

1           2. Submits a statement reporting that the information provided under subd.  
2           1. is true and complete to the best of his or her knowledge and that he or she is not  
3           disqualified under sub. (3).

4           4. Pays all of the following:

5           a. A renewal fee in an amount, as determined by the department by rule, that  
6           is equal to the cost of renewing the license but does not exceed \$12. The department  
7           shall determine the costs of renewing a license by using a 5-year planning period.

8           b. A fee for a background check that is equal to the fee charged under s. 175.35  
9           (2i).

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

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

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

18          **(15m) EMPLOYER RESTRICTIONS.** (a) Except as provided in par. (b), an employer  
19          may prohibit a licensee or an out-of-state licensee that it employs from carrying a  
20          concealed weapon or a particular type of concealed weapon in the course of the  
21          licensee's or out-of-state licensee's employment or during any part of the licensee's  
22          or out-of-state licensee's course of employment.

23          (b) An employer may not prohibit a licensee or an out-of-state licensee, as a  
24          condition of employment, from carrying a concealed weapon, a particular type of  
25          concealed weapon, or ammunition or from storing a weapon, a particular type of

1 weapon, or ammunition in the licensee's or out-of-state licensee's own motor vehicle,  
2 regardless of whether the motor vehicle is used in the course of employment or  
3 whether the motor vehicle is driven or parked on property used by the employer.

4 (16) PROHIBITED ACTIVITY. (a) Except as provided in par. (am) and s. 943.13(1m),  
5 a licensee or an out-of-state licensee may carry a concealed weapon or a weapon that  
6 is not concealed anywhere on publicly owned property and in publicly owned  
7 buildings in this state.

8 (am) 1. Except as provided in subd. 2., neither a licensee nor an out-of-state  
9 licensee may knowingly carry a concealed weapon, a weapon that is not concealed,  
10 or a firearm that is not a weapon in any of the following places:

11 a. Any portion of a building that is a police station, sheriff's office, state patrol  
12 station, or the office of a special criminal investigation agent in the department.

13 b. Any portion of a building that is a prison, jail, house of correction, or secured  
14 correctional facility.

15 c. The facility established under s. 46.055.

16 d. The center established under s. 46.056.

17 e. Any secured unit or secured portion of a mental health institute under s.  
18 51.05, including a facility designated as the Maximum Security Facility at Mendota  
19 Mental Health Institute.

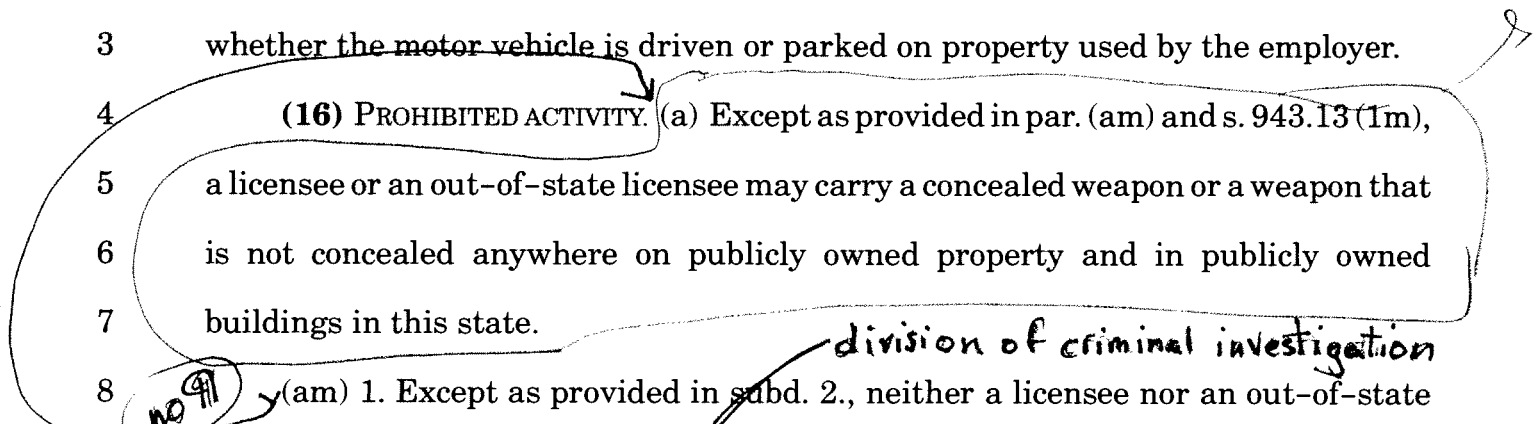
20 f. Any portion of a building that is a county, state, or federal courthouse.

21 g. Any portion of a building that is a municipal courtroom if court is in session.

22 h. A place beyond a security checkpoint in an airport.

