



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRBs0135/E2

CMH&RNK:kjf/cjs/wlj/nwn:ph

TODAY

stays

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

SA

repeal

1 **AN ACT to repeal** 941.237 (4) and 948.605 (2) (b) 1., 2., 4., 5. and 7.; **to renumber**  
2 167.30, 941.295 (1), 943.13 (1e) (a) and 947.01; **to renumber and amend**  
3 29.089 (2), 29.091, 29.314 (4) (b) 1., 29.621 (4), 167.31 (3) (a), 440.26 (3m),  
4 941.23, 941.235 (2), 941.295 (2) (d), 941.295 (4), 943.13 (2), 948.605 (2) (b) 6. and  
5 948.605 (2) (b) 8.; **to amend** 23.33 (3) (e), 48.685 (2) (bb), 50.065 (2) (bb), 59.54  
6 (6), 66.0409 (3) (b), 165.60, 165.81 (2), 165.82 (1) (intro.), 165.82 (2), 167.31 (1)  
7 (b), 167.31 (2) (a), 167.31 (2) (b), 167.31 (2) (c), 813.12 (6) (am) 1., 813.122 (9)  
8 (am) 1., 813.125 (5r) (a), 895.527 (5) (a), 938.396 (2g) (n), 939.22 (10), 941.295  
9 (2) (intro.), 943.13 (1m) (b), 943.13 (3), 947.011 (2) (a) 1., 947.011 (2) (c) 1.,  
10 947.011 (2) (d), 948.60 (1), 948.605 (2) (a), 948.605 (2) (b) (intro.), 968.255 (1) (a)  
11 2., 971.37 (1m) (a) 2. and 973.055 (1) (a) 1.; **to repeal and recreate** 29.314 (3)  
12 (b) 1.; and **to create** 20.455 (2) (gs), 20.455 (2) (gu), 29.089 (2) (a), 29.089 (2) (b),

1 29.089 (2) (c), 29.089 (2) (d), 29.091 (2), 29.314 (4) (b) 1g., 29.621 (4) (a), 29.621  
2 (4) (b), 29.621 (4) (c), 29.621 (4) (d), 29.621 (6), 66.0409 (6), 165.25 (12), 167.30  
3 (2), 167.31 (3) (a) 2., 167.31 (4) (at), 175.48, 175.49, 175.60, 440.26 (3m) (a),  
4 440.26 (3m) (b), 440.26 (3m) (c), 440.26 (3m) (d), 941.23 (1), 941.23 (2) (b), 941.23  
5 (2) (c), 941.23 (2) (d), 941.23 (2) (e), 941.23 (3), 941.235 (2) (c), 941.235 (2) (d),  
6 941.235 (2) (e), 941.237 (3) (cr), 941.237 (3) (ct), 941.237 (3) (cx), 941.295 (1c) (b)  
7 and (c), 941.295 (2) (d) 2., 941.295 (2g), 941.295 (2r), 943.13 (1e) (aL), 943.13 (1e)  
8 (bm), 943.13 (1e) (cm), 943.13 (1e) (g), 943.13 (1e) (h), 943.13 (1m) (c), 943.13 (2)  
9 (bm), 946.71, 947.01 (2) and 948.605 (2) (b) 1m. and 1r. of the statutes; **relating**  
10 **to:** carrying a concealed weapon; licenses authorizing persons to carry  
11 concealed weapons; possessing or transporting a firearm, bow, or crossbow  
12 under certain circumstances; disorderly conduct limitations; photographic  
13 identification cards for former law enforcement officers; providing an  
14 exemption from emergency rule procedures; requiring the exercise of  
15 rule-making authority; making appropriations; and providing penalties.

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

16 **SECTION 1.** 20.455 (2) (gs) of the statutes is created to read:

17 20.455 (2) (gs) *Background check for licenses to carry concealed weapons.* All  
18 moneys received as fee payments under s. 175.60 (7) (c) and (d), (13), and (15) (b) 4.  
19 a. and b. to provide services under s. 175.60.

20 **SECTION 2.** 20.455 (2) (gu) of the statutes is created to read:

21 20.455 (2) (gu) *Certification cards for carrying concealed weapons.* All moneys  
22 received as fees under s. 175.49 (5m) to verify eligibility of, and to issue certification  
23 cards to, former officers seeking to carry concealed weapons.

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

2           23.33 (3) (e) With any firearm in his or her possession unless it is unloaded and  
3 enclosed in a carrying case or unless the firearm is a handgun, as defined in s. 175.60  
4 (1) (bm), or any bow unless it is unstrung or enclosed in a carrying case.

5           **SECTION 4.** 29.089 (2) of the statutes is renumbered 29.089 (2) (intro.) and  
6 amended to read:

7           29.089 (2) (intro.) Except as provided in sub. (3), no person may have in his or  
8 her possession or under his or her control a firearm on land located in state parks or  
9 state fish hatcheries unless the firearm is unloaded and enclosed within a carrying  
10 case. This subsection does not apply to any of the following:

11           **SECTION 5.** 29.089 (2) (a) of the statutes is created to read:

12           29.089 (2) (a) A person who is employed in this state by a public agency as a  
13 law enforcement officer and to whom s. 941.23 (1) (g) 2. to 5. and (2) (b) 1. to 3. applies.

14           **SECTION 6.** 29.089 (2) (b) of the statutes is created to read:

15           29.089 (2) (b) A qualified out-of-state law enforcement officer, as defined in s.  
16 941.23 (1) (g), to whom s. 941.23 (2) (b) 1. to 3. applies.

17           **SECTION 7.** 29.089 (2) (c) of the statutes is created to read:

18           29.089 (2) (c) A former officer, as defined in s. 941.23 (1) (c), to whom s. 941.23  
19 (2) (c) 1. to 7. applies.

