



Now

**SENATE SUBSTITUTE AMENDMENT ,
TO 2011 SENATE BILL 93**

repeal with

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),
13 29.089 (2) (c), 29.089 (2) (d), 29.091 (2), 29.314 (4) (b) 1g., 29.621 (4) (a), 29.621

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

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

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

16 20.455 (2) (gs) *Background check for licenses to carry concealed weapons.* All
17 moneys received as fee payments under s. 175.60 (7) (c) and (d), (13), and (15) (b) 4.
18 a. and b. to provide services under s. 175.60.

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

20 20.455 (2) (gu) *Certification cards for carrying concealed weapons.* All moneys
21 received as fees under s. 175.49 (5m) to verify eligibility of, and to issue certification
22 cards to, former officers seeking to carry concealed weapons.

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

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

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

6 29.089 (2) (intro.) Except as provided in sub. (3), no person may have in his or
7 her possession or under his or her control a firearm on land located in state parks or
8 state fish hatcheries unless the firearm is unloaded and enclosed within a carrying
9 case. This subsection does not apply to any of the following:

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

11 29.089 (2) (a) A person who is employed in this state by a public agency as a
12 law enforcement officer and to whom s. 941.23 (1) (g) 2. to 5. and (2) (b) 1. to 3. applies.

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

14 29.089 (2) (b) A qualified out-of-state law enforcement officer, as defined in s.
15 941.23 (1) (g), to whom s. 941.23 (2) (b) 1. to 3. applies.

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

17 29.089 (2) (c) A former officer, as defined in s. 941.23 (1) (c), to whom s. 941.23
18 (2) (c) 1. to 7. applies.

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

20 29.089 (2) (d) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state
21 licensee, as defined in s. 175.60 (1) (g), if the firearm is a handgun, as defined in s.
22 175.60 (1) (bm).

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

*indicate
that indicate a
criminal or
malicious
intent
on the part
of the
person*

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. or as described under s. 175.60
11 (17) (c), to enforce s. 946.32 and is invested with the powers conferred by law upon
12 sheriffs and municipal police officers in the performance of those duties. This section
13 does not deprive or relieve sheriffs, constables, and other local police officers of the
14 power and duty to enforce those sections, and those officers shall likewise enforce
15 those sections.

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

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

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

21 165.82 (1) (intro.) Notwithstanding s. 19.35 (3), the department of justice shall
22 impose the following fees, plus any surcharge required under sub. (1m), for criminal
23 history searches for purposes unrelated to criminal justice or to s. 175.35, 175.49, or
24 175.60:

25 **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 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.

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 ^{active} law enforcement officers in the state, to meet the standards for
9 qualification in firearms training for ^{active} 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~~^{criminal}
13 system. ~~background check~~

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 ^{active} law
17 enforcement officers in the state, to meet the standards for qualification in firearms
18 training for ^{active} 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 ^{active} law enforcement officers in the state, to meet the standards for
7 qualification in firearms training for ^{active} 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. *criminal background check*

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 *active* law enforcement officers in the state, to meet the standards for qualification in
15 firearms training for *active* 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 this 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
10 enforcement officer is acting in an official capacity and with lawful authority.

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

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

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

1 (bm) The reverse side of a license document issued under this section shall
2 contain the requirement under sub. (11) (b) that the licensee shall inform the
3 department of any address change no later than 30 days after his or her address
4 changes and the penalty for a violation of the requirement.

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

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

9 2. The license document issued under this section shall be tamper proof in
10 substantially the same way that the operator's license is tamper proof under s.
11 343.17 (2).

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

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

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

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

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

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

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

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

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

8 **(4) TRAINING REQUIREMENTS.** (a) The proof of training requirement under sub.
9 (7) (e) may be met by any of the following:

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

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

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

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

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

1 e. A firearms safety or training course that is conducted by a firearms
2 instructor who is certified by a national or state organization that certifies firearms
3 instructors or who is certified by the department.

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

8 3. A current or expired license, or a photocopy of a current or expired license,
9 that the individual holds or has held that indicates that the individual is licensed or
10 has been licensed to carry a firearm in this state or in another state or in a county
11 or municipality of this state or of another state unless the license has been revoked
12 for cause.

, reserves, or national guard

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

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

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

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

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

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

11 1. A statement that the applicant is ineligible for a license if sub. (3) (a), (b), (c),
12 (d), (e), (f), or (g) applies to the applicant.

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

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

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

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

24 6. A statement of the places under sub. (16) where a licensee is prohibited from
25 carrying a weapon, as well as an explanation of the provisions under sub. (15m) and

1 ss. 943.13 (1m) (c) and 948.605 (2) (b) 1r. that could limit the places where the licensee
2 may carry a weapon, with a place for the applicant to sign his or her name to indicate
3 that he or she has read and understands the statement.

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

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

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

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

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

16 (d) A fee for a background check that is equal to the fee charged under s. 175.35
17 (2i).

18 (e) Proof of training as described under sub. (4) (a).

