

2011 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB93)

Received: 05/20/2011

Received By: **chanaman**

Wanted: **As time permits**

Companion to LRB:

For: **Pam Galloway (608) 266-2502**

By/Representing: **Jen Esser**

May Contact:

Drafter: **chanaman**

Subject: **Criminal Law - guns and weapons**

Addl. Drafters: **rkite**

Extra Copies: **RNK**

Submit via email: **YES**

Requester's email: **Sen.Galloway@legis.wisconsin.gov**

Carbon copy (CC:) to: **larry.konopacki@legis.wisconsin.gov**
Anne.Sappenfield@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Right to firearms-- constitutional carry plus optional permit

Instructions:

See attached-- roll a1028 into SB93

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	chanaman 05/20/2011	wjackson 05/20/2011	mduchek 05/20/2011	_____	lparisi 05/20/2011		
	chanaman 05/23/2011	kfollett 05/23/2011		_____			
/1			rschluet 05/23/2011	_____	mbarman 05/23/2011	mbarman 05/23/2011	

FE Sent For:

<END>

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/P1	chanaman 05/20/2011	wjackson 05/20/2011	mduchek 05/20/2011	_____	lparisi 05/20/2011		

FE Sent For:

11kf
5/23
5/23

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/P1	chanaman	/P1 WLJ 5/20					

FE Sent For:

<END>

Hanaman, Cathlene

From: Konopacki, Larry
Sent: Friday, May 20, 2011 3:47 PM
To: Hanaman, Cathlene; Sappenfield, Anne
Subject: Revisions to the Sub. Am. to SB 93

Hi Cathlene, there are three changes to the sub. for SB 93:

1) (I believe that you have already incorporated this one) In both ss. 66.0409 and 947.01, add "absent additional facts and circumstances" as noted previously by Anne.

2) Allow Judges, DAs, ADAs, and Judges' designees to carry in a courthouse without a license (I missed this in SB 93 and I thank Anne for finding it!)

3) Revise the school zone law so that it remains against STATE law to carry in a school zone (including school grounds and the area within 1000 ft. of school grounds) unless you have a license or out-of-state license. This way, a license is needed to carry in the "1000-foot zone" under both state AND federal law (this is like what you had in the P1 draft of the amendment). Reduce the penalty to a Class B forfeiture for possession of a firearm within 1000 feet of school grounds. The following is our attempt to put this into draft language:

- p. 4 In 16 of LRBa1028/P3 - revise that line to include, "Except as provided under s. 948.605 (2) (b) 1r., the optional license under this section . . ."

- p. 4 In 19 of LRBa1028/P3 - after that line, insert: "(d) For purposes of 18 USC 922 (q) (2) (B) (ii), an out-of-state licensee, as defined in sub. (1) (g), is fully licensed under the laws of this state."

~~- p. 18 In 8-9 of SB 93 - delete these lines:~~

- p. 18 In 10-13 of SB 93 - after these lines, add: "Any individual who knowingly possesses a firearm at a place that the individual knows, or has reasonable cause to believe, is within 1000 feet of the grounds of a school is subject to a Class B forfeiture."

- p. 18 In 20 of SB 93 - after that line, insert: "948.605 (2) (b) 1r. of the statutes is created to read: 948.605 (2) (b) 1r. Except if the person is in or on the grounds of a school, by a licensee, as defined in s. 175.60 (1) (d), or an out-of-state licensee, as defined in s. 175.60 (1) (g).

Thanks!

Larry

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

From: Sappenfield, Anne
Sent: Friday, May 20, 2011 3:17 PM
To: Konopacki, Larry
Subject: RE: Revisions to the Sub. Am. to SB 93

I think that works!!

From: Konopacki, Larry
Sent: Friday, May 20, 2011 3:10 PM
To: Sappenfield, Anne
Subject: RE: Revisions to the Sub. Am. to SB 93

Try this:

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

From: Sappenfield, Anne
Sent: Friday, May 20, 2011 2:46 PM
To: Konopacki, Larry
Subject: RE: Revisions to the Sub. Am. to SB 93

I don't know if this would fly, but what about exempting out licensees and out-of-state licensees and defining those terms in s. 948.605 as follows:

"Licensee" is an individual who is licensed by the state under s. 175.60, and s. 175.60 requires that, before an individual receives a license, the department of justice verifies that the person is qualified under law to receive a license.