20           **SECTION 8.** 29.089 (2) (d) of the statutes is created to read:

21           29.089 (2) (d) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state  
22 licensee, as defined in s. 175.60 (1) (g), if the firearm is a handgun, as defined in s.  
23 175.60 (1) (bm).

24           **SECTION 9.** 29.091 of the statutes is renumbered 29.091 (1) and amended to  
25 read:

1           29.091 (1) No person may hunt or trap within any wildlife refuge established  
2 under s. 23.09 (2) (b) or 29.621 (1), or, except as provided in sub. (2), have possession  
3 or control of any gun, firearm, bow or crossbow unless the gun or firearm is unloaded,  
4 the bow or crossbow is unstrung and the gun, firearm, bow or crossbow is enclosed  
5 within a carrying case. The taking of predatory game birds and animals shall be done  
6 as the department directs. All state wildlife refuge boundary lines shall be marked  
7 by posts placed at intervals of not over 500 feet and bearing signs with the words  
8 “Wisconsin Wildlife Refuge”.

9           **SECTION 10.** 29.091 (2) of the statutes is created to read:

10           29.091 (2) The prohibition in sub. (1), as it relates to the possession or control  
11 of a loaded or unencased gun or firearm within a refuge established under s. 23.09  
12 (2) (b), does not apply to any of the following:

13           (a) A person who is employed in this state by a public agency as a law  
14 enforcement officer and to whom s. 941.23 (1) (g) 2. to 5. and (2) (b) 1. to 3. applies.

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

17           (c) A former officer, as defined in s. 941.23 (1) (c), to whom s. 941.23 (2) (c) 1.  
18 to 7. applies.

19           (d) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state licensee, as  
20 defined in s. 175.60 (1) (g), if the gun or firearm is a handgun, as defined in s. 175.60  
21 (1) (bm).

22           **SECTION 11.** 29.314 (3) (b) 1. of the statutes is repealed and recreated to read:

23           29.314 (3) (b) 1. To any of the following:

24           a. A person who is employed in this state by a public agency as a law  
25 enforcement officer and to whom s. 941.23 (1) (g) 2. to 5. and (2) (b) 1. to 3. applies.

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

3           c. A former officer, as defined in s. 941.23 (1) (c), to whom s. 941.23 (2) (c) 1. to  
4 7. applies.

5           d. A licensee, as defined in s. 175.60 (1) (d), or an out-of-state licensee, as  
6 defined in s. 175.60 (1) (g), if the firearm is a handgun, as defined in s. 175.60 (1) (bm).

7           **SECTION 12.** 29.314 (4) (b) 1. of the statutes is renumbered 29.314 (4) (b) 1r. and  
8 amended to read:

9           29.314 (4) (b) 1r. To ~~a peace officer on official business~~, an employee of the  
10 department on official business or a person authorized by the department to conduct  
11 a game census.

12           **SECTION 13.** 29.314 (4) (b) 1g. of the statutes is created to read:

13           29.314 (4) (b) 1g. To any person under sub. (3) (b) 1.

14           **SECTION 14.** 29.621 (4) of the statutes is renumbered 29.621 (4) (intro.) and  
15 amended to read:

16           29.621 (4) PROTECTION. (intro.) Except as provided in s. 29.091 (1), no owner  
17 of a wildlife refuge, and no other person, may hunt or trap within the boundaries of  
18 any wildlife refuge or have in his or her possession or under his or her control in the  
19 wildlife refuge a gun, firearm, bow or crossbow, unless the gun or firearm is unloaded,  
20 the bow or crossbow is unstrung and the gun, firearm, bow or crossbow is enclosed  
21 within a carrying case. ~~Nothing in this section may prohibit, prevent or interfere~~  
22 ~~with the department in the destruction of injurious animals.~~ This subsection, as it  
23 relates to the possession or control of a loaded or unencased firearm, does not apply  
24 to any of the following:

25           **SECTION 15.** 29.621 (4) (a) of the statutes is created to read:

1           29.621 (4) (a) A person who is employed in this state by a public agency as a  
2 law enforcement officer and to whom s. 941.23 (1) (g) 2. to 5. and (2) (b) 1. to 3. applies.

3           **SECTION 16.** 29.621 (4) (b) of the statutes is created to read:

4           29.621 (4) (b) A qualified out-of-state law enforcement officer, as defined in s.  
5 941.23 (1) (g), to whom s. 941.23 (2) (b) 1. to 3. applies.

6           **SECTION 17.** 29.621 (4) (c) of the statutes is created to read:

7           29.621 (4) (c) A former officer, as defined in s. 941.23 (1) (c), to whom s. 941.23  
8 (2) (c) 1. to 7. applies.

9           **SECTION 18.** 29.621 (4) (d) of the statutes is created to read:

10          29.621 (4) (d) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state  
11 licensee, as defined in s. 175.60 (1) (g), if the gun or firearm is a handgun, as defined  
12 in s. 175.60 (1) (bm).

13          **SECTION 19.** 29.621 (6) of the statutes is created to read:

14          29.621 (6) INJURIOUS ANIMALS. Nothing in this section may prohibit, prevent,  
15 or interfere with the department in the destruction of injurious animals.

