- 8 **SECTION 4.** 29.091 (1) of the statutes is created to read:
- 9 29.091 (1) In this section:
- 10 (a) "Firearm" does not include a handgun.
- 11 (b) "Gun" does not include a handgun.
- 12 (c) "Handgun" has the meaning given in s. 175.35 (1) (b).

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

2 29.314 (1) (ah) "Handgun" has the meaning given in s. 175.35 (1) (b).

3 **SECTION 6.** 29.314 (3) (a) of the statutes is amended to read:

4 29.314 (3) (a) *Prohibition.* No person may use or possess with intent to use a
5 light for shining deer, elk, or bear while the person is hunting deer, elk, or bear or in
6 possession of a firearm that is not a handgun, bow and arrow, or crossbow.

7 **SECTION 7.** 29.314 (4) (a) of the statutes is amended to read:

8 29.314 (4) (a) *Prohibition.* No person may use or possess with intent to use a
9 light for shining wild animals while the person is hunting or in possession of a
10 firearm that is not a handgun, bow and arrow, or crossbow.

11 **SECTION 8.** 29.621 (4) of the statutes is renumbered 29.621 (4) (b).

12 **SECTION 9.** 29.621 (4) (a) of the statutes is created to read:

13 29.621 (4) (a) In this subsection:

14 1. "Firearm" does not include a handgun.

15 2. "Gun" does not include a handgun.

16 3. "Handgun" has the meaning given in s. 175.35 (1) (b).

17 **SECTION 10.** 48.685 (2) (bb) of the statutes is amended to read:

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

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

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

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

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

5 **SECTION 12.** 59.54 (6) of the statutes is amended to read:

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

11 **SECTION 13.** 66.0409 (3) (b) of the statutes is amended to read:

12 66.0409 (3) (b) Nothing in this section prohibits a city, village or town that is
13 authorized to exercise village powers under s. 60.22 (3) from enacting an ordinance
14 or adopting a resolution that restricts the discharge of a firearm. Any ordinance or
15 resolution that restricts the discharge of a firearm does not apply and may not be
16 enforced if the actor's conduct is justified or, had it been subject to a criminal penalty,
17 would have been subject to a defense described in s. 939.45.

18 **SECTION 14.** 66.0409 (6) of the statutes is created to read:

19 66.0409 (6) No person may be in violation of, or be charged with a violation of,
20 an ordinance of a political subdivision relating to disorderly conduct or other
21 inappropriate behavior for loading, carrying, or going armed with a firearm, without
22 regard to whether the firearm is loaded or is concealed or openly carried. Any
23 ordinance in violation of this subsection does not apply and may not be enforced.

24 **SECTION 15.** 110.07 (1) (a) 1. of the statutes is amended to read:

1 110.07 (1) (a) 1. Enforce and assist in the administration of this chapter and
2 chs. 194, 218, 341 to 349 and 351, and ss. 23.33, 125.07 (4) (b), 125.085 (3) (b), 167.31
3 (2) ~~(b) to (c)~~ (c) and (d) and 287.81 and ch. 350 where applicable to highways, or orders
4 or rules issued pursuant thereto.

5 **SECTION 16.** 110.07 (1) (a) 3. of the statutes is amended to read:

6 110.07 (1) (a) 3. Have authority to enter any place where vehicles subject to this
7 chapter, ss. 167.31 (2) ~~(b) to (c)~~ (c) and (d) and 287.81 and chs. 194, 218 and 341 to 350
8 are stored or parked at any time to examine such vehicles, or to stop such vehicles
9 while en route at any time upon the public highways to examine the same and make
10 arrests for all violations thereof.

11 **SECTION 17.** 110.07 (1) (b) of the statutes is amended to read:

12 110.07 (1) (b) All municipal judges, judges, district attorneys and law
13 enforcement officers shall assist in enforcing this chapter, ss. 167.31 (2) ~~(b) to (c)~~ (c) and
14 (d) and 287.81 and chs. 194, 218 and 341 to 351, and orders or rules issued pursuant
15 thereto and shall report to the department the disposition of every uniform traffic
16 citation issued for cases involving those chapters.