"Out-of-state licensee" is an individual who is licensed by a state that is contained on the list promulgated pursuant to s. 165.25 (12) because the department of justice has found that that state, before issuing an individual a license to carry a concealed weapon, is required to verify that the individual is qualified under law to receive the license.

From: Konopacki, Larry
Sent: Friday, May 20, 2011 1:49 PM
To: Sappenfield, Anne
Subject: Revisions to the Sub. Am. to SB 93

Hi Cathlene, there are three changes to the sub. for SB 93:

- 1) (I believe that you have already incorporated this one) In both ss. 66.0409 and 947.01, add "absent additional facts and circumstances" as noted previously by Anne.
- 2) Allow Judges, DAs, ADAs, and Judges' designees to carry in a courthouse without a license (I missed this in SB 93 and I thank Anne for finding it!)
- 3) Revise the school zone law so that it remains against STATE law to carry in a school zone (including school grounds and the area within 1000 ft. of school grounds) unless you have a license or out-of-state license. This way, a license is needed to carry in the "1000-foot zone" under both state AND federal law (this is like what you had in the P1 draft of the amendment). Reduce the penalty to a Class B forfeiture for possession of a firearm within 1000 feet of school grounds. The following is our attempt to put this into draft language:

- On page 4, line 16 of LRBA1028/P3, revise that language to include, "Except as provided under s. 948.605 (2) (b) 1r., the optional license under this section . . ."

- p. 18 ln 8-9 of SB 93 - delete these lines.

- p. 18 ln 10-13 of SB 93 - after these lines, add: "Any individual who knowingly possesses a firearm at a place that the individual knows, or has reasonable cause to believe, is within 1000 feet of the grounds of a school is subject to a Class B forfeiture."

- p. 18 ln 20 of SB 93 - after that line, insert: "948.605 (2) (b) 1r. of the statutes is created to read: 948.605 (2) (b) 1r. Except if the person is in or on the grounds of a school, by a person who possesses the firearm in accordance with 18 USC 922 (q) (2) (B) (ii). For purposes of 18 USC 922 (q) (2) (B) (ii), an out-of-state licensee, as defined in s. 175.60 (1) (g), is fully licensed under the laws of this state.

Thanks,

Larry

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

From: Esser, Jennifer
Sent: Friday, May 20, 2011 1:00 PM
To: Konopacki, Larry; Sappenfield, Anne
Subject: RE: language...."solely"

Oh and go ahead Anne, and add that "solely" for the disorderly. I think I told you to add that last night but wanted to be sure. Thanks.

From: Esser, Jennifer
Sent: Friday, May 20, 2011 12:59 PM
To: Konopacki, Larry; Sappenfield, Anne
Subject: RE: language

To quickly follow up on the pending issues:

- (1). I absolutely agree with the paragraph below and please have Cathlene incorporate. Class B forfeiture would be the penalty.
- (2). Allow judges/district attorneys/assistant district attorneys to carry without the license in courthouses

I think that was the only pending things.

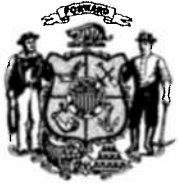
Much thanks.

I have to introduce this as early as possible (8:30) on Monday.

From: Konopacki, Larry
Sent: Friday, May 20, 2011 11:33 AM
To: Esser, Jennifer
Subject: language

SB 93, by prohibiting carrying a firearm only in or on the grounds of a school, potentially creates confusion among persons who choose to carry a firearm as to whether they are in compliance with federal law. In other words, having the gun-free school zone law state statute as well as federal statute does create an additional enforcement mechanism, but it also serves to put WI citizens on notice as to what conduct is permissible. In addition, the issue of out-of-state licensees is messy if the school zone laws in WI and at the federal level do not have some consistency. If carrying in a school zone is prohibited, the WI law could be explicit that WI views licensees and out-of-state licensees as meeting the exception to carrying in a school zone. If the bill is amended this way, the Legislature may wish to consider decreasing the penalty for carrying in a school zone but keep the higher penalty for carrying in or on school grounds.