16          **SECTION 20.** 48.685 (2) (bb) of the statutes is amended to read:

17          48.685 (2) (bb) If information obtained under par. (am) or (b) 1. indicates a  
18 charge of a serious crime, but does not completely and clearly indicate the final  
19 disposition of the charge, the department, county department, agency contracted  
20 with under s. 48.651 (2), child welfare agency, school board, or entity shall make  
21 every reasonable effort to contact the clerk of courts to determine the final disposition  
22 of the charge. If a background information form under sub. (6) (a) or (am) indicates  
23 a charge or a conviction of a serious crime, but information obtained under par. (am)  
24 or (b) 1. does not indicate such a charge or conviction, the department, county  
25 department, agency contracted with under s. 48.651 (2), child welfare agency, school

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

11 **SECTION 21.** 50.065 (2) (bb) of the statutes is amended to read:

12 50.065 (2) (bb) If information obtained under par. (am) or (b) indicates a charge  
13 of a serious crime, but does not completely and clearly indicate the final disposition  
14 of the charge, the department or entity shall make every reasonable effort to contact  
15 the clerk of courts to determine the final disposition of the charge. If a background  
16 information form under sub. (6) (a) or (am), or any disclosure made pursuant to a  
17 disclosure policy described under sub. (6) (am), indicates a charge or a conviction of  
18 a serious crime, but information obtained under par. (am) or (b) does not indicate  
19 such a charge or conviction, the department or entity shall make every reasonable  
20 effort to contact the clerk of courts to obtain a copy of the criminal complaint and the  
21 final disposition of the complaint. If information obtained under par. (am) or (b), a  
22 background information form under sub. (6) (a) or (am), any disclosure made  
23 pursuant to a disclosure policy described under sub. (6) (am), or any other  
24 information indicates a conviction of a violation of s. 940.19 (1), 940.195, 940.20,  
25 941.30, 942.08, 947.01 (1), or 947.013 obtained not more than 5 years before the date

1 on which that information was obtained, the department or entity shall make every  
2 reasonable effort to contact the clerk of courts to obtain a copy of the criminal  
3 complaint and judgment of conviction relating to that violation.

4 **SECTION 22.** 59.54 (6) of the statutes is amended to read:

5 59.54 (6) PEACE AND ORDER. The board may enact and enforce ordinances to  
6 preserve the public peace and good order within the county including, but not limited  
7 by enumeration, ordinances prohibiting conduct that is the same as or similar to  
8 conduct that is prohibited by ss. 947.01 (1) and 947.02, and provide a forfeiture for  
9 a violation of the ordinances.

10 **SECTION 23.** 66.0409 (3) (b) of the statutes is amended to read:

11 66.0409 (3) (b) Nothing in this section prohibits a city, village or town that is  
12 authorized to exercise village powers under s. 60.22 (3) from enacting an ordinance  
13 or adopting a resolution that restricts the discharge of a firearm. Any ordinance or  
14 resolution that restricts the discharge of a firearm does not apply and may not be  
15 enforced if the actor's conduct is justified or, had it been subject to a criminal penalty,  
16 would have been subject to a defense described in s. 939.45.

17 **SECTION 24.** 66.0409 (6) of the statutes is created to read:

18 66.0409 (6) Unless other facts and circumstances apply, no person may be in  
19 violation of, or be charged with a violation of, an ordinance of a political subdivision  
20 relating to disorderly conduct or other inappropriate behavior for loading, carrying,  
21 or going armed with a firearm, without regard to whether the firearm is loaded or  
22 is concealed or openly carried. Any ordinance in violation of this subsection does not  
23 apply and may not be enforced.

24 **SECTION 25.** 165.25 (12) of the statutes is created to read:





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

6           **SECTION 26.** 165.60 of the statutes is amended to read:

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

15           **SECTION 27.** 165.81 (2) of the statutes is amended to read:

16           165.81 (2) Any electric weapon, as defined in s. 941.295 (4) (1c) (a), in the  
17 possession of the laboratories shall either be destroyed or be turned over to an agency  
18 authorized to have electric weapons under s. 941.295 (2).

19           **SECTION 28.** 165.82 (1) (intro.) of the statutes is amended to read:

20           165.82 (1) (intro.) Notwithstanding s. 19.35 (3), the department of justice shall  
21 impose the following fees, plus any surcharge required under sub. (1m), for criminal  
22 history searches for purposes unrelated to criminal justice or to s. 175.35, 175.49, or  
23 175.60:

24           **SECTION 29.** 165.82 (2) of the statutes is amended to read:

1           165.82 (2) ~~Except as provided in s. 175.35, the~~ The department of justice shall  
2 not impose fees for criminal history searches for purposes related to criminal justice.

3           **SECTION 30.** 167.30 of the statutes is renumbered 167.30 (1).

4           **SECTION 31.** 167.30 (2) of the statutes is created to read:

5           167.30 (2) Subsection (1) does not apply to the discharge of a firearm if the  
6 actor's conduct is justified or, had it been subject to a criminal penalty, would have  
7 been subject to a defense described in s. 939.45.

8           **SECTION 32.** 167.31 (1) (b) of the statutes is amended to read:

9           167.31 (1) (b) "Encased" means enclosed in a case ~~that is expressly made for~~  
10 ~~the purpose of containing a firearm and~~ that is completely zipped, snapped, buckled,  
11 tied or otherwise fastened with no part of the firearm exposed.

12           **SECTION 33.** 167.31 (2) (a) of the statutes is amended to read:

13           167.31 (2) (a) Except as provided in sub. (4), no person may place, possess, or  
14 transport a firearm, bow, or crossbow in or on a motorboat with the motor running,  
15 unless the firearm is a handgun, as defined in s. 175.60 (1) (bm), unless the firearm  
16 is unloaded, or unless the bow or crossbow is unstrung or is enclosed in a carrying  
17 case.

18           **SECTION 34.** 167.31 (2) (b) of the statutes is amended to read:

19           167.31 (2) (b) Except as provided in sub. (4), no person may place, possess, or  
20 transport a firearm, bow, or crossbow in or on a vehicle, unless the firearm is a  
21 handgun, as defined in s. 175.60 (1) (bm), unless the firearm is unloaded and encased,  
22 or unless the bow or crossbow is unstrung or is enclosed in a carrying case.