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

24 a. A weapon in a vehicle driven or parked in a parking facility located in a  
25 building that is used as, or any portion of which is used as, a location under subd. 1.



division of criminal investigation

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1 b. A weapon in a courthouse or courtroom if a judge who is a licensee is carrying  
2 the weapon or if another licensee or out-of-state licensee, whom a judge has  
3 permitted in writing to carry a weapon, is carrying the weapon.

4 c. A weapon in a courthouse or courtroom if a district attorney, or an assistant  
5 district attorney, who is a licensee is carrying the weapon.

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

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

10 (ag) Any person who violates sub. (2m) (e), (12), or (12g) may be charged with  
11 a violation of s. 946.12.

12 (ar) Any law enforcement officer who uses excessive force based solely on an  
13 individual's status as a licensee may be charged with a violation of s. 940.19 if the  
14 action could be charged under s. 940.19.

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

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

21 (18) RECIPROCITY AGREEMENTS. The department may enter into reciprocity  
22 agreements with other states as to matters relating to licenses or other authorization  
23 to carry concealed weapons.

24 (19) STATISTICAL REPORT. By March 1 of each year, the department shall submit  
25 a statistical report to the legislature under s. 13.172 (2) and to the governor that

1 indicates the number of licenses applied for, issued, denied, suspended, and revoked  
2 under this section during the previous calendar year. For the licenses denied, the  
3 report shall indicate the reasons for the denials and the part of the application  
4 process in which the reasons for denial were discovered. For the licenses suspended  
5 or revoked, the report shall indicate the reasons for the suspensions and revocations.  
6 The department may not include in the report any information that may be used to  
7 identify an applicant or a licensee, including, but not limited to, a name, address,  
8 birth date, or social security number.

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

14 (b) A person that does not prohibit an individual from carrying a concealed  
15 weapon on property that the person owns or occupies is immune from any liability  
16 arising from its decision.

17 (c) An employer that does not prohibit one or more employees from carrying a  
18 concealed weapon under sub. (15m) is immune from any liability arising from its  
19 decision.

20 (d) A person providing a firearms training course in good faith is immune from  
21 liability arising from any act or omission related to the course if the course is one  
22 described in sub. (4) (a).

23 **SECTION 42.** 440.26 (3m) of the statutes is renumbered 440.26 (3m) (intro.) and  
24 amended to read:

1           **440.26 (3m) RULES CONCERNING DANGEROUS WEAPONS.** (intro.) The department  
2 shall promulgate rules relating to the carrying of dangerous weapons by a person  
3 who holds a license or permit issued under this section or who is employed by a  
4 person licensed under this section. The rules shall meet the minimum requirements  
5 specified in 15 USC 5902 (b)- and shall allow all of the following:

6           **SECTION 43.** 440.26 (3m) (a) of the statutes is created to read:

7           **440.26 (3m) (a)** A person who is employed in this state by a public agency as  
8 a law enforcement officer to carry a concealed firearm if s. 941.23 (1) (g) 2. to 5. and  
9 (2) (b) 1. to 3. applies.

10          **SECTION 44.** 440.26 (3m) (b) of the statutes is created to read:

11          **440.26 (3m) (b)** A qualified out-of-state law enforcement officer, as defined in  
12 s. 941.23 (1) (g), to carry a concealed firearm if s. 941.23 (2) (b) 1. to 3. applies.

13          **SECTION 45.** 440.26 (3m) (c) of the statutes is created to read:

14          **440.26 (3m) (c)** A former officer, as defined in s. 941.23 (1) (c), to carry a  
15 concealed firearm if s. 941.23 (2) (c) 1. to 7. applies.

16          **SECTION 46.** 440.26 (3m) (d) of the statutes is created to read:

17          **440.26 (3m) (d)** A licensee, as defined in s. 175.60 (1) (d), or an out-of-state  
18 licensee, as defined in s. 175.60 (1) (g), to carry a concealed weapon as permitted  
19 under s. 175.60.

20          **SECTION 47.** 813.12 (6) (am) 1. of the statutes is amended to read:

21          **813.12 (6) (am) 1.** If an injunction is issued or extended under sub. (4) or if a  
22 tribal injunction is filed under s. 806.247 (3), the clerk of the circuit court shall notify  
23 the department of justice of the injunction and shall provide the department of  
24 justice with information concerning the period during which the injunction is in  
25 effect and information necessary to identify the respondent for purposes of a firearms

1 restrictions record search under s. 175.35 (2g) (c) or a background check under s.  
2 175.60 (9g) (a).

