



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBs0135/2

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

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

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, 29.621 (4), 167.31 (3) (a), 440.26 (3m), 941.23, 941.235 (2),
4 941.295 (2) (d), 941.295 (4), 943.13 (2), 948.605 (2) (b) 6. and 948.605 (2) (b) 8.;
5 **to amend** 23.33 (3) (e), 48.685 (2) (bb), 50.065 (2) (bb), 59.54 (6), 66.0409 (3) (b),
6 165.60, 165.81 (2), 165.82 (1) (intro.), 165.82 (2), 167.31 (1) (b), 167.31 (2) (a),
7 167.31 (2) (b), 167.31 (2) (c), 813.12 (6) (am) 1., 813.122 (9) (am) 1., 813.125 (5r)
8 (a), 895.527 (5) (a), 938.396 (2g) (n), 939.22 (10), 941.295 (2) (intro.), 943.13 (1m)
9 (b), 943.13 (3), 947.011 (2) (a) 1., 947.011 (2) (c) 1., 947.011 (2) (d), 948.60 (1),
10 948.605 (2) (a), 948.605 (2) (b) (intro.), 968.255 (1) (a) 2., 971.37 (1m) (a) 2. and
11 973.055 (1) (a) 1.; and **to create** 20.455 (2) (gs), 20.455 (2) (gu), 29.089 (2) (a),
12 29.089 (2) (b), 29.089 (2) (c), 29.089 (2) (d), 29.091 (2), 29.621 (4) (a), 29.621 (4)
13 (b), 29.621 (4) (c), 29.621 (4) (d), 29.621 (6), 66.0409 (6), 165.25 (12), 167.30 (2),

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

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

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

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

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

19 20.455 (2) (gu) *Certification cards for carrying concealed weapons.* All moneys
20 received as fees under s. 175.49 (5m) to verify eligibility of, and to issue certification
21 cards to, former officers seeking to carry concealed weapons.

22 **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.** 29.621 (4) of the statutes is renumbered 29.621 (4) (intro.) and
23 amended to read:

24 29.621 (4) PROTECTION. (intro.) Except as provided in s. 29.091 (1), no owner
25 of a wildlife refuge, and no other person, may hunt or trap within the boundaries of

1 any wildlife refuge or have in his or her possession or under his or her control in the
2 wildlife refuge a gun, firearm, bow or crossbow, unless the gun or firearm is unloaded,
3 the bow or crossbow is unstrung and the gun, firearm, bow or crossbow is enclosed
4 within a carrying case. ~~Nothing in this section may prohibit, prevent or interfere~~
5 ~~with the department in the destruction of injurious animals. This subsection, as it~~
6 ~~relates to the possession or control of a loaded or unencased firearm, does not apply~~
7 ~~to any of the following:~~

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

9 29.621 (4) (a) A person who is employed in this state by a public agency as a
10 law enforcement officer and to whom s. 941.23 (1) (g) 2. to 5. and (2) (b) 1. to 3. applies.

11 **SECTION 13.** 29.621 (4) (b) of the statutes is created to read:

12 29.621 (4) (b) A qualified out-of-state law enforcement officer, as defined in s.
13 941.23 (1) (g), to whom s. 941.23 (2) (b) 1. to 3. applies.

14 **SECTION 14.** 29.621 (4) (c) of the statutes is created to read:

15 29.621 (4) (c) A former officer, as defined in s. 941.23 (1) (c), to whom s. 941.23
16 (2) (c) 1. to 7. applies.

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

18 29.621 (4) (d) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state
19 licensee, as defined in s. 175.60 (1) (g), if the gun or firearm is a handgun, as defined
20 in s. 175.60 (1) (bm).

21 **SECTION 16.** 29.621 (6) of the statutes is created to read:

22 29.621 (6) INJURIOUS ANIMALS. Nothing in this section may prohibit, prevent,
23 or interfere with the department in the destruction of injurious animals.

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

1 48.685 (2) (bb) If information obtained under par. (am) or (b) 1. indicates a
2 charge of a serious crime, but does not completely and clearly indicate the final
3 disposition of the charge, the department, county department, agency contracted
4 with under s. 48.651 (2), child welfare agency, school board, or entity shall make
5 every reasonable effort to contact the clerk of courts to determine the final disposition
6 of the charge. If a background information form under sub. (6) (a) or (am) indicates
7 a charge or a conviction of a serious crime, but information obtained under par. (am)
8 or (b) 1. does not indicate such a charge or conviction, the department, county
9 department, agency contracted with under s. 48.651 (2), child welfare agency, school
10 board, or entity shall make every reasonable effort to contact the clerk of courts to
11 obtain a copy of the criminal complaint and the final disposition of the complaint.
12 If information obtained under par. (am) or (b) 1., a background information form
13 under sub. (6) (a) or (am), or any other information indicates a conviction of a
14 violation of s. 940.19 (1), 940.195, 940.20, 941.30, 942.08, 947.01 (1), or 947.013
15 obtained not more than 5 years before the date on which that information was
16 obtained, the department, county department, agency contracted with under s.
17 48.651 (2), child welfare agency, school board, or entity shall make every reasonable
18 effort to contact the clerk of courts to obtain a copy of the criminal complaint and
19 judgment of conviction relating to that violation.