17 **SECTION 18.** 165.81 (2) of the statutes is repealed.

18 **SECTION 19.** 167.30 of the statutes is renumbered 167.30 (1).

19 **SECTION 20.** 167.30 (2) of the statutes is created to read:

20 167.30 (2) Subsection (1) does not apply to the discharge of a firearm if the
21 actor's conduct is justified or, had it been subject to a criminal penalty, would have
22 been subject to a defense described in s. 939.45.

23 **SECTION 21.** 167.31 (1) (b) of the statutes is repealed.

24 **SECTION 22.** 167.31 (1) (g) of the statutes is repealed.

25 **SECTION 23.** 167.31 (2) (a) of the statutes is repealed.

1 **SECTION 24.** 167.31 (2) (b) of the statutes is repealed.

2 **SECTION 25.** 167.31 (2) (c) of the statutes is amended to read:

3 167.31 (2) (c) Except as provided in sub. (4), no person may load or discharge
4 a firearm or shoot a bolt or an arrow from a bow or crossbow in or from a vehicle.

5 **SECTION 26.** 167.31 (2) (d) of the statutes is amended to read:

6 167.31 (2) (d) Except as provided in sub. (4) (a), ~~(b)~~, (c), (e), and (g), no person
7 may discharge a firearm or shoot a bolt or an arrow from a bow or crossbow from or
8 across a highway or within 50 feet of the center of a roadway.

9 **SECTION 27.** 167.31 (2) (e) of the statutes is amended to read:

10 167.31 (2) (e) A person who violates ~~par. (a) to par. (c)~~ or (d) is subject to a
11 forfeiture of not more than \$100.

12 **SECTION 28.** 167.31 (3) (title) of the statutes is amended to read:

13 167.31 (3) (title) ~~PROHIBITIONS~~ PROHIBITION; AIRCRAFT.

14 **SECTION 29.** 167.31 (3) (a) of the statutes is amended to read:

15 167.31 (3) (a) Except as provided in sub. (4), no person may place, possess or
16 transport a firearm, ~~bow or crossbow~~ in or on an a commercial aircraft, unless the
17 firearm is unloaded and encased or ~~unless the bow or crossbow is unstrung or is~~
18 ~~enclosed in a carrying case.~~

19 **SECTION 30.** 167.31 (3) (b) of the statutes is amended to read:

20 167.31 (3) (b) Except as provided in sub. (4), no person may load or discharge
21 a firearm or shoot a bolt or an arrow from a bow or crossbow in or from an a
22 commercial aircraft.

23 **SECTION 31.** 167.31 (4) (a) of the statutes is amended to read:

24 167.31 (4) (a) Subsections (2) (c) and (d) and (3) (a) and (b) do not apply to any
25 of the following who, in the line of duty, place, possess, transport, load or discharge

1 a firearm in, on or from a vehicle, motorboat or commercial aircraft or discharge a
2 firearm from or across a highway or within 50 feet of the center of a roadway:

3 **SECTION 32.** 167.31 (4) (am) 1. of the statutes is renumbered 167.31 (4) (am)
4 and amended to read:

5 167.31 (4) (am) Subsections (2) ~~(a)~~, (c) and (d) and (3) (a) and (b) do not apply
6 to a peace officer who, in the line of duty, loads or discharges a firearm in, on, or from
7 a vehicle, motorboat or commercial aircraft or discharges a firearm from or across a
8 highway or within 50 feet of the center of a roadway.

9 **SECTION 33.** 167.31 (4) (am) 2. and 3. of the statutes are repealed.

10 **SECTION 34.** 167.31 (4) (at) of the statutes is created to read:

11 167.31 (4) (at) Subsections (2) (c) and (d), (3) (a) and (b), and (3m) (a) do not
12 apply to the discharge of a firearm if the actor's conduct is justified or, had it been
13 subject to a criminal penalty, would have been subject to a defense described in s.
14 939.45.