23           **SECTION 35.** 167.31 (2) (c) of the statutes is amended to read:

1 ~~167.31 (2) (c) Except as provided in sub. (4), no person may load or discharge~~  
 2 ~~a firearm, other than a handgun, as defined in s. 175.60 (1) (bm), or shoot a bolt or~~  
 3 ~~an arrow from a bow or crossbow in or from a vehicle.~~

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4 **SECTION 36.** 167.31 (3) (a) of the statutes is renumbered 167.31 (3) (a) (intro.)

5 and amended to read:

6 167.31 (3) (a) (intro.) Except as provided in sub. (4), no person may ~~place,~~ do  
 7 any of the following:

8 1. Place, possess, or transport a firearm, bow, or crossbow in or on ~~an~~ a  
 9 commercial aircraft, unless the firearm is unloaded and encased or unless the bow  
 10 or crossbow is unstrung or is enclosed in a carrying case.

11 **SECTION 37.** 167.31 (3) (a) 2. of the statutes is created to read:

12 167.31 (3) (a) 2. Place, possess, or transport a firearm, bow, or crossbow in or  
 13 on a noncommercial aircraft, unless the firearm is unloaded and encased or the  
 14 firearm is a handgun, as defined in s. 175.60 (1) (bm), or unless the bow or crossbow  
 15 is unstrung or is enclosed in a carrying case.

16 **SECTION 38.** 167.31 (4) (at) of the statutes is created to read:

17 167.31 (4) (at) Subsections (2) (c) and (d) and (3) (b) do not apply to the  
 18 discharge of a firearm if the actor's conduct is justified or, had it been subject to a  
 19 criminal penalty, would have been subject to a defense described in s. 939.45.

20 **SECTION 39.** 175.48 of the statutes is created to read:

21 **175.48 Law enforcement officer identification cards.** (1) In this section,  
 22 "Wisconsin law enforcement agency" has the meaning given in s. 175.46 (1) (f).

23 (2) If a Wisconsin law enforcement agency issues photographic identification  
 24 cards to its officers, it may not require an officer to relinquish his or her card when

1 the officer separates from service with the Wisconsin law enforcement agency unless  
2 one of the following applies:

3 (a) The officer may not lawfully possess a firearm under federal law.

4 (b) The officer did not separate from service in good standing as a law  
5 enforcement officer with the agency.

6 (c) The officer served as a law enforcement officer for an aggregate of less than  
7 10 years. This paragraph does not apply if the officer, after completing any  
8 applicable probationary period of service with the agency, separated from service  
9 with the agency due to a service-connected disability, as determined by the agency.

10 (d) Either of the following applies:

11 1. A qualified medical professional employed by the law enforcement agency  
12 has found the officer to be unqualified to be a law enforcement officer for reasons  
13 related to the officer's mental health.

14 2. The officer has entered into an agreement with the law enforcement agency  
15 from which he or she is separating from service in which the officer acknowledges  
16 that he or she is not qualified to be a law enforcement officer for reasons related to  
17 the officer's mental health and in which the officer declines the photographic  
18 identification for that reason.

19 (3) Unless sub. (2) (a), (b), (c), or (d) applies, if a Wisconsin law enforcement  
20 agency does not issue photographic identification cards to its officers, it shall issue  
21 such a card to an officer who separates from service with that agency upon the  
22 separating officer's request and at his or her expense.

23 (4) This section does not restrict the right of an officer who has separated from  
24 service to go armed with a firearm that is not concealed.

25 **SECTION 40.** 175.49 of the statutes is created to read:

1           **175.49 Former law enforcement officers seeking to carry concealed**  
2 **weapons. (1) DEFINITIONS.** In this section:

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

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

5           (c) "Firearm silencer" has the meaning given in s. 941.298 (1).

6           (d) "Former federal law enforcement officer" means a person who separated  
7 from service as a law enforcement officer at a federal law enforcement agency and  
8 who resides in Wisconsin.

9           (e) "Former law enforcement officer" means a person who separated from  
10 service as a law enforcement officer at a state or local law enforcement agency in  
11 Wisconsin.

12           (f) "Law enforcement agency" means an agency that consists of one or more  
13 persons employed by the federal government, including any agency described under  
14 18 USC 926C (e) (2); a state, or a political subdivision of a state; the U.S. armed forces;  
15 or the national guard, that has as its purposes the prevention and detection of crime  
16 and the enforcement of laws or ordinances, and that is authorized to make arrests  
17 for crimes.

18           (g) "Law enforcement officer" means a person who is employed by a law  
19 enforcement agency for the purpose of engaging in, or supervising others engaging  
20 in, the prevention, detection, investigation, or prosecution of, or the incarceration of  
21 any person for, any violation of law and who has statutory powers of arrest.

22           (h) "Machine gun" has the meaning given in s. 941.27 (1).

23           **(2) CERTIFICATION OF FORMER LAW ENFORCEMENT OFFICERS.** (a) Upon the request  
24 of a former law enforcement officer and at the expense of the former law enforcement  
25 agency officer, a law enforcement agency that employed the former law enforcement

1 officer shall, except as provided in par. (b), issue the former law enforcement officer  
2 a certification card as described in sub. (4) stating all of the following:

3 1. The type of firearm the former law enforcement officer is certified to carry,  
4 but no former law enforcement officer may be certified to carry a machine gun, a  
5 firearm silencer, or a destructive device.

6 2. The former law enforcement officer has been found by the state, or by a  
7 certified firearms instructor if such an instructor is qualified to conduct a firearms  
8 qualification test for law enforcement officers in the state, to meet the standards for  
9 qualification in firearms training for law enforcement officers to carry a firearm of  
10 the type under subd. 1., that are established by the state or, if the state does not  
11 establish standards, by the law enforcement agency from which the former law  
12 enforcement officer separated.