Larry A. Konopacki
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State of Wisconsin
2011 - 2012 LEGISLATURE



50120/PI

LRB-2007/1

CMH&RNK: kjf/wlj

SSA to

2011 SENATE BILL 93

Stays
tjls
kjf/jid/wlj

May 10, 2011 - Introduced by Senators GALLOWAY, GROTHMAN, KEDZIE, LAZICH, LEIBHAM, MOULTON, HOLPERIN, VUKMIR and ZIPPERER, cosponsored by Representatives MURSAU, KLEEFISCH, AUGUST, FARROW, KAPENGA, KERKMAN, KESTELL, KNILANS, KNUDSON, KOOYENGA, KRAMER, KRUG, KUGLITSCH, T. LARSON, LEMAHIEU, MURTHA, NASS, RIVARD, SEVERSON, STRACHOTA, TAUCHEN, THIESFELDT and WYNN. Referred to Committee on Judiciary, Utilities, Commerce, and Government Operations.

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

SENATE BILL 93

1 66.0409 (6), 167.30 (2), 167.31 (4) (at), 939.22 (11m), 941.232, 943.13 (1e) (aL),
2 943.13 (1e) (cm), 943.13 (1m) (c), 943.13 (2) (bm), 943.13 (6), 947.01 (2) and
3 948.605 (2) (b) 1m. of the statutes; **relating to:** going armed with weapons,
4 possessing or transporting a firearm, bow, or crossbow under certain
5 circumstances, disorderly conduct limitations, and electric weapons *INS REL*

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 and dangerous weapon.

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 limits the prohibition against going

SENATE BILL 93

armed with or possessing a firearm within 1,000 feet of the grounds of a school only to the grounds of a school. Any federal prohibitions against guns in school zones, however, 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 generally 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. The bill retains the requirement that a firearm be unloaded and encased in order to be carried on a commercial aircraft.

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 firearm without regard to whether the firearm is loaded or whether the firearm 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:

INS
3-1

- 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).

SENATE BILL 93

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

SENATE BILL 93

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)** ^{Unless other facts and circumstances apply} ~~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 (i) "State identification card number" means the unique identifying driver
 2 number assigned to a person by the department of transportation under s. 343.17 (3)
 3 (a) 4. or, if the person has no driver number, the number assigned to the person on
 4 an identification card issued under s. 343.50.

5 (j) "Weapon" means a handgun, an electric weapon, as defined in s. 939.222
 6 (11m), a knife other than a switchblade knife under s. 941.24, or a billy club.

7 **(2) ISSUANCE AND SCOPE OF LICENSE.** (a) The department shall issue an optional
 8 license to carry a concealed weapon to any individual who is not disqualified under
 9 sub. (3) and who completes the application process specified in sub. (7). An optional
 10 license to carry a concealed weapon issued under this section shall meet the
 11 requirements specified in sub. (2m).

12 (b) The department may not impose conditions, limitations, or requirements
 13 that are not expressly provided for in this section on the issuance, scope, effect, or
 14 content of a license.

15 (c) This section does not limit an individual's right to carry a firearm that is not
 16 concealed. The optional license issued under this section conveys no additional
 17 rights under Wisconsin state law to carry a firearm that is concealed than an
 18 individual who does not have a license issued under this section has to carry a
 19 firearm that is concealed.

20 **(2m) LICENSE DOCUMENT; CONTENT OF LICENSE.** (a) Subject to pars. (b), (bm), (c),

21 and (d), the department shall design a single license document for licenses issued and
 22 renewed under this section. The department shall complete the design of the license
 23 document no later than the first day of the 2nd month beginning after the effective
 24 date of this paragraph [LRB inserts date].

Except as provided ~~under~~ s. 948.605 (2) (b) 1r.,

(d) For purposes of 18 USC 922 (g) (2) (B) (ii), an out-of-state licensee is licensed by the state.

1 (b) A license document for a license issued under this section shall contain all
2 of the following on one side:

3 1. The full name, date of birth, and residence address of the licensee.

4 2. A physical description of the licensee, including sex, height, hair color, and
5 eye color.

6 3. The date on which the license was issued.

7 4. The date on which the license expires.