15 **SECTION 35.** 167.31 (4) (b) of the statutes is amended to read:

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

20 **SECTION 36.** 167.31 (4) (bg), (bn) and (bt) of the statutes are repealed.

21 **SECTION 37.** 167.31 (4) (c) of the statutes is amended to read:

22 167.31 (4) (c) Subsection (2) ~~(b)~~ and (c) does not apply to the holder of a Class A
23 or Class B permit under s. 29.193 (2) who is hunting from a stationary vehicle.

24 **SECTION 38.** 167.31 (4) (cm) and (d) of the statutes are repealed.

25 **SECTION 39.** 167.31 (4) (f) of the statutes is amended to read:

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

4 **SECTION 40.** 345.11 (1s) of the statutes is amended to read:

5 345.11 (1s) The uniform traffic citation shall be used by a traffic officer
6 employed under s. 110.07 for a violation of s. 167.31 (2) ~~(b)~~, (c) or (d) when committed
7 on a highway.

8 **SECTION 41.** 345.20 (2) (f) of the statutes is amended to read:

9 345.20 (2) (f) Sections 23.50 to 23.85 apply to actions in circuit court to recover
10 forfeitures and weapons surcharges imposed under ch. 814 for violations of s. 167.31
11 (2) ~~(b)~~, (c), or (d). No points may be assessed against the driving record of a person
12 convicted of a violation of s. 167.31 (2) ~~(b)~~, (c), or (d). The report of conviction shall
13 be forwarded to the department.

14 **SECTION 42.** 895.527 (5) (a) of the statutes is amended to read:

15 895.527 (5) (a) Section 167.30 (1), 941.20 (1) (d) or 948.605 or any rule
16 promulgated under those sections regulating or prohibiting the discharge of
17 firearms.

18 **SECTION 43.** 938.34 (14q) of the statutes is amended to read:

19 938.34 (14q) CERTAIN BOMB SCARES AND FIREARM VIOLATIONS. In addition to any
20 other disposition imposed under this section, if the juvenile is found to have violated
21 s. 947.015 and the property involved is owned or leased by the state or any political
22 subdivision of the state, or if the property involved is a school premises, as defined
23 in s. 948.61 (1) (c), or if the juvenile is found to have violated s. ~~941.235 or~~ 948.605,
24 immediately suspend the juvenile's operating privilege, as defined in s. 340.01 (40),
25 for 2 years. The court shall immediately forward to the department of transportation

1 the notice of suspension, stating that the suspension is for a violation of s. 947.015
2 involving school premises, or for a violation of s. ~~941.235~~ or 948.605. If otherwise
3 eligible, the juvenile is eligible for an occupational license under s. 343.10.

4 **SECTION 44.** 938.78 (3) of the statutes is amended to read:

5 938.78 (3) RELEASE OF INFORMATION WHEN ESCAPE OR ABSENCE; RULES. If a juvenile
6 adjudged delinquent under s. 48.12, 1993 stats., or s. 938.12 or found to be in need
7 of protection or services under s. 48.13 (12), 1993 stats., or s. 48.13 (14), 1993 stats.,
8 or s. 938.13 (12) or (14) on the basis of a violation of s. 943.23 (1m) or (1r), 1999 stats.,
9 or s. 941.10, 941.11, 941.20, 941.21, ~~941.23, 941.235, 941.237~~, 941.24, 941.26, 941.28,
10 ~~941.295~~, 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03, 943.04, 943.10 (2)
11 (a), 943.23 (1g), 943.32 (2), 948.02, 948.025, 948.03, 948.05, 948.055, 948.085 (2),
12 948.60, 948.605, or 948.61 or any crime specified in ch. 940 has escaped from a
13 juvenile correctional facility, residential care center for children and youth, inpatient
14 facility, as defined in s. 51.01 (10), juvenile detention facility, or juvenile portion of
15 a county jail, or from the custody of a peace officer or a guard of such a facility, center,
16 or jail, or has been allowed to leave a juvenile correctional facility, residential care
17 center for children and youth, inpatient facility, juvenile detention facility, or
18 juvenile portion of a county jail for a specified time period and is absent from the
19 facility, center, home, or jail for more than 12 hours after the expiration of the
20 specified period, the department or county department having supervision over the
21 juvenile may release the juvenile's name and any information about the juvenile that
22 is necessary for the protection of the public or to secure the juvenile's return to the
23 facility, center, home, or jail. The department shall promulgate rules establishing
24 guidelines for the release of the juvenile's name or information about the juvenile to
25 the public.