20 **SECTION 18.** 50.065 (2) (bb) of the statutes is amended to read:

21 50.065 (2) (bb) If information obtained under par. (am) or (b) indicates a charge
22 of a serious crime, but does not completely and clearly indicate the final disposition
23 of the charge, the department or entity shall make every reasonable effort to contact
24 the clerk of courts to determine the final disposition of the charge. If a background
25 information form under sub. (6) (a) or (am), or any disclosure made pursuant to a

1 disclosure policy described under sub. (6) (am), indicates a charge or a conviction of
2 a serious crime, but information obtained under par. (am) or (b) does not indicate
3 such a charge or conviction, the department or entity shall make every reasonable
4 effort to contact the clerk of courts to obtain a copy of the criminal complaint and the
5 final disposition of the complaint. If information obtained under par. (am) or (b), a
6 background information form under sub. (6) (a) or (am), any disclosure made
7 pursuant to a disclosure policy described under sub. (6) (am), or any other
8 information indicates a conviction of a violation of s. 940.19 (1), 940.195, 940.20,
9 941.30, 942.08, 947.01 (1), or 947.013 obtained not more than 5 years before the date
10 on which that information was obtained, the department or entity shall make every
11 reasonable effort to contact the clerk of courts to obtain a copy of the criminal
12 complaint and judgment of conviction relating to that violation.

13 **SECTION 19.** 59.54 (6) of the statutes is amended to read:

14 59.54 **(6)** PEACE AND ORDER. The board may enact and enforce ordinances to
15 preserve the public peace and good order within the county including, but not limited
16 by enumeration, ordinances prohibiting conduct that is the same as or similar to
17 conduct that is prohibited by ss. 947.01 (1) and 947.02, and provide a forfeiture for
18 a violation of the ordinances.

19 **SECTION 20.** 66.0409 (3) (b) of the statutes is amended to read:

20 66.0409 **(3)** (b) Nothing in this section prohibits a city, village or town that is
21 authorized to exercise village powers under s. 60.22 (3) from enacting an ordinance
22 or adopting a resolution that restricts the discharge of a firearm. Any ordinance or
23 resolution that restricts the discharge of a firearm does not apply and may not be
24 enforced if the actor's conduct is justified or, had it been subject to a criminal penalty,
25 would have been subject to a defense described in s. 939.45.

1 **SECTION 21.** 66.0409 (6) of the statutes is created to read:

2 66.0409 **(6)** Unless other facts and circumstances that indicate a criminal or
3 malicious intent on the part of the person apply, no person may be in violation of, or
4 be charged with a violation of, an ordinance of a political subdivision relating to
5 disorderly conduct or other inappropriate behavior for loading, carrying, or going
6 armed with a firearm, without regard to whether the firearm is loaded or is concealed
7 or openly carried. Any ordinance in violation of this subsection does not apply and
8 may not be enforced.

9 **SECTION 22.** 165.25 (12) of the statutes is created to read:

10 165.25 **(12)** RULES REGARDING CONCEALED WEAPONS LICENSES. Promulgate by
11 rule a list of states that issue a permit, license, approval, or other authorization to
12 carry a concealed weapon if the permit, license, approval, or other authorization
13 requires, or designates that the holder chose to submit to, a background search that
14 is comparable to a background check as defined in s. 175.60 (1) (ac).

15 **SECTION 23.** 165.60 of the statutes is amended to read:

16 **165.60 Law enforcement.** The department of justice is authorized to enforce
17 ss. 101.123 (2), (2m), and (8), 175.60 (17) (e), 944.30, 944.31, 944.33, 944.34, 945.02
18 (2), 945.03 (1m), and 945.04 (1m) and ch. 108 and, with respect to a false statement
19 submitted or made under s. 175.60 (7) (b) or (15) (b) 2. or as described under s. 175.60
20 (17) (c), to enforce s. 946.32 and is invested with the powers conferred by law upon
21 sheriffs and municipal police officers in the performance of those duties. This section
22 does not deprive or relieve sheriffs, constables, and other local police officers of the
23 power and duty to enforce those sections, and those officers shall likewise enforce
24 those sections.

25 **SECTION 24.** 165.81 (2) of the statutes is amended to read:

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

4 **SECTION 25.** 165.82 (1) (intro.) of the statutes is amended to read:

5 165.82 (1) (intro.) Notwithstanding s. 19.35 (3), the department of justice shall
6 impose the following fees, plus any surcharge required under sub. (1m), for criminal
7 history searches for purposes unrelated to criminal justice or to s. 175.35, 175.49, or
8 175.60:

9 **SECTION 26.** 165.82 (2) of the statutes is amended to read:

10 165.82 (2) ~~Except as provided in s. 175.35, the~~ The department of justice shall
11 not impose fees for criminal history searches for purposes related to criminal justice.

12 **SECTION 27.** 167.30 of the statutes is renumbered 167.30 (1).

13 **SECTION 28.** 167.30 (2) of the statutes is created to read:

14 167.30 (2) Subsection (1) does not apply to the discharge of a firearm if the
15 actor's conduct is justified or, had it been subject to a criminal penalty, would have
16 been subject to a defense described in s. 939.45.

17 **SECTION 29.** 167.31 (1) (b) of the statutes is amended to read:

18 167.31 (1) (b) "Encased" means enclosed in a case ~~that is expressly made for~~
19 ~~the purpose of containing a firearm and~