8 5. The name of this state.

9 6. A unique identification number for each licensee.

10 (bm) The reverse side of a license document issued under this section shall
11 notify the licensee that he or she shall inform the department of any address change.

12 (c) The license document may not contain the licensee's social security number.

13 (d) 1. The contents of the license document shall be included in the document
14 in substantially the same way that the contents of an operator's license document
15 issued under s. 343.17 are included in that document.

16 2. The license document issued under this section shall be tamper proof in
17 substantially the same way that the operator's license is tamper proof under s.
18 343.17 (2).

19 (e) The department of justice may contract with the department of
20 transportation to produce and issue license documents under this section. Neither
21 the department of transportation nor any employee of the department of
22 transportation may store, maintain, or access the information provided by the
23 department of justice for the production or issuance of license documents other than
24 to the extent necessary to produce or issue the license documents.

1 **(3) RESTRICTIONS ON ISSUING A LICENSE.** The department shall issue an optional
2 license under this section to an individual who submits an application under sub. (7)
3 unless any of the following applies:

4 (a) The individual is less than 21 years of age.

5 (b) The individual is prohibited under federal law from possessing a firearm
6 that has been transported in interstate or foreign commerce.

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

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

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

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

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

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

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

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

7 6. A statement of the places under ss. 941.232 (2) and 948.605 (2) (b) where a
8 licensee is prohibited from carrying a weapon, as well as an explanation of the
9 provisions under ss. 941.232 (3) and 943.13 (1m) (c) that could limit the places where
10 the licensee may carry a weapon, with a place for the applicant to sign his or her name
11 to indicate that he or she has read and understands the statement.

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

14 **(7) SUBMISSION OF APPLICATION.** An individual may apply for an optional license
15 under this section with the department by submitting, by mail or other means made
16 available by the department, to the department all of the following:

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

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

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

24 (d) A fee for a background check that is equal to the fee charged under s. 175.35
25 (2i).

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

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

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

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

10 **(9g)** BACKGROUND CHECKS. (a) The department shall conduct a background
11 check regarding an applicant for an optional license using the following procedure:

12 1. The department shall create a confirmation number associated with the
13 applicant.

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

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

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

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

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

24 **(9r)** EMERGENCY LICENSE. (a) An individual who requires an emergency
25 optional license may petition the court in the county in which he or she resides for

1 such a license. Unless the court knows that the individual is ineligible for a license
2 under sub. (3), a court may issue an emergency optional license to an individual if
3 the court determines that immediate licensure is warranted to protect the individual
4 from death or great bodily harm, as defined in s. 939.22 (14).

5 (b) An emergency optional license issued under this subsection is valid for 30
6 days unless it is void under par. (c).

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

10 **(11)** UPDATED INFORMATION. (a) In this subsection:

11 1. “Clerk” means the clerk of the circuit court or, if it has enacted a law or an
12 ordinance in conformity with s. 346.63, the clerk of the court for a federally
13 recognized American Indian tribe or band in this state, a city, a village, or a town.

14 2. “Court automated information systems” means the systems under s. 758.19
15 (4).

16 (b) The court automated information systems, or the clerk or register in
17 probate, if the information is not contained in or cannot be transmitted by the court
18 automated information systems, shall promptly notify the department of the name
19 of any individual with respect to whom any of the following occurs and the specific
20 reason for the notification:

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

23 2. The individual is found incompetent under s. 971.14.

24 3. The individual is found not guilty of any crime by reason of mental disease
25 or mental defect under s. 971.17.

1 4. The individual is involuntarily committed for treatment under s. 51.20 or
2 51.45.

3 5. The individual is found incompetent under ch. 54.

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

6 7. A court has prohibited the individual from possessing a dangerous weapon
7 under s. 969.02 (3) (c).

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

10 (c) Upon receiving a notice under par. (b), the department shall immediately
11 determine if the individual who is the subject of the notice is a licensee, using the list
12 maintained under sub. (12) (a).

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

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

22 a. To investigate whether an individual submitted an intentionally false
23 statement under sub. (7) (b) or (15) (b) 2.