1 **SECTION 45.** 939.22 (10) of the statutes is amended to read:

2 939.22 (10) "Dangerous weapon" means any firearm, whether loaded or
3 unloaded; any device designed as a weapon and capable of producing death or great
4 bodily harm; any ligature or other instrumentality used on the throat, neck, nose, or
5 mouth of another person to impede, partially or completely, breathing or circulation
6 of blood; any electric weapon, ~~as defined in s. 941.295 (4)~~; or any other device or
7 instrumentality which, in the manner it is used or intended to be used, is calculated
8 or likely to produce death or great bodily harm.

9 **SECTION 46.** 939.22 (11m) of the statutes is created to read:

10 939.22 (11m) "Electric weapon" means any device which is designed,
11 redesigned, used or intended to be used, offensively or defensively, to immobilize or
12 incapacitate persons by the use of electric current.

13 **SECTION 47.** 939.632 (1) (e) 3. of the statutes is amended to read:

14 939.632 (1) (e) 3. Any misdemeanor under s. 940.19 (1), 940.225 (3m), 940.32
15 (2), 940.42, 940.44, 941.20 (1), ~~941.23~~, ~~941.235~~, 941.24 or 941.38 (3).

16 **SECTION 48.** 941.23 of the statutes is ~~amended to read:~~ *repealed* 

17 **941.23 Carrying concealed weapon.** Any person except a peace officer who
18 goes armed with a concealed and dangerous weapon is guilty of a Class A
19 misdemeanor. Notwithstanding s. 939.22 (10), for purposes of this section,
20 "dangerous weapon" does not include a handgun, as defined in s. 175.35 (1) (b), an
21 electric weapon, a knife other than a switchblade knife under s. 941.24, or a billy club.
22 Notwithstanding s. 939.22 (22), for purposes of this section, peace officer does not
23 include a commission warden who is not a state-certified commission warden.

24 **SECTION 49.** 941.232 of the statutes is created to read:

25 **941.232 Carrying a weapon at certain locations.** (1) In this section:

*Please
fix
compend*

1 (a) "Carry" means to go armed with.

2 (b) "Weapon" means a handgun, an electric weapon, a knife other than a
3 switchblade knife under s. 941.24, or a billy club.

4 (2) (a) Except as provided in par. (b), any person other than a law enforcement
5 officer who knowingly carries a weapon ^{or a firearm that is not a weapon} into any of the following places is guilty of
6 a Class C misdemeanor:

7 1. Any portion of a building that is a police station, sheriff's office, or state
8 patrol station.

9 2. A prison, jail, house of correction, or secured correctional facility.

10 3. A county, state, or federal courthouse.

11 4. A place beyond a security checkpoint in an airport, unless the weapon is
12 unloaded and encased for shipment as baggage to be transported by aircraft. ⁹¹ ← keep

13 5. A building owned or leased by the state or any political subdivision of the
14 state if the building provides electronic screening for weapons at all public entrances
15 to the building and provides locked storage for weapons on the premises while the
16 person carrying the weapon is in the building.

17 (b) The prohibitions under par. (a) do not apply to any of the following:

18 1. A parking facility located in a building that is used as, or any portion of which
19 is used as, a location under par. (a) if the weapon is in a vehicle driven or parked in
20 the parking facility.

21 2. A judge carrying a weapon in a courthouse and any other individual the judge
22 permits in writing to carry a weapon in a courthouse.

23 3. A district attorney, or an assistant district attorney, carrying a weapon in a
24 courthouse.