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

15 4. That, due to the finding under subd. 2., the former law enforcement officer  
16 is qualified to carry a concealed firearm of the type under subd. 1.

17 (b) The law enforcement agency may not issue the former law enforcement  
18 officer a certification card under par. (a) unless the law enforcement agency first  
19 verifies all of the following:

20 1. The former law enforcement officer separated from service as a law  
21 enforcement officer with the law enforcement agency in good standing.

22 2. The former law enforcement officer served as a law enforcement officer for  
23 an aggregate of at least 10 years or the former law enforcement officer separated  
24 from law enforcement service due to a service-connected disability, as determined  
25 by the law enforcement agency, after completing any applicable probationary period.

1           3. Both of the following:

2           a. A qualified medical professional employed by the law enforcement agency  
3 has not found the former law enforcement officer to be unqualified to be a law  
4 enforcement officer for reasons related to the former officer's mental health.

5           b. The former law enforcement officer has not entered into an agreement with  
6 the law enforcement agency from which he or she separated from service in which  
7 the former officer acknowledges that he or she is not qualified to be a law enforcement  
8 officer for reasons related to his or her mental health and in which he or she declines  
9 the photographic identification for that reason.

10          4. The former law enforcement officer is not prohibited under federal law from  
11 possessing a firearm as indicated by a search of the transaction information for  
12 management of enforcement system and the national crime information center  
13 system.

14          5. The former law enforcement officer has, during the previous 12 months at  
15 his or her own expense, been found by the state, or by a certified firearms instructor  
16 if such an instructor is qualified to conduct a firearms qualification test for law  
17 enforcement officers in the state, to meet the standards for qualification in firearms  
18 training for law enforcement officers to carry a firearm of the type under par. (a) 1.,  
19 that are established by the state or, if the state does not establish standards, by the  
20 law enforcement agency from which the former law enforcement officer separated.

21          **(3) CERTIFICATION OF FORMER FEDERAL LAW ENFORCEMENT OFFICERS.** (a) Upon the  
22 request of a former federal law enforcement officer and at the expense of the former  
23 federal law enforcement officer, the department may, except as provided in par. (b),  
24 issue the former federal law enforcement officer a certification card as described in  
25 sub. (4) stating all of the following:

1           1. The type of firearm the former federal law enforcement officer is certified to  
2 carry, but no former federal law enforcement officer may be certified to carry a  
3 machine gun, a firearm silencer, or a destructive device.

4           2. The former federal law enforcement officer been found by the state, or by a  
5 certified firearms instructor if such an instructor is qualified to conduct a firearms  
6 qualification test for law enforcement officers in the state, to meet the standards for  
7 qualification in firearms training for law enforcement officers to carry a firearm of  
8 the type under subd. 1., that are established by the state or, if the state does not  
9 establish standards, by any law enforcement agency in the state.

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

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

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

17           1. The former federal law enforcement officer separated from service as a law  
18 enforcement officer with the law enforcement agency in good standing.

19           2. The former federal law enforcement officer served as a law enforcement  
20 officer for an aggregate of at least 10 years or the former federal law enforcement  
21 officer separated from law enforcement service due to a service-connected disability,  
22 as determined by the law enforcement agency from which the former federal law  
23 enforcement officer separated, after completing any applicable probationary period.

24           3. a. A qualified medical professional employed by the law enforcement agency  
25 from which the former federal law enforcement officer separated has not found the



1 former federal law enforcement officer to be unqualified to be a law enforcement  
2 officer for reasons related to the former officer's mental health.

3 b. The former federal law enforcement officer has not entered into an  
4 agreement with the law enforcement agency from which he or she separated from  
5 service in which the former officer acknowledges that he or she is not qualified to be  
6 a law enforcement officer for reasons related to his or her mental health.

7 4. The former federal law enforcement officer is not prohibited under federal  
8 law from possessing a firearm as indicated by a search of the transaction information  
9 for management of enforcement system and the national crime information center  
10 system.

11 5. The former federal law enforcement officer has, during the previous 12  
12 months at his or her own expense, been found by the state, or by a certified firearms  
13 instructor if such an instructor is qualified to conduct a firearms qualification test  
14 for law enforcement officers in the state, to meet the standards for qualification in  
15 firearms training for law enforcement officers to carry a firearm of the type under  
16 par. (a) 1., that are established by the state or, if the state does not establish  
17 standards, by any law enforcement agency in the state.

18 (c) If, under par. (a), the department issues a former federal law enforcement  
19 officer a certification card, the department shall add the former federal law  
20 enforcement officer's information to the list the department maintains under s.  
21 175.60 (12) (a).

22 **(4) CERTIFICATION CARDS.** (a) 1. Subject to pars. (b), (c), and (d) and sub. (3) (a),  
23 the department shall design a certification card to be issued by the department under  
24 sub. (3) (a).

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

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

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

7           2. A photograph of the certification card holder and a physical description that  
8 includes sex, height, and eye color.

9           3. The name of this state.

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

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

16          **(5) RENEWAL OF CERTIFICATION CARDS.** A person who holds a current certification  
17 card issued under sub. (2) or (3) may renew the certification card by requesting the  
18 law enforcement agency or the department, whichever issued the current  
19 certification card, to renew the certification card at the expense of the person holding  
20 the card, if, before the date the certification card expires, the law enforcement agency  
21 verifies sub. (2) (b) 4. and 5. if the certification card holder is a former law  
22 enforcement officer, or the department verifies sub. (3) (b) 4. and 5. if the certification  
23 card holder is a former federal law enforcement officer, and the certification card  
24 holder provides any information necessary for the verification. The renewal shall

1 state the date on which verification was made and an expiration date that is 12  
2 months later than that date.