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

1 2. A person who is a law enforcement officer in a state other than Wisconsin
2 may request and be provided information for the following purposes:

3 a. To confirm that a license produced by an individual at the request of a law
4 enforcement officer in a state other than Wisconsin is valid.

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

13 **(12g) PROVIDING LICENSEE INFORMATION TO LAW ENFORCEMENT AGENCIES.** (a) The
14 department shall provide information concerning a specific licensee to a law
15 enforcement agency, but only if the law enforcement agency is requesting the
16 information for any of the following purposes:

17 1. If the law enforcement agency is not a Wisconsin law enforcement agency,
18 to confirm that a license produced by an individual at the request of a law
19 enforcement officer is valid.

20 2. If the law enforcement agency is not a Wisconsin law enforcement agency,
21 to confirm that an individual holds a valid license under this section if an individual
22 is carrying a concealed weapon and claims to hold a valid license issued under this
23 section but does not have his or her license document.

1 3. If the law enforcement agency is a Wisconsin law enforcement agency, to
2 investigate whether an individual submitted an intentionally false statement under
3 sub. (7) (b) or (15) (b) 2.

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

8 2. Neither a law enforcement agency nor any of its employees may store or
9 maintain information regarding an individual that was obtained from the
10 department under par. (a) 3. based on the individual's status as a licensee.

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

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

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.

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

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), an optional license issued under this section is valid for a period of 5
22 years from the date on which the license is issued unless the license is suspended or
23 revoked 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

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 **(17) PENALTIES.** (a) Any person who violates sub. (2m) (e), (12), or (12g) may
23 be fined not more than \$500 or sentenced to a term of imprisonment of not more than
24 30 days or both.

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

6 (b) Any person required under sub. (14) (b) 3. to relinquish or deliver an
7 optional license document to the department who intentionally violates the
8 requirements of that subdivision shall be fined not more than \$500 and may be
9 imprisoned for not more than 30 days or both.

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

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

23 **(21) IMMUNITY.** The department of justice, the department of transportation,
24 and the employees of each department; clerks, as defined in sub. (11) (a) 1., and their
25 staff; and court automated information systems, as defined under sub. (11) (a) 2., and

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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)~~ 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)~~ 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)~~ 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.

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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

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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:

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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

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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.

11-4

SENATE BILL 93**SECTION 45**

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 repealed.

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

18 **941.232 Carrying a weapon at certain locations. (1)** In this section:

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

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

22 **(2)** (a) Except as provided in par. (b), any person other than a law enforcement
23 officer who knowingly carries a weapon or a firearm that is not a weapon into any
24 of the following places is guilty of a Class C misdemeanor:

SENATE BILL 93

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

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

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

5 4. A place beyond a security checkpoint in an airport.

6 5. If a building owned or leased by the state or any political subdivision of the
7 state provides electronic screening for weapons or firearms that are not weapons at
8 all public entrances to the building and provides locked storage for weapons and
9 firearms that are not weapons on the premises while the person carrying the weapon
10 or firearm is in the building, any portion of the building that is beyond the electronic
11 screening.

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

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

15 2. A weapon in a courthouse if a judge ^{is} who is a licensee is carrying the weapon
16 or if another ^{is} licensee or out-of-state licensee, ^{individual} whom a judge has permitted in writing
17 to carry a weapon, is carrying the weapon.

18 3. A weapon in a courthouse if a district attorney, or an assistant district
19 attorney, ^{is} who is a licensee is carrying the weapon.

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

22 (3) (a) Except as provided in par. (b), an employer may prohibit an employee
23 from carrying a concealed weapon or a particular type of concealed weapon in the
24 course of the employee's employment or during any part of the course of the
25 employee's employment.

SENATE BILL 93

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

7 (c) An employer that does not prohibit one or more employees from carrying a
8 concealed weapon under par. (a) is immune from any liability arising from its
9 decision.

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

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

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

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

14 941.299 (1) (a) "Correctional officer" ~~has the meaning given in s. 941.237 (1)~~
15 ~~(b) means any person employed by the state or any political subdivision as a guard~~
16 ~~or officer whose principal duties are the supervision and discipline of inmates.~~

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

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

19 943.13 (1e) (aL) "Carry" means to go armed with.

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

21 943.13 (1e) (cm) "Nonresidential building" includes any privately or publicly
22 owned building on the grounds of a university or college.