INS
13-17

SECTION 49

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14-1
14-3
↓
INS

4. If the place is a building under par. (a) 5., ^{a weapon if} a person leasing residential or business premises in the building ^{is carrying the weapon}

SECTION 50. 941.235 of the statutes is repealed.

SECTION 51. 941.237 of the statutes is repealed.

SECTION 52. 941.295 of the statutes is repealed.

SECTION 53. 941.299 (1) (a) of the statutes is amended to read:

941.299 (1) (a) "Correctional officer" ~~has the meaning given in s. 941.237 (1)~~

(b) means any person employed by the state or any political subdivision as a guard or officer whose principal duties are the supervision and discipline of inmates.

SECTION 54. 943.13 (1e) (a) of the statutes is renumbered 943.13 (1e) (ar).

SECTION 55. 943.13 (1e) (aL) of the statutes is created to read:

943.13 (1e) (aL) "Carry" means to go armed with.

SECTION 56. 943.13 (1e) (at) of the statutes is created to read:

943.13 (1e) (at) "Handgun" has the meaning given in s. 175.35 (1) (b).

SECTION 57. 943.13 (1e) (cm) of the statutes is created to read:

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

SECTION 58. 943.13 (1m) (b) of the statutes is amended to read:

943.13 (1m) (b) Enters or remains on any land of another after having been notified by the owner or occupant not to enter or remain on the premises. This paragraph does not apply to an individual if the owner's or occupant's intent is to prevent the individual from carrying a ^{firearm} handgun on the owner's or occupant's land.

SECTION 59. 943.13 (1m) (c) of the statutes is created to read:

943.13 (1m) (c) 1. While carrying a ~~handgun~~ ^{firearm}, enters or remains at a residence that the actor does not own or occupy after the owner of the residence, if he or she

firearm

firearm

1 has not leased it to another person, or the occupant of the residence has notified the
2 actor not to enter or remain at the residence while carrying a ~~handgun~~ In this
3 subdivision, "residence," with respect to a single-family residence, includes the
4 residence building and the parcel of land upon which the residence building is
5 located, and "residence," with respect to a residence that is not a single-family
6 residence, does not include any common area of the building in which the residence
7 is located or any common areas of the rest of the parcel of land upon which the
8 residence building is located.

9 2. While carrying a ~~handgun~~ ^{firearm}, enters or remains in any part of a nonresidential
10 building that the actor does not own or occupy after the owner of the building, if that
11 part of the building has not been leased to another person, or the occupant of that
12 part of the building has notified the actor not to enter or remain in that part of the
13 building while carrying a ~~handgun~~ ^{firearm} This subdivision does not apply to a part of a
14 building occupied by the state or one of its political subdivisions or, if the ~~handgun~~ ^{firearm}
15 is in a vehicle driven or parked in the parking facility, to any part of a building used
16 as a parking facility.

17 **SECTION 60.** 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

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 61.** 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., an owner or occupant of a part of a
12 nonresidential building has notified an individual not to enter or remain in that part
13 of the building while carrying a ~~handgun~~^{firearm} if the owner or occupant has posted a sign
14 that is located in a prominent place near all of the entrances to the part of the
15 building to which the restriction applies and any individual entering the building
16 can be reasonably expected to see the sign.

17 **SECTION 62.** 943.13 (3) of the statutes is amended to read:

18 943.13 (3) Whoever erects on the land of another signs which are the same as
19 or similar to those described in sub. (2) (am) without obtaining the express consent
20 of the lawful occupant of or holder of legal title to such land is subject to a Class C
21 forfeiture.

22 **SECTION 63.** 947.01 of the statutes is renumbered 947.01 (1).

23 **SECTION 64.** 947.01 (2) of the statutes is created to read:

24 947.01 (2) A person is not in violation of, and may not be charged with a
25 violation of, sub. (1) for loading, carrying, or going armed with a ~~handgun~~^{firearm}, as defined

firearm

1 in s. 175.35 (1) (b), without regard to whether the ~~handgun~~^{firearm} is loaded or is concealed
2 or openly carried.