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

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

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

16 **(7) GOING ARMED WITH A FIREARM.** This section does not limit a former officer's  
17 right to go armed with a firearm that is not concealed.

18 **SECTION 41.** 175.60 of the statutes is created to read:

19 **175.60 License to carry a concealed weapon. (1) DEFINITIONS.** In this  
20 section:

21 (ac) "Background check" means the searches the department conducts under  
22 sub. (9g) to determine a person's eligibility for a license to carry a concealed weapon.

23 (ag) "Carry" means to go armed with.

24 (b) "Department" means the department of justice.

1 (bm) "Handgun" means any weapon designed or redesigned, or made or  
2 remade, and intended to be fired while held in one hand and to use the energy of an  
3 explosive to expel a projectile through a smooth or rifled bore. "Handgun" does not  
4 include a machine gun, as defined in s. 941.27 (1), a short-barreled rifle, as defined  
5 in s. 941.28 (1) (b), or a short-barreled shotgun, as defined in s. 941.28 (1) (c).

6 (bv) "Law enforcement agency" does not include the department.

7 (c) "Law enforcement officer" has the meaning given in s. 165.85 (2) (c).

8 (d) "Licensee" means an individual holding a valid license to carry a concealed  
9 weapon issued under this section.

10 (e) "Motor vehicle" has the meaning given in s. 340.01 (35).

11 (f) "Out-of-state license" means a valid permit, license, approval, or other  
12 authorization issued by another state if all of the following apply:

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

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

19 (g) "Out-of-state licensee" means an individual who is 21 years of age or over,  
20 who is not a Wisconsin resident, and who has been issued an out-of-state license.

21 (h) "Photographic identification card" means one of the following:

22 1. An operator's license issued under ch. 343 or an identification card issued  
23 under s. 343.50.

24 2. A license or card issued by a state other than Wisconsin that is substantially  
25 equivalent to a license or card under subd. 1.

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. 941.295 (1c)  
6 (a), 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 a license  
8 to carry a concealed weapon to any individual who is not disqualified under sub. (3)  
9 and who completes the application process specified in sub. (7). A license to carry a  
10 concealed weapon issued under this section shall meet the requirements specified in  
11 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) Unless expressly provided in this section, this section does not limit an  
16 individual's right to carry a firearm that is not concealed.

17 (d) For purposes of 18 USC 922 (q) (2) (B) (ii), an out-of-state licensee is  
18 licensed by ~~the~~ <sup>this</sup> state.

19 **(2g) CARRYING A CONCEALED WEAPON; POSSESSION AND DISPLAY OF LICENSE**  
20 **DOCUMENT OR AUTHORIZATION.** (a) A licensee or an out-of-state licensee may carry a  
21 concealed weapon anywhere in this state except as provided under subs. (15m) and  
22 (16) and ss. 943.13 (1m) (c) and 948.605 (2) (b) 1r.

23 (b) Unless the licensee or out-of-state licensee is carrying a concealed weapon  
24 in a manner described under s. 941.23 (2) (e), a licensee shall have with him or her  
25 his or her license document and photographic identification card and an out-of-state

1 licensee shall have with him or her his or her out-of-state license and photographic  
2 identification card at all times during which he or she is carrying a concealed  
3 weapon.

4 (c) Unless the licensee or out-of-state licensee is carrying a concealed weapon  
5 in a manner described under s. 941.23 (2) (e), a licensee who is carrying a concealed  
6 weapon shall display his or her license document and photographic identification  
7 card and an out-of-state licensee who is carrying a concealed weapon shall display  
8 his or her out-of-state license and photographic identification card to a law  
9 enforcement officer upon the request of the law enforcement officer.

*while the law enforcement officer is acting in an official*

10 **(2m) LICENSE DOCUMENT; CONTENT OF LICENSE.** (a) Subject to pars. (b), (bm), (c),  
11 and (d), the department shall design a single license document for licenses issued and  
12 renewed under this section. The department shall complete the design of the license  
13 document no later than the first day of the 2nd month beginning after the effective  
14 date of this paragraph .... [LRB inserts date].

*capacity and with lawful authority*

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

- 17 1. The full name, date of birth, and residence address of the licensee.
- 18 2. A physical description of the licensee, including sex, height, hair color, and
- 19 eye color.
- 20 3. The date on which the license was issued.
- 21 4. The date on which the license expires.
- 22 5. The name of this state.
- 23 6. A unique identification number for each licensee.

24 (bm) The reverse side of a license document issued under this section shall  
25 contain the requirement under sub. (11) (b) that the licensee shall inform the

1 department of any address change no later than 30 days after his or her address  
2 changes and the penalty for a violation of the requirement.

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

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

7 2. The license document issued under this section shall be tamper proof in  
8 substantially the same way that the operator's license is tamper proof under s.  
9 343.17 (2).

10 (e) The department of justice may contract with the department of  
11 transportation to produce and issue license documents under this section. Neither  
12 the department of transportation nor any employee of the department of  
13 transportation may store, maintain, or access the information provided by the  
14 department of justice for the production or issuance of license documents other than  
15 to the extent necessary to produce or issue the license documents.

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

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

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

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

23 (d) The court has prohibited the individual from possessing a dangerous  
24 weapon under s. 969.02 (3) (c) or 969.03 (1) (c).

1 (e) The individual is on release under s. 969.01 and the individual may not  
2 possess a dangerous weapon as a condition of the release.

3 (f) The individual is not a Wisconsin resident.

*(g) = The individual has not provided proof of training as described under sub. (4) (a).*

4 (4) TRAINING REQUIREMENTS. (a) The proof of training requirement under sub.