23 **SECTION 57.** 943.13 (1m) (b) of the statutes is amended to read:

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

SENATE BILL 93

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

3 SECTION 58. 943.13 (1m) (c) of the statutes is created to read:

4 943.13 (1m) (c) 1. While carrying a firearm, 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 firearm. In this
8 subdivision, "residence," with respect to a single-family residence, includes the
9 residence building and the parcel of land upon which the residence building is
10 located, and "residence," with respect to a residence that is not a single-family
11 residence, does not include any common area of the building in which the residence
12 is located or any common areas of the rest of the parcel of land upon which the
13 residence building is located.

14 2. While carrying a firearm, 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 firearm. This subdivision does not apply to a part of a
19 building occupied by the state or one of its political subdivisions or, if the firearm is
20 in a vehicle driven or parked in the parking facility, to any part of a building used as
21 a parking facility.

22 SECTION 59. 943.13 (2) of the statutes is renumbered 943.13 (2) (am), and
23 943.13 (2) (am) (intro.) and 1., as renumbered, are amended to read:

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

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→

SENATE BILL 93**SECTION 59**

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

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

12 **SECTION 60.** 943.13 (2) (bm) of the statutes is created to read:

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

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

22 **SECTION 61.** 943.13 (3) of the statutes is amended to read:

23 943.13 (3) Whoever erects on the land of another signs which are the same as
24 or similar to those described in sub. (2) (am) without obtaining the express consent

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SENATE BILL 93

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

3 **SECTION 62.** 943.13 (6) of the statutes is created to read:

4 943.13 (6) A person that does not, under this section, prohibit an individual
5 who is carrying a firearm from entering or remaining on property that the person
6 owns or occupies is immune from any liability arising from its decision.

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

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

9 947.01 (2) *Unless other facts and circumstances apply*
10 ~~A~~ person is not in violation of, and may not be charged with a
11 violation of, sub. (1) for loading, carrying, or going armed with a firearm without
12 regard to whether the firearm is loaded or is concealed or openly carried.

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

13 947.011 (2) (a) 1. Engage in conduct that is prohibited under s. 947.01 (1) within
14 500 feet of any entrance to a facility being used for the service with the intent to
15 disrupt the service.

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

17 947.011 (2) (c) 1. Engage in conduct that is prohibited under s. 947.01 (1) within
18 500 feet of any entrance to a facility being used for the service.

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

20 947.011 (2) (d) No person may impede vehicles that are part of a funeral
21 procession if the person's conduct violates s. 947.01 (1).

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

23 948.60 (1) In this section, "dangerous weapon" means any firearm, loaded or
24 unloaded; any electric weapon, ~~as defined in s. 941.295 (4);~~ metallic knuckles or
25 knuckles of any substance which could be put to the same use with the same or

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SENATE BILL 93

SECTION 68

1 similar effect as metallic knuckles; a nunchaku or any similar weapon consisting of
2 sticks of wood, plastic or metal connected at one end by a length of rope, chain, wire
3 or leather; a cestus or similar material weighted with metal or other substance and
4 worn on the hand; a shuriken or any similar pointed star-like object intended to
5 injure a person when thrown; or a manrikigusari or similar length of chain having
6 weighted ends.

7 **SECTION 69.** 948.605 (1) (a) and (am) of the statutes are repealed.

8 **SECTION 70.** 948.605 (2) (title) of the statutes is amended to read:

9 948.605 (2) (title) POSSESSION OF FIREARM ~~IN~~ ON THE GROUNDS OF A SCHOOL ZONE.

10 **SECTION 71.** 948.605 (2) (a) of the statutes is amended to read:

11 948.605 (2) (a) Any individual who knowingly possesses a firearm at a place
12 that the individual knows, or has reasonable cause to believe, is ~~a school zone~~ ^{in or} on the
13 grounds of a school is guilty of a Class I felony.

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Any individual who knowingly possesses a firearm at a place that the individual knows, or has reasonable cause to believe, is

14 **SECTION 72.** 948.605 (2) (b) (intro.) of the statutes is amended to read:

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

within 1,000 feet of the grounds of a school is subject to a class

17 **SECTION 73.** 948.605 (2) (b) 1. to 5. and 7. of the statutes are repealed.