3 SECTION 65. 947.011 (2) (a) 1. of the statutes is amended to read:

4 947.011 (2) (a) 1. Engage in conduct that is prohibited under s. 947.01 (1) within
5 500 feet of any entrance to a facility being used for the service with the intent to
6 disrupt the service.

7 SECTION 66. 947.011 (2) (c) 1. of the statutes is amended to read:

8 947.011 (2) (c) 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.

10 SECTION 67. 947.011 (2) (d) of the statutes is amended to read:

11 947.011 (2) (d) No person may impede vehicles that are part of a funeral
12 procession if the person's conduct violates s. 947.01 (1).

13 SECTION 68. 948.60 (1) of the statutes is amended to read:

14 948.60 (1) In this section, "dangerous weapon" means any firearm, loaded or
15 unloaded; any electric weapon, ~~as defined in s. 941.295 (4)~~; metallic knuckles or
16 knuckles of any substance which could be put to the same use with the same or
17 similar effect as metallic knuckles; a nunchaku or any similar weapon consisting of
18 2 sticks of wood, plastic or metal connected at one end by a length of rope, chain, wire
19 or leather; a cestus or similar material weighted with metal or other substance and
20 worn on the hand; a shuriken or any similar pointed star-like object intended to
21 injure a person when thrown; or a manrikigusari or similar length of chain having
22 weighted ends.

23 Please
fix → SECTION 69. 948.605 (1) (a) ^{and (am)} of the statutes ^{are repealed} ~~is amended to read~~
comp.

1 948.605 (1) (a) "Encased" ~~has the meaning given in s. 167.31 (1) (b)~~ means
2 enclosed in a case that is completely zipped, snapped, buckled, tied, or otherwise
3 fastened with no part of the firearm exposed.

4 SECTION 70. 948.605 (1) (af) of the statutes is created to read:
5 948.605 (1) (af) "Handgun" has the meaning given in s. 175.35 (1) (b).

6 SECTION 71. 948.605 (1) (bm) of the statutes is created to read:
7 948.605 (1) (bm) "School premises" has the meaning given under s. 948.61 (1)
8 (c) except "school premises" does not include buildings that are not regularly used for
9 school administration.

10 SECTION 72. 948.605 (2) (a) of the statutes is renumbered 948.605 (2) (a) 1. and
11 amended to read:

INS
18-19

12 948.605 (2) (a) 1 Any individual who knowingly possesses a firearm that is not
13 a handgun at a place that the individual knows, or has reasonable cause to believe,
14 is a school zone is guilty of a Class I felony. on the grounds of a school

Strike
extra
space

15 SECTION 73. 948.605 (2) (a) 2. of the statutes is created to read:
16 948.605 (2) (a) 2. Any individual who knowingly possesses a handgun at a place
17 that the individual knows, or has reasonable cause to believe, is on school premises
18 is guilty of a Class I felony.

INS
18-19

19 SECTION 74. 968.255 (1) (a) 2. of the statutes is amended to read:
20 968.255 (1) (a) 2. Arrested for any misdemeanor under s. 167.30 (1), 940.19,
21 941.20 (1), ~~941.23,~~ 941.237, 941.24, 948.60, or 948.61.

22 SECTION 75. 971.37 (1m) (a) 2. of the statutes is amended to read:
23 971.37 (1m) (a) 2. An adult accused of or charged with a criminal violation of
24 s. 940.19, 940.20 (1m), 940.201, 940.225, 940.23, 940.285, 940.30, 940.42, 940.43,
25 940.44, 940.45, 940.48, 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49,

1 947.01 (1), 947.012 or 947.0125 and the conduct constituting the violation involved
2 an act by the adult person against his or her spouse or former spouse, against an
3 adult with whom the adult person resides or formerly resided or against an adult
4 with whom the adult person has created a child.