3 **SECTION 48.** 813.122 (9) (am) 1. of the statutes is amended to read:

4 813.122 **(9)** (am) 1. If an injunction is issued or extended under sub. (5), the  
5 clerk of the circuit court shall notify the department of justice of the injunction and  
6 shall provide the department of justice with information concerning the period  
7 during which the injunction is in effect and information necessary to identify the  
8 respondent for purposes of a firearms restrictions record search under s. 175.35 (2g)  
9 (c) or a background check under s. 175.60 (9g) (a).

10 **SECTION 49.** 813.125 (5r) (a) of the statutes is amended to read:

11 813.125 **(5r)** (a) If an order prohibiting a respondent from possessing a firearm  
12 is issued under sub. (4m), the clerk of the circuit court shall notify the department  
13 of justice of the existence of the order prohibiting a respondent from possessing a  
14 firearm and shall provide the department of justice with information concerning the  
15 period during which the order is in effect and information necessary to identify the  
16 respondent for purposes of a firearms restrictions record search under s. 175.35 (2g)  
17 (c) or a background check under s. 175.60 (9g) (a).

18 **SECTION 50.** 895.527 (5) (a) of the statutes is amended to read:

19 895.527 **(5)** (a) Section 167.30 (1), 941.20 (1) (d) or 948.605 or any rule  
20 promulgated under those sections regulating or prohibiting the discharge of  
21 firearms.

22 **SECTION 51.** 938.396 (2g) (n) of the statutes is amended to read:

23 938.396 **(2g)** (n) *Firearms restriction record search or background check.* If a  
24 juvenile is adjudged delinquent for an act that would be a felony if committed by an  
25 adult, the court clerk shall notify the department of justice of that fact. No other

1 information from the juvenile's court records may be disclosed to the department of  
2 justice except by order of the court. The department of justice may disclose any  
3 information provided under this subsection only as part of a firearms restrictions  
4 record search under s. 175.35 (2g) (c) or a background check under s. 175.60 (9g) (a).

5 **SECTION 52.** 939.22 (10) of the statutes is amended to read:

6 939.22 (10) "Dangerous weapon" means any firearm, whether loaded or  
7 unloaded; any device designed as a weapon and capable of producing death or great  
8 bodily harm; any ligature or other instrumentality used on the throat, neck, nose, or  
9 mouth of another person to impede, partially or completely, breathing or circulation  
10 of blood; any electric weapon, as defined in s. 941.295 (4) (1c) (a); or any other device  
11 or instrumentality which, in the manner it is used or intended to be used, is  
12 calculated or likely to produce death or great bodily harm.

13 **SECTION 53.** 941.23 of the statutes is renumbered 941.23 (2) (intro.) and  
14 amended to read:

15 941.23 (2) (intro.) Any person ~~except a peace officer, other than one of the~~  
16 following, who ~~goes armed with~~ carries a concealed and dangerous weapon is guilty  
17 of a Class A misdemeanor. ~~Notwithstanding:~~

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

21 **SECTION 54.** 941.23 (1) of the statutes is created to read:

22 941.23 (1) In this section:

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

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

25 (b) "Firearm silencer" has the meaning given in s. 941.298 (1).

1 (c) "Former officer" means a person who served as a law enforcement officer  
2 with a law enforcement agency before separating from law enforcement service.

3 (d) "Law enforcement agency" has the meaning given in s. 175.49 (1) (f).

4 (e) "Law enforcement officer" has the meaning given in s. 175.49 (1) (g).

5 (f) "Machine gun" has the meaning given in s. 941.27 (1).

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

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

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

11 3. The person is not the subject of any disciplinary action by the agency that  
12 could result in the suspension or loss of the person's law enforcement authority.

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

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

16 **SECTION 55.** 941.23 (2) (b) of the statutes is created to read:

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

19 1. The weapon is a firearm but is not a machine gun or a destructive device.

20 2. The officer is not carrying a firearm silencer.

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

22 **SECTION 56.** 941.23 (2) (c) of the statutes is created to read:

23 941.23 (2) (c) A former officer. This paragraph applies only if all of the following  
24 apply:



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

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

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

7           2. The weapon is a firearm that is of the type described in a photographic  
8 identification document described in subd. 1. (intro.) or a card or certification  
9 described in subd. 1. b.

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

13          4. The weapon is not a machine gun or a destructive device.

14          5. The former officer is not carrying a firearm silencer.

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

16          7. The former officer is not prohibited under federal law from possessing a  
17 firearm.

18          **SECTION 57.** 941.23 (2) (d) of the statutes is created to read:

19          941.23 (2) (d) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state  
20 licensee, as defined in s. 175.60 (1) (g), if the dangerous weapon is a weapon, as  
21 defined under s. 175.60 (1) (j). An individual formerly licensed under s. 175.60 whose  
22 license has been suspended or revoked under s. 175.60 (14) may not assert his or her  
23 refusal to accept a notice of revocation or suspension mailed under s. 175.60 (14) (b)  
24 1. as a defense to prosecution under this subsection, regardless of whether the person  
25 has complied with s. 175.60 (11) (b) 1.