5 (7) (e) may be met by any of the following:

6 1. A copy of a document, or an affidavit from an instructor or organization that  
7 conducted the course or program, that indicates the individual completed any of the  
8 following:

9 a. The hunter education program established under s. 29.591 or a substantially  
10 similar program that is established by another state, country, or province and that  
11 is recognized by the department of natural resources.

12 b. A firearms safety or training course that is conducted by a national or state  
13 organization that certifies firearms instructors.

14 c. A firearms safety or training course that is available to the public and is  
15 offered by a law enforcement agency or, if the course is taught by an instructor who  
16 is certified by a national or state organization that certifies firearms instructors or  
17 by the department, by a technical college, a college or a university, a private or public  
18 institution or organization, or a firearms training school.

19 d. A firearms safety or training course that is offered to law enforcement  
20 officers or to owners and employees of licensed private detective and security  
21 agencies.

22 e. A firearms safety or training course that is conducted by a firearms  
23 instructor who is certified by a national or state organization that certifies firearms  
24 instructors or who is certified by the department.



1           2. Documentation that the individual participated in organized shooting  
2 competitions or completed military, law enforcement, or security training that gave  
3 the individual experience with firearms that is substantially equivalent to a course  
4 or program under subd. 1.

5           3. A current or expired license <sup>^, or a photocopy of a current or expired license ^</sup> that the individual holds or has held that  
6 indicates that the individual is licensed or has been licensed to carry a firearm in this  
7 state <sup>or in another state</sup> or in a county or municipality of this state <sup>or of another state</sup> unless the license has been revoked  
8 for cause.

9           4. Documentation of completion of small arms training while serving in the  
10 U.S. armed forces as demonstrated by an honorable discharge or general discharge  
11 under honorable conditions or a certificate of completion of basic training with a  
12 service record of successful completion of small arms training and certification.

13           (b) 1. The department shall certify instructors for the purposes of par. (a) 1. c.  
14 and e. and shall maintain a list of instructors that it certifies. To be certified by the  
15 department as an instructor, a person must meet all of the following criteria:

16           a. Be qualified under sub. (3) to carry a concealed weapon.

17           b. Be able to demonstrate the ability and knowledge required for providing  
18 firearms safety and training.

19           2. The department may not require firing live ammunition to meet the training  
20 requirements under par. (a).

21           **(5) APPLICATION AND RENEWAL FORMS.** (a) The department shall design an  
22 application form for use by individuals who apply for a license under this section and  
23 a renewal form for use by individuals applying for renewal of a license under sub.  
24 (15). The department shall complete the design of the application form no later than  
25 the first day of the 2nd month beginning after the effective date of this paragraph ....

1 [LRB inserts date], and shall complete the design of the renewal form no later than  
2 the first day of the 36th month beginning after the effective date of this paragraph  
3 ... [LRB inserts date]. The forms shall require the applicant to provide only his or  
4 her name, address, date of birth, state identification card number, race, sex, height,  
5 hair color, and eye color and shall include all of the following:

6 1. A statement that the applicant is ineligible for a license if sub. (3) (a), (b), (c),  
7 (d), (e), ~~(f)~~ <sup>5 or (g)</sup> (f) applies to the applicant.

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

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

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

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

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

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

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

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

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

8           (c) A license fee in an amount, as determined by the department by rule, that  
9 is equal to the cost of issuing the license but does not exceed \$37. The department  
10 shall determine the costs of issuing a license by using a 5-year planning period.

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

13           (e) Proof of training as ~~provided~~<sup>described</sup> under sub. (4) (a).

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

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

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

20           2. Deny the application, but only if sub. (3) (a), (b), (c), (d), (e), ~~(f)~~<sup>5 or (g)</sup> applies to  
21 the applicant. If the department denies the application, the department shall inform  
22 the applicant in writing, stating the reason and factual basis for the denial.

23           **(9g) BACKGROUND CHECKS.** (a) The department shall conduct a background  
24 check regarding an applicant for a license using the following procedure:

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

3           2. The department shall search its records to determine whether an applicant  
4 is prohibited from possessing a firearm under s. 941.29. The department shall  
5 conduct a criminal history record search; a search to determine whether a person is  
6 prohibited from possessing a firearm under s. 51.20 (13) (cv) 1., 2007 stats.; a search  
7 in the national instant criminal background check system to determine whether a  
8 person has been ordered not to possess a firearm under s. 51.20 (13) (cv) 1., 51.45 (13)  
9 (i) 1., 54.10 (3) (f) 1., or 55.12 (10) (a); a search to determine whether the person is  
10 subject to an injunction under s. 813.12 or 813.122, or a tribal injunction, as defined  
11 in s. 813.12 (1) (e), issued by a court established by any federally recognized  
12 Wisconsin Indian tribe or band, except the Menominee Indian tribe of Wisconsin,  
13 that includes notice to the respondent that he or she is subject to the requirements  
14 and penalties under s. 941.29 and that has been filed with the circuit court under s.  
15 806.247 (3); a search to determine whether the person is prohibited from possessing  
16 a firearm under s. 813.125 (4m); a search to determine if the court has prohibited the  
17 individual from possessing a dangerous weapon under s. 969.02 (3) (c) or 969.03 (1)  
18 (c); and a search to determine if an individual is prohibited from possessing a  
19 dangerous weapon as a condition of release under s. 969.01.

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

21           a. If the background check indicates sub. (3) (b), (c), (d), or (e) applies to the  
22 applicant, create a unique nonapproval number for the applicant.