5 **SECTION 76.** 973.055 (1) (a) 1. of the statutes is amended to read:

6 973.055 (1) (a) 1. The court convicts the person of a violation of a crime specified
7 in s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.19, 940.20 (1m), 940.201, 940.21,
8 940.225, 940.23, 940.235, 940.285, 940.30, 940.305, 940.31, 940.42, 940.43, 940.44,
9 940.45, 940.48, 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49, 947.01 (1),
10 947.012 or 947.0125 or of a municipal ordinance conforming to s. 940.201, 941.20,
11 941.30, 943.01, 943.011, 943.14, 943.15, 946.49, 947.01 (1), 947.012 or 947.0125; and

12 **SECTION 77.** 973.137 (1) of the statutes is repealed.

13 (END)

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2007/lins
CMH:.....

1 Insert 13-17

2 5. If a building owned or leased by the state or any political subdivision of the
3 state provides electronic screening for weapons at all public entrances to the building
4 and provides locked storage for weapons on the premises while the person carrying
5 the weapon is in the building, any portion of the building that is beyond the electronic
6 screening.

or firearm

*or firearms that are
not weapons*

8 Insert 14-1

9 ¹⁰ a. A weapon in a vehicle driven or parked in a parking facility located in
10 building that is used as, or any portion of which is used as, a location under par. (a).

11 ²⁰ b. A weapon in a courthouse if a judge who is a licensee is carrying the weapon
12 or if another licensee or out-of-state licensee, ^{whom} ~~who~~ a judge has permitted in writing
13 to carry a weapon, is carrying the weapon.

14 ³⁰ c. A weapon in a courthouse if a district attorney, or an assistant district
15 attorney, who is a licensee is carrying the weapon.

17 Insert 16-22

18 SECTION ~~#~~ 943.13 (6) of the statutes is created to read:

19 943.13 (6) A person that does not prohibit under this section an individual who
20 is carrying a firearm from entering or remaining on property that the person owns
21 or occupies is immune from any liability arising from its decision.

*move
"under this section"*

23 Insert 18-10

1 **SECTION ~~4~~** 948.605 (2) (title) of the statutes is amended to read:

2 948.605 (2) (title) **POSSESSION OF FIREARM IN ON THE GROUNDS OF A SCHOOL ZONE.**

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

4 Insert 18-19

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

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

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

8 **SECTION ~~4~~** 948.605 (2) (b) 1. to 5. and 7. of the statutes are repealed.

9 **SECTION ~~5~~** 948.605 (2) (b) 1m. of the statutes is created to read:

10 948.605 (2) (b) 1m. } A person who possess the firearm in accordance with 18 USC
11 922 (q) (2) (b) (i), (iii), (iv), (v), (vi), or (vii).

12 **SECTION ~~4~~** 948.605 (2) (b) 6. of the statutes is amended to read:

13 948.605 (2) (b) 6. ~~By a law enforcement officer or~~ ^H state-certified commission
14 warden acting in his or her official capacity; ~~or.~~

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

BILL

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 **(B) → 3** **(13m)** **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~~ ^{whom} an employee
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 an employee 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 **(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) ^{par. (a) ✓} is immune from any liability arising from its
 21 decision, if done in good faith.

SECTION 62. 345.11 (1s) of the statutes is amended to read:

22 345.11 **(1s)** The uniform traffic citation shall be used by a traffic officer
 23 employed under s. 110.07 for a violation of s. 167.31 (2) (b) 1. or 2., (c) or (d) when
 24 committed on a highway.
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Parisi, Lori

From: Hanaman, Cathlene
Sent: Monday, May 09, 2011 12:47 PM
To: Christina Duerst; Gigi Godwin; Lori Northrop; Mike Barman; Sarah Basford
Subject: FW: Draft Review: LRB 11-2033/2 Topic: Concealed carried weapons

↓
companion

From: Esser, Jennifer
Sent: Monday, May 09, 2011 12:46 PM
To: Hanaman, Cathlene
Cc: Gary, Tim
Subject: RE: Draft Review: LRB 11-2033/2 Topic: Concealed carried weapons

Any chance you can have 11- 2007 jacketed? I accidentally lost my LRB email allowing me to jacket that one.

Have a great one.

Jen

5/9/2011