1           **SECTION 58.** 941.23 (2) (e) of the statutes is created to read:

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

5           **SECTION 59.** 941.23 (3) of the statutes is created to read:

6           941.23 (3) (a) A qualified out-of-state law enforcement officer shall, while  
7 carrying a concealed firearm, also have with him or her an identification card that  
8 contains his or her photograph and that was issued by the law enforcement agency  
9 by which he or she is employed.

10           (b) A former officer shall, while carrying a concealed firearm, also have with  
11 him or her one of the following:

12           1. A photographic identification document issued by the law enforcement  
13 agency from which the former officer separated that indicates that, within the 12  
14 months preceding the date on which the former officer is carrying the concealed  
15 firearm, he or she was tested or otherwise found by that law enforcement agency to  
16 meet the standards for qualification in firearms training that that law enforcement  
17 agency sets for active duty law enforcement officers to carry a firearm of the same  
18 type as the firearm that the former officer is carrying.

19           2. A photographic identification document issued by the law enforcement  
20 agency from which the former officer separated and one of the following:

21           a. A certification card issued under s. 175.49 (2), if the former officer resides  
22 in this state.

23           b. A certification issued by the state in which the former officer resides, if the  
24 former officer resides in another state, that indicates that, within the 12 months  
25 preceding the date on which the former officer is carrying the concealed firearm, he

1 or she has been found by the state in which he or she resides, or by a certified firearms  
2 instructor if such an instructor is qualified to conduct a firearms qualification test  
3 for law enforcement officers in that state, to meet the standards for qualification in  
4 firearms training for law enforcement officers to carry a firearm of the type he or she  
5 is carrying, that are established by his or her state of residence or, if that state does  
6 not establish standards, by any law enforcement agency in his or her state of  
7 residence.

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

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

12 **SECTION 60.** 941.235 (2) of the statutes is renumbered 941.235 (2) (intro.) and  
13 amended to read:

14 941.235 (2) (intro.) This section does not apply to ~~peace~~ any of the following:

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

21 **SECTION 61.** 941.235 (2) (c) of the statutes is created to read:

22 941.235 (2) (c) A qualified out-of-state law enforcement officer, as defined in  
23 s. 941.23 (1) (g), to whom s. 941.23 (2) (b) 1. to 3. applies.

24 **SECTION 62.** 941.235 (2) (d) of the statutes is created to read:

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

3           **SECTION 63.** 941.235 (2) (e) of the statutes is created to read:

4           941.235 (2) (e) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state  
5 licensee, as defined in s. 175.60 (1) (g).

6           **SECTION 64.** 941.237 (3) (cr) of the statutes is created to read:

7           941.237 (3) (cr) A qualified out-of-state law enforcement officer, as defined in  
8 s. 941.23 (1) (g), to whom s. 941.23 (2) (b) 1. to 3. applies.

9           **SECTION 65.** 941.237 (3) (ct) of the statutes is created to read:

10           941.237 (3) (ct) A former officer, as defined in s. 941.23 (1) (c), to whom s. 941.23  
11 (2) (c) 1. to 7. applies.

12           **SECTION 66.** 941.237 (3) (cx) of the statutes is created to read:

13           941.237 (3) (cx) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state  
14 licensee, as defined in s. 175.60 (1) (g), if the licensee or out-of-state licensee is not  
15 consuming alcohol on the premises.

16           **SECTION 67.** 941.237 (4) of the statutes is repealed.

17           **SECTION 68.** 941.295 (1) of the statutes is renumbered 941.295 (1m).

18           **SECTION 69.** 941.295 (1c) (b) and (c) of the statutes are created to read:

19           941.295 (1c) (b) "Licensee" has the meaning given in s. 175.60 (1) (d).

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

21           **SECTION 70.** 941.295 (2) (intro.) of the statutes is amended to read:

22           941.295 (2) (intro.) Subsection ~~(1)~~ (1m) does not apply to any of the following:

23           **SECTION 71.** 941.295 (2) (d) of the statutes is renumbered 941.295 (2) (d) (intro.)

24           and amended to read:

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

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

6           **SECTION 72.** 941.295 (2) (d) 2. of the statutes is created to read:

7           941.295 (2) (d) 2. A person for use in his or her dwelling or place of business  
8 or on land that he or she owns, leases, or legally occupies.

9           **SECTION 73.** 941.295 (2g) of the statutes is created to read:

10          941.295 (2g) The prohibition in sub. (1m) on possessing or going armed with  
11 an electric weapon does not apply to any of the following:

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

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

16          **SECTION 74.** 941.295 (2r) of the statutes is created to read:

17          941.295 (2r) The prohibition in sub. (1m) on transporting an electric weapon  
18 does not apply to any of the following:

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

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

23          **SECTION 75.** 941.295 (4) of the statutes is renumbered 941.295 (1c) (intro.) and  
24 amended to read:

25          941.295 (1c) (intro.) In this section, “electric;

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

4           **SECTION 76.** 943.13 (1e) (a) of the statutes is renumbered 943.13 (1e) (ar).

5           **SECTION 77.** 943.13 (1e) (aL) of the statutes is created to read:

6           **943.13 (1e) (aL)** “Carry” has the meaning given in s. 175.60 (1) (ag).

7           **SECTION 78.** 943.13 (1e) (bm) of the statutes is created to read:

8           **943.13 (1e) (bm)** “Licensee” means a licensee, as defined in s. 175.60 (1) (d), or  
9 an out-of-state licensee, as defined in s. 175.60 (1) (g).

10          **SECTION 79.** 943.13 (1e) (cm) of the statutes is created to read:

11          **943.13 (1e) (cm)** “Nonresidential building” includes a nursing home as defined  
12 in s. 50.01 (3), a community-based residential facility as defined in s. 50.01 (1g), a  
13 residential care apartment complex as defined in s. 50.01 (1d), an adult family home  
14 as defined in s. 50.01 (1), and a hospice as defined in s. 50.90 (1).

15          **SECTION 80.** 943.13 (1e) (g) of the statutes is created to read:

16          **943.13 (1e) (g)** “Out-of-state licensee” has the meaning given in s. 175.60 (1)  
17 (g).

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

19          **943.13 (1e) (h)** “Special event” means an event that is open to the public, is for  
20 a limited duration, and either has designated entrances to and from the event that  
21 are locked when the event is closed or requires an admission.

22          **SECTION 82.** 943.13 (1m) (b) of the statutes is amended to read:

23          **943.13 (1m) (b)** Enters or remains on any land of another after having been  
24 notified by the owner or occupant not to enter or remain on the premises. This  
25 paragraph does not apply to a licensee or out-of-state licensee if the owner’s or

to a privately or publicly owned building on the grounds of a university or college,  
in the grounds of a school named Dr. Occurred

occupant's intent is to prevent the licensee or out-of-state licensee from carrying a  
firearm on the owner's or occupant's land.

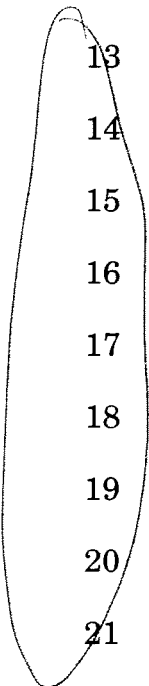
SECTION 83. 943.13 (1m) (c) of the statutes is created to read:

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

INS 51-14

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

3. While carrying a firearm, enters or remains at a special event if the  
organizers of the special event have notified the actor not to enter or remain at the  
special event while carrying a firearm or with that type of firearm. This subdivision



1 does not apply, if the firearm is in a vehicle driven or parked in the parking facility,  
2 to any part of the special event grounds or building used as a parking facility.

3 4. Enters or remains in any part of a building that is owned, occupied, or  
4 controlled by the state or any local governmental unit, excluding any building or  
5 portion of a building under s. 175.60 (16) (am) 1., if the state or local governmental  
6 unit has notified the actor not to enter or remain in the building while carrying a  
7 firearm or with that type of firearm. This subdivision does not apply to a person who  
8 leases residential or business premises in the building or, if the firearm is in a vehicle  
9 driven or parked in the parking facility, to any part of the building used as a parking  
10 facility.

11 5. Enters or remains in any privately or publicly owned building on the grounds  
12 of a university or college, if the university or college has notified the actor not to enter  
13 or remain in the building while carrying a firearm or with that type of firearm. This  
14 subdivision does not apply to a person who leases residential or business premises  
15 in the building or, if the firearm is in a vehicle driven or parked in the parking facility,  
16 to any part of the building used as a parking facility.

17 **SECTION 84.** 943.13 (2) of the statutes is renumbered 943.13 (2) (am), and  
18 943.13 (2) (am) (intro.) and 1., as renumbered, are amended to read:

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

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



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

7 **SECTION 85.** 943.13 (2) (bm) of the statutes is created to read:

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

11 2. <sup>a.</sup> For the purposes of sub. (1m) (c) <sup>(m.)</sup> 2., 4., and 5., <sup>an owner of a residence that is not a single-family resident</sup> an owner or occupant of a part  
12 of a nonresidential building, the state or a local governmental unit, or a university  
13 or a college has notified an individual not to enter or remain in that part of the  
14 building while carrying a firearm or with a particular type of firearm if the owner,  
15 occupant, state, local governmental unit, university, or college has posted a sign that  
16 is located in a prominent place near all of the entrances to the part of the building  
17 to which the restriction applies and any individual entering the building can be  
18 reasonably expected to see the sign. <sup>INS 53-18</sup>

19 3. For the purposes of sub. (1m) (c) 3., the organizers of the special event have  
20 notified an individual not to enter or remain at the special event while carrying a  
21 firearm or with a particular type of firearm if the organizers have posted a sign that  
22 is located in a prominent place near all of the entrances to the special event and any  
23 individual attending the special event can be reasonably expected to see the sign.

24 **SECTION 86.** 943.13 (3) of the statutes is amended to read:

1           943.13 (3) Whoever erects on the land of another signs which are the same as  
2 or similar to those described in sub. (2) (am) without obtaining the express consent  
3 of the lawful occupant of or holder of legal title to such land is subject to a Class C  
4 forfeiture.

5           **SECTION 87.** 946.71 of the statutes is created to read:

6           **946.71 Unlawful use of license for carrying concealed weapons. (1)** In  
7 this section, "license" means a license issued under s. 175.60 (2) or (9r).

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

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

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

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

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

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

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

19           **SECTION 88.** 947.01 of the statutes is renumbered 947.01 (1).

20           **SECTION 89.** 947.01 (2) of the statutes is created to read:

21           947.01 **(2)** Unless other facts and circumstances apply, a person is not in  
22 violation of, and may not be charged with a violation of, ~~sub. (2)~~ <sup>this section</sup> for loading, carrying,  
23 or going armed with a firearm, without regard to whether the firearm is loaded or  
24 is concealed or openly carried.

25           **SECTION 90.** 947.011 (2) (a) 1. of the statutes is amended to read:

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

4           **SECTION 91.** 947.011 (2) (c) 1. of the statutes is amended to read:

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

7           **SECTION 92.** 947.011 (2) (d) of the statutes is amended to read:

8           947.011 (2) (d) No person may impede vehicles that are part of a funeral  
9           procession if the person's conduct violates s. 947.01 (1).

10          **SECTION 93.** 948.60 (1) of the statutes is amended to read:

11          948.60 (1) In this section, "dangerous weapon" means any firearm, loaded or  
12          unloaded; any electric weapon, as defined in s. 941.295 (4) (1c) (a); metallic knuckles  
13          or knuckles of any substance which could be put to the same use with the same or  
14          similar effect as metallic knuckles; a nunchaku or any similar weapon consisting of  
15          2 sticks of wood, plastic or metal connected at one end by a length of rope, chain, wire  
16          or leather; a cestus or similar material weighted with metal or other substance and  
17          worn on the hand; a shuriken or any similar pointed star-like object intended to  
18          injure a person when thrown; or a manrikigusari or similar length of chain having  
19          weighted ends.

20          **SECTION 94.** 948.605 (2) (a) of the statutes is amended to read:

21          948.605 (2) (a) Any individual who knowingly possesses a firearm at a place  
22          that the individual knows, or has reasonable cause to believe, is ~~a school zone~~ in or  
23          on the grounds of a school is guilty of a Class I felony. Any individual who knowingly  
24          possesses a firearm at a place that the individual knows, or has reasonable cause to  
25          believe, is within 1,000 feet of the grounds of a school is subject to a Class B forfeiture.

1           **SECTION 95.** 948.605 (2) (b) (intro.) of the statutes is amended to read:

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

4           **SECTION 96.** 948.605 (2) (b) 1., 2., 4., 5. and 7. of the statutes are repealed.

5           **SECTION 97.** 948.605 (2) (b) 1m. and 1r. of the statutes are created to read:

6           948.605 (2) (b) 1m. A person who possesses the firearm in accordance with 18  
7           USC 922 (q) (2) (B) (i), (iv), (v), (vi), or (vii).

8           1r. Except if the person is in or on the grounds of a school, a licensee, as defined  
9           in s. 175.60 (1) (d), or an out-of-state licensee, as defined in s. 175.60 (1) (g).

10          **SECTION 98.** 948.605 (2) (b) 6. of the statutes is renumbered 948.605 (2) (b) 2m.  
11          and amended to read:

12          948.605 (2) (b) 2m. ~~By a law enforcement officer or~~ A state-certified  
13          commission warden acting in his or her official capacity; ~~or,~~

14          **SECTION 99.** 948.605 (2) (b) 8. of the statutes is renumbered 948.605 (2) (b) 3m.  
15          and amended to read:

16          948.605 (2) (b) 3m. ~~By a~~ A person who is legally hunting in a school forest if  
17          the school board has decided that hunting may be allowed in the school forest under  
18          s. 120.13 (38).

19          **SECTION 100.** 968.255 (1) (a) 2. of the statutes is amended to read:

20          968.255 (1) (a) 2. Arrested for any misdemeanor under s. 167.30 (1), 940.19,  
21          941.20 (1), 941.23, 941.237, 941.24, 948.60, or 948.61.

22          **SECTION 101.** 971.37 (1m) (a) 2. of the statutes is amended to read:

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

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

5 **SECTION 102.** 973.055 (1) (a) 1. of the statutes is amended to read:

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

12 **SECTION 103. Nonstatutory provisions.**

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

22 **SECTION 104. Effective dates.** This act takes effect on the first day of the 4th  
23 month beginning after publication, except as follows:

66.0409(6)

1 (1) The treatment of sections 165.25 (12), 175.49 (4), and 175.60 (2m) and (5)  
2 of the statutes and SECTION 103 (1) of this act take effect on the day after publication.

3 (END)

and 947.01(2)

**2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBs0135/P3insRK  
RNK:.....

**INSERT 11-3**

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

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

2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBs0135/linsch  
CMH:.....

1           Insert 39-17

2           (c) An instructor of a training course under sub. (4) (a) who intentionally  
3 submits false documentation that an individual has met the training requirements  
4 under sub. (4) (a) may be prosecuted for a violation of 946.32.  
5

*indicating*

*S.*

6           Insert 51-4

7           1m. While carrying a firearm, enters or remains in a common area in a building  
8 that is a residence that is not a single-family residence if the actor does not own the  
9 residence or does not occupy any part of the residence, if the owner of the residence  
10 has notified the actor not to enter or remain in the common area while carrying a  
11 firearm or with that type of firearm.

12

13           Insert 53-18

14           b. For the purposes of sub. (1m) (c) 2., an owner or occupant of the grounds of  
15 a nonresidential building or <sup>of</sup> land has notified an individual not to enter or remain  
16 on the grounds or land while carrying a firearm or with a particular type of firearm  
17 if the owner or occupant has posted a sign that is located in a prominent place near  
18 all probable access points to the grounds or land to which the restriction applies and  
19 any individual entering the grounds or land can be reasonably expected to see the  
20 sign.



## Hanaman, Cathlene

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**From:** Esser, Jennifer  
**Sent:** Tuesday, June 07, 2011 7:28 PM  
**To:** Hanaman, Cathlene  
**Cc:** Sappenfield, Anne; Konopacki, Larry; Reader, Chris  
**Subject:** Drafting Instructions

**Importance:** High

Hi Cathlene,

I know Anne had a couple of things to go over with you (shining, National Guard and Reserve Components, multi-dwelling residential), but here is what I hope is the final drafting instructions from my end. I will qualify this with a statement that I will have a few LEOSA provision tweaks that I need to run by Tim Gary, but I'm hoping he will sign off on them right away in the am. I'll be in touch asap.

It is my profound hope that these are easy add ins that won't take you too long. While Bob Lang has everything in LRB 0135, the following changes he does not have. So I apologize for requesting a rush, but I have no other option. I need to be sure his team has everything for a JFC meeting on Thursday. I'm pressing my luck already! Thanks for all you've done.

(1). P. 54 lines 1-3. The sign no longer needs to be orange and 8.5x11. It can be black and white and at least 5 inches by 7 inches.

(2). DOJ approval or denial. Under the bill we give them 21 days to issue the license or deny. Can we please amend this to say something along the lines of:  
Within the first four months, DOJ shall approve and mail license as soon as is practicable and without delay, or deny and inform applicant of decision and appeal process but no longer than 45 days. After the four months, it's 21 days.

P. 8, lines 17-23:

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

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

The addition of the introductory phrase (which I bolded for emphasis) should be amended as follows: **"Unless other facts and circumstances apply indicating a criminal or malicious intent ...."**

P. 22, line 19: Remove "hair color" and all references to hair color throughout

P. 26, lines 8-10: Except in the case of a person who is not a United States citizen, The the forms shall require the applicant to provide only his or her name, address, date of birth, state identification card number, race, sex, height, hair color, and eye color. In the case of a person who is not a United States citizen, the form shall also require an applicant to disclose his or her place of birth, country of citizenship, and any alien or admission number issued by the United States Bureau of Immigration and Customs Enforcement or any predecessor agency. Persons who have been admitted to the United States under a nonimmigrant visa must further provide proof of qualification for an exemption under 18 U.S.C. § 922(y) to the prohibition of 18 U.S.C. § 922(g)(B). The forms and shall additionally

Ignore for now

include all of the following:"

I suggest these changes not to make things more difficult for non-U.S. citizens, but on the contrary, to ensure that all who meet the necessary qualifications for lawful firearm possession in the U.S. may establish that fact during the background check process. We have been studying the requirements for the federal NICS exemption (which I assume we want Wisconsin's license to qualify for), and at least one BATFE document that has recently come into our hands specifies that the state law must require sufficient disclosure of information so that an Immigration Alien Query (IAQ) may be run in conjunction with the NICS check when the person is not a citizen of the United States. I literally don't know a single state whose current statute explicitly requires an ICE-issued alien or admission number (including those that qualify for the NICS exemption, which we recently surveyed in detail), but the lack of any such provision apparently cost Nevada its NICS exemption in 2008.

I'm writing quickly to meet our deadline, so the above wording may not be as elegant as one might hope, but whether that language or some other language is used, the point is that the law should account for gathering additional information from persons who are not U.S. citizens so that an IAQ may be run with the NICS check and so that qualified non-immigrant aliens can get a license (although if the final law limits issuance of the license only to Wisconsin residents, non-immigrant aliens will be ineligible anyway, so in that case we could skip the sentence that states: "Persons who have been admitted to the United States under a nonimmigrant visa must further provide proof of qualification for an exemption under 18 U.S.C. § 922(y) to the prohibition of 18 U.S.C. § 922(g)(B).").

P. 28, lines 11-14: "a search in the national instant criminal background check system to determine whether a person has been ordered not to possess a firearm under s. 51.20 (13) (v) 1., 51.45 (13) (i) 1., 54.10 (3) (f) 1., or 55.12 (10) (a), or is otherwise prohibited from possessing a firearm under federal law;"

We need explicit mention of a NICS check for the NICS exemption, but I think their language runs the risk of creating an implication that the NICS checks here is to be used only for the limited purpose of determining whether or not the person has been subject to a disqualifying commitment or adjudication under Wisconsin law. A NICS check may reveal other disqualifying information (e.g., a commitment or adjudication from another state; information that the person was dishonorably discharged from the military; information that the person renounced his or her U.S. citizenship, etc.). I therefore suggest the above addition to be on the safe side.

P. 47, lines 13 & 14: Add "active duty" before "law enforcement officers."

P. 51, lines 4-6: 943.13 Special Events...limited duration should be defined as not to exceed 3 weeks.

(1e) (h) "'Special event' means an event that is open to the public, is for a limited duration

**not to exceed 3 weeks**

P. 57, lines 6-7:

These provisions incorporate certain federal exceptions to the federal "school zone" ban, but they omit the exception for transport or storage of an unloaded firearm in a vehicle by an unlicensed person. We definitely should advocate for this exception (at the very least within the 1,000-foot "zone" that surrounds the school grounds themselves). Note that in this respect, the provision would actually be stricter than current law. See s. 948.605(3). Recall the e-mails we recently reviewed from Milwaukee. The police are looking to enforce the school zone provision as often as possible. Let's not make it easier for them. The school zone issue is a big deal, as without that exception an unlicensed person could not safely drive through a city with a cased, inaccessible, and unloaded firearm without risking a violation. Cops will ask people if they're transporting a firearm, and if they answer "yes" and don't have a license, they're in violation, and the cops may well seize their guns.

## Hanaman, Cathlene

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**From:** Sappenfield, Anne  
**Sent:** Wednesday, June 08, 2011 9:03 AM  
**To:** Hanaman, Cathlene  
**Subject:** FW: What Do you think about these suggestions?

**Importance:** High

Hi Cathlene,

You can leave out the immigrant provisions. Here are some final changes. I talked to Bob L., so I think we're all on the same page.

Anne

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**From:** Esser, Jennifer  
**Sent:** Wednesday, June 08, 2011 8:59 AM  
**To:** Sappenfield, Anne  
**Subject:** FW: What Do you think about these suggestions?  
**Importance:** High

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**From:** Esser, Jennifer  
**Sent:** Tuesday, June 07, 2011 7:19 PM  
**To:** Gary, Tim  
**Subject:** What Do you think about these suggestions?  
**Importance:** High

These are the LEOSA provisions to possibly amend...thoughts? If they work, can I turn them into the drafter?

Let's chat.

P. 14, lines 6-12:

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

I suggest the above tweak to make the provision more closely conform to 18 U.S.C. § 926C(c)(4), (d)(2)(B). I think Congressional intent is that the qualification standards be the same for both active and former law enforcement officers.

P. 15, lines 10-13:

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

The relevant federal provision, 18 U.S.C. § 926C(c)(7), does not specify how the state must determine that the former LEO "is not prohibited by Federal law from receiving a firearm," but if the state law is going to be specific on this point, it should probably mention a NICS inquiry expressly, as the NICS database would contain certain disqualifying information (such as state mental health commitments or adjudications) that the other federal databases might not. If the feds believe the

P. 15, lines 14-20:

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

See above comments in reference to P. 14, lines 6-12.

P. 16, lines 4-9:

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

See above comments in reference to P. 14, lines 6-12.

P. 17, lines 11-17:

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

background would not include a NICS inquiry, they might consider it incomplete.