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

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

4 (9r) EMERGENCY LICENSE. (a) An individual who requires an immediate license  
5 may petition the court in the county in which he or she resides for such a license.  
6 Unless the court knows that the individual is ineligible for a license under sub. (3),  
7 a court may issue ~~temporary~~ <sup>an emergency</sup> license to an individual if the court determines that  
8 immediate licensure is warranted to protect the individual from death or great bodily  
9 harm, as defined in s. 939.22 (14). *it is revoked under par. (b)(m) or*

10 (b) An emergency license issued under this subsection is valid for 30 days  
11 unless it is void under par. (c). *(4)(b)(m) If the court determines that a holder  
of an emergency license issued under par. (a)  
is ineligible under sub. (3) for*

12 (c) If the holder of an emergency license issued under par. (a) applies for a  
13 license under sub. (7) and is determined to be ineligible under sub. (3) for a license,  
14 the emergency license is void. *the court shall remove the emergency license.*

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

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

19 b. "Court automated information systems" means the systems under s. 758.19  
20 (4).

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

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

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

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

6           d. The individual is involuntarily committed for treatment under s. 51.20 or  
7 51.45.

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

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

11           g. A court has prohibited the individual from possessing a dangerous weapon  
12 under s. 969.02 (3) (c) or 969.03 (1) (c).

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

15           i. The individual is on release under s. 969.01 and the individual may not  
16 possess a dangerous weapon as a condition of the release.

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

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

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

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

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

7           **(12) MAINTENANCE, USE, AND PUBLICATION OF RECORDS BY THE DEPARTMENT.** (a) The  
8 department shall maintain a computerized record listing the names and the  
9 information specified in sub. (2m) (b) of all individuals who have been issued a license  
10 under this section and all individuals issued a certification card under s. 175.49 (3).  
11 Subject to par. (b) 1. b., neither the department nor any employee of the department  
12 may store, maintain, format, sort, or access the information in any way other than  
13 by the names, dates of birth, or sex of licensees or individuals or by the identification  
14 numbers assigned to licensees under sub. (2m) (b) 6.

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

18           a. To confirm that a license or certification card produced by an individual at  
19 the request of a law enforcement officer is valid.

20           b. If an individual is carrying a concealed weapon and claims to hold a valid  
21 license issued under this section or a valid certification card issued under s. 175.49  
22 (3) but does not have his or her license document or certification card, to confirm that  
23 the individual holds a valid license or certification card.

24           c. To investigate whether an individual submitted an intentionally false  
25 statement under sub. (7) (b) or (15) (b) 2.

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

2 2. A person who is a law enforcement officer in a state other than Wisconsin  
3 may request and be provided information under subd. 1. a. and b.

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

9 **(12g) PROVIDING LICENSEE INFORMATION TO LAW ENFORCEMENT AGENCIES.** (a) The  
10 department shall provide information concerning a specific individual on the list  
11 maintained under sub. (12) (a) to a law enforcement agency, but only if the law  
12 enforcement agency is requesting the information for any of the following purposes:

13 1. To confirm that a license or certification card produced by an individual at  
14 the request of a law enforcement officer is valid.

15 2. If an individual is carrying a concealed weapon and claims to hold a valid  
16 license issued under this section or a valid certification card issued under s. 175.49  
17 (3) but does not have his or her license document or certification card, to confirm that  
18 an individual holds a valid license or certification card.

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

22 (b) 1. Notwithstanding s. 19.35, neither a law enforcement agency nor any of  
23 its employees may make information regarding an individual that was obtained from  
24 the department under this subsection available to the public except in the context



1 of a prosecution for an offense in which the person's status as a licensee or holder of  
2 a certification card is relevant.

3 2. Neither a law enforcement agency nor any of its employees may store or  
4 maintain information regarding an individual that was obtained from the  
5 department under this subsection based on the individual's status as a licensee or  
6 holder of a certificate card.

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

11 (13) LOST OR DESTROYED LICENSE. If a license document is lost, a licensee no  
12 longer has possession of his or her license, or a license document is destroyed,  
13 unreadable, or unusable, a licensee may submit to the department a statement  
14 requesting a replacement license document, the license document or any portions of  
15 the license document if available, and a ~~65~~<sup>\$12</sup> replacement fee. The department shall  
16 issue a replacement license document to the licensee within 14 days of receiving the  
17 statement and fee. If the licensee does not submit the original license document to  
18 the department, the department shall terminate the unique approval number of the  
19 original request and issue a new unique approval number for the replacement  
20 request.

21 (14) LICENSE REVOCATION AND SUSPENSION. (a) The department shall revoke a  
22 license issued under this section if the department determines that sub. (3) (b), (c),  
23 (d), (e), ~~or~~ <sup>or (g)</sup> (f) applies to the licensee.

24 (am) The department shall suspend a license issued under this section if a court  
25 has prohibited the licensee from possessing a dangerous weapon under s. 969.02 (3)

1 (c) or 969.03 (1) (c). If the individual whose license was suspended is no longer subject  
2 to the prohibition under s. 969.02 (3) (c) or 969.03 (1) (c), whichever is applicable, sub.  
3 (3) (b), (c), (d), (e), or (f) does not apply to the individual, and the suspended license  
4 would not have expired under sub. (15) (a) had it not been suspended, the department  
5 shall restore the license within 5 business days of notification that the licensee is no  
6 longer subject to the prohibition.

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

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

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

16 a. Deliver the license document personally or by certified mail to the  
17 department.

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

21 (14g) DEPARTMENTAL REVIEW. The department shall promulgate rules providing  
22 for the review of any action by the department denying an application for, or  
23 suspending or revoking, a license under this section.

24 (14m) APPEALS TO THE CIRCUIT COURT. (a) An individual aggrieved by any action  
25 by the department denying an application for, or suspending or revoking, a license

1 under this section, may appeal directly to the circuit court of the county in which the  
2 individual resides without regard to whether the individual has sought review under  
3 the process established in sub. (14g).

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

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

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

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

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

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

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

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

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

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

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

13           2. If the court reverses the department's action, the court may order the  
14 department to pay the aggrieved individual all court costs and reasonable attorney  
15 fees.

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

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

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