18 **SECTION 74.** 948.605 (2) (b) 1m. ^{and 1r.} of the statutes ^{are} is created to read:

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19 948.605 (2) (b) 1m. ^{An individual} A ^{ES} person who possess the firearm in accordance with 18
20 USC 922 (q) (2) (b) (i), (iii), (iv), (v), (vi), or (vii).

21 → Except if the individual is in or on the grounds of a school ^{a licensee,}

21 **SECTION 75.** 948.605 (2) (b) 6. of the statutes is amended to read:

as defined in s. 175.60 (1)(d)

22 948.605 (2) (b) 6. ~~By a law enforcement officer or~~ A state-certified commission
23 warden acting in his or her official capacity; ~~or,~~

or an out-of-state licensee, as defined in s. 175.60 (1)(g)

24 **SECTION 76.** 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 77.** 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 78.** 973.055 (1) (a) 1. of the statutes is amended to read:

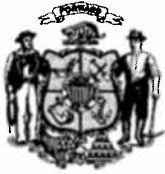
12 973.055 **(1)** (a) 1. The court convicts the person of a violation of a crime specified
13 in s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.19, 940.20 (1m), 940.201, 940.21,
14 940.225, 940.23, 940.235, 940.285, 940.30, 940.305, 940.31, 940.42, 940.43, 940.44,
15 940.45, 940.48, 941.20, 941.30, 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 79.** 973.137 (1) of the statutes is repealed.

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE AMENDMENT ,
TO 2011 SENATE BILL 93

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 5: delete "and electric weapons" and substitute "electric
3 weapons, optional licenses to carry concealed weapons, providing an exemption from
4 emergency rule procedures, requiring the exercise of rule-making authority, making
5 an appropriation, and providing penalties".

6 **2.** Page 3, line 1: before that line insert:

7 "**SECTION [#]1e.** 20.455 (2) (gs) of the statutes is created to read:
8 20.455 (2) (gs) *Background check for optional licenses to carry concealed*
9 *weapons.* All moneys received as fee payments under s. 175.60 (7) (c) and (d), (13),
10 and (15) (b) 4. a. and b. to provide services under s. 175.60".

11 **3.** Page 3, line 1: delete "SECTION 1" and substitute "SECTION 1q".

12 **4.** Page 7, line 16: after that line insert:

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INS 7-17

1 ~~SECTION 14e.~~ 165.25 (12) of the statutes is created to read:

2 165.25 (12) RULES REGARDING CONCEALED WEAPONS LICENSES. Promulgate by
3 rule a list of states that issue a permit, license, approval, or other authorization to
4 carry a concealed weapon if the permit, license, approval, or other authorization
5 requires, or designates that the holder chose to submit to, a background search that
6 is comparable to a background check as defined in s. 175.60 (1) (ac).

7 ~~SECTION 14p.~~ 165.60 of the statutes is amended to read:

8 **165.60 Law enforcement.** The department of justice is authorized to enforce
9 ss. 101.123 (2), (2m), and (8), 175.60 (17) (b), 944.30, 944.31, 944.33, 944.34, 945.02
10 (2), 945.03 (1m), and 945.04 (1m) and ch. 108 and, with respect to a false statement
11 submitted or made under s. 175.60 (7) (b) or (15) (b) 2., to enforce s. 946.32 and is
12 invested with the powers conferred by law upon sheriffs and municipal police officers
13 in the performance of those duties. This section does not deprive or relieve sheriffs,
14 constables, and other local police officers of the power and duty to enforce those
15 sections, and those officers shall likewise enforce those sections.”.

16 **5.** Page 7, line 17: after that line insert:

17 ~~SECTION 18q.~~ 165.82 (1) (intro.) of the statutes is amended to read:

18 165.82 (1) (intro.) Notwithstanding s. 19.35 (3), the department of justice shall
19 impose the following fees, plus any surcharge required under sub. (1m), for criminal
20 history searches for purposes unrelated to criminal justice or to s. 175.35 or 175.60.”.