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

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

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

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

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

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

8 2. The department shall search its records to determine whether an applicant
9 is prohibited from possessing a firearm under s. 941.29. The department shall
10 conduct a criminal history record search; a search to determine whether a person is
11 prohibited from possessing a firearm under s. 51.20 (13) (cv) 1., 2007 stats.; a search

12 in the national instant criminal background check system to determine whether
13 the person has been ordered not to possess a firearm under s. 51.20 (13) (cv) 1., 51.45 (13)

14 (i) 1., 54.10 (3) (f) 1., or 55.12 (10) (a); a search to determine whether the person is
15 subject to an injunction under s. 813.12 or 813.122, or a tribal injunction, as defined
16 in s. 813.12 (1) (e), issued by a court established by any federally recognized
17 Wisconsin Indian tribe or band, except the Menominee Indian tribe of Wisconsin,
18 that includes notice to the respondent that he or she is subject to the requirements
19 and penalties under s. 941.29 and that has been filed with the circuit court under s.

20 806.247 (3); a search to determine whether the person is prohibited from possessing
21 a firearm under s. 813.125 (4m); a search to determine if the court has prohibited the
22 individual from possessing a dangerous weapon under s. 969.02 (3) (c) or 969.03 (1)
23 (c); and a search to determine if an individual is prohibited from possessing a
24 dangerous weapon as a condition of release under s. 969.01.

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

applicant
applicant

INS
28-8

applicant

applicant

the applicant

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

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

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

8 **(9r) EMERGENCY LICENSE.** (a) An individual who requires an immediate license
9 may petition the court in the county in which he or she resides for such a license.
10 Unless the court knows that the individual is ineligible for a license under sub. (3),
11 a court may issue an emergency license to an individual if the court determines that
12 immediate licensure is warranted to protect the individual from death or great bodily
13 harm, as defined in s. 939.22 (14).

14 (b) An emergency license issued under this subsection is valid for 30 days
15 unless it is revoked under par. (bm) or it is void under par. (c).

16 (bm) If the court determines that a holder of an emergency license issued under
17 par. (a) is ineligible under sub. (3) for a license, the court shall revoke the emergency
18 license.

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

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

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

1 b. "Court automated information systems" means the systems under s. 758.19
2 (4).

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

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

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

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

13 d. The individual is involuntarily committed for treatment under s. 51.20 or
14 51.45.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 2. If an individual is carrying a concealed weapon and claims to hold a valid
24 license issued under this section or a valid certification card issued under s. 175.49

1 (3) but does not have his or her license document or certification card, to confirm that
2 an individual holds a valid license or certification card.

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

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

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

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

19 **(13) LOST OR DESTROYED LICENSE.** If a license document is lost, a licensee no
20 longer has possession of his or her license, or a license document is destroyed,
21 unreadable, or unusable, a licensee may submit to the department a statement
22 requesting a replacement license document, the license document or any portions of
23 the license document if available, and a \$12 replacement fee. The department shall
24 issue a replacement license document to the licensee within 14 days of receiving the
25 statement and fee. If the licensee does not submit the original license document to

1 the department, the department shall terminate the unique approval number of the
2 original request and issue a new unique approval number for the replacement
3 request.

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

7 (am) The department shall suspend a license issued under this section if a court
8 has prohibited the licensee from possessing a dangerous weapon under s. 969.02 (3)
9 (c) or 969.03 (1) (c). If the individual whose license was suspended is no longer subject
10 to the prohibition under s. 969.02 (3) (c) or 969.03 (1) (c), whichever is applicable, sub.
11 (3) (b), (c), (d), (e), (f), or (g) does not apply to the individual, and the suspended license
12 would not have expired under sub. (15) (a) had it not been suspended, the department
13 shall restore the license within 5 business days of notification that the licensee is no
14 longer subject to the prohibition.

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

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

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

24 a. Deliver the license document personally or by certified mail to the
25 department.

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

4 **(14g) DEPARTMENTAL REVIEW.** The department shall promulgate rules providing
5 for the review of any action by the department denying an application for, or
6 suspending or revoking, a license under this section.

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

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

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

23 (d) The department shall file an answer within 15 days after being served with
24 the petition under par. (c). The answer shall include a brief statement of the actions

1 taken by the department. The department shall include with the answer when filed
2 a copy of any documents or records on which the department based its action.

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

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

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

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

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

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

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

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

21 2. If the court reverses the department's action, the court may order the
22 department to pay the aggrieved individual all court costs and reasonable attorney
23 fees.

24 **(15) LICENSE EXPIRATION AND RENEWAL.** (a) Except as provided in par. (e) and
25 sub. (9r) (b), a license issued under this section is valid for a period of 5 years from

1 the date on which the license is issued unless the license is suspended or revoked
2 under sub. (14).

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

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

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

12 4. Pays all of the following:

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

16 b. A fee for a background check that is equal to the fee charged under s. 175.35
17 (2i).

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

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

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