21 **6.** Page 10, line 3: after that line insert:

22 ~~SECTION 39p.~~ 175.60 of the statutes is created to read:

23 **175.60 Optional license to carry a concealed weapon. (1) DEFINITIONS.**

24 In this section:

INS 7-18

INS 12-4



1 (ac) “Background check” means the searches the department conducts under
2 sub. (9g) to determine a person’s eligibility for an optional license to carry a concealed
3 weapon.

4 (ag) “Carry” means to go armed with.

5 (b) “Department” means the department of justice.

6 (bm) “Handgun” means any weapon designed or redesigned, or made or
7 remade, and intended to be fired while held in one hand and to use the energy of an
8 explosive to expel a projectile through a smooth or rifled bore. “Handgun” does not
9 include a machine gun, as defined in s. 941.27 (1), a short–barreled rifle, as defined
10 in s. 941.28 (1) (b), or a short–barreled shotgun, as defined in s. 941.28 (1) (c).

11 (bv) “Law enforcement agency” does not include the department.

12 (c) “Law enforcement officer” has the meaning given in s. 165.85 (2) (c).

13 (d) “Licensee” means an individual holding a valid optional license issued
14 under this section to carry a concealed weapon.

15 (f) “Out–of–state license” means a valid permit, license, approval, or other
16 authorization issued by another state if all of the following apply:

17 1. The permit, license, approval, or other authorization is for the carrying of a
18 concealed weapon.

19 2. The state is listed in the rule promulgated by the department under s. 165.25
20 (12) and, if that state does not require a background search for the permit, license,
21 approval, or authorization, the permit, license, approval, or authorization
22 designates that the holder chose to submit to a background search.

23 (g) “Out–of–state licensee” means an individual who is 21 years of age or over,
24 who is not a Wisconsin resident, and who has been issued an out–of–state license.

END OF INS
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1 their employees are immune from liability arising from any act or omission under
2 this section, if done so in good faith".

3 **7.** Page 10, line 13: after that line insert:

4 "~~SECTION 41r.~~ 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 41r.~~ 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 41t.~~ 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 **8.** Page 11, line 3: after that line insert:

↓ INS
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4 “~~SECTION 43p.~~ 938.396 (2g) (n) of the statutes is amended to read:

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

12 **9.** Page 13, line 6: delete lines 6 to 11.

13 **10.** Page 13, line 20: delete lines 20 and 21.

14 **11.** Page 15, line 21: after that line insert:

↓ INS
15-22

15 “3. While carrying a firearm, enters or remains in any part of a building that
16 is owned, occupied, or controlled by the state or any local governmental unit,
17 excluding any building or portion of a building under s. 941.232 (2) (a), if the state
18 or local governmental unit has notified the actor not to enter or remain in the
19 building or part of the building while carrying a firearm. This subdivision does not
20 apply to a person who leases residential or business premises in the building or, if
21 the firearm is in a vehicle driven or parked in the parking facility, to any part of the
22 building used as a parking facility.”

23 **12.** Page 16, line 21: after that line insert:

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16

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

7 **13.** Page 17, line 6: after that line insert:

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17-7

8 "SECTION ~~926~~ 946.71 of the statutes is created to read:

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

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

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

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

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

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

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

22 (f) Intentionally defaces or intentionally alters a license."

23 **14.** Page 18, line 23: after that line insert:

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1 “SECTION ~~73p~~. 948.605 (2) (b) 8. of the statutes is renumbered 948.605 (2) (b)
2 3m. and amended to read:

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

6 “SECTION ~~73q~~ 948.605 (2m) of the statutes is created to read:

7 948.605 (2m) POSSESSION OF FIREARM IN SCHOOL ZONE UNDER FEDERAL LAW. For
8 purposes of 18 USC 922 (q) (2) (B) (ii) a licensee, as defined in s. 175.60 (1) (d), or an
9 out-of-state licensee, as defined s. 175.60 (1) (g), is licensed under this state if the
10 licensee or out-of-state licensee is carrying his or her license document and a
11 photographic identification card.”

12 **15.** Page 19, line 18: after that line insert:

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13 “SECTION ~~80m~~. **Nonstatutory provisions.**

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

23 SECTION ~~81p~~. **Effective dates.** This act takes effect on the day after
24 publication, except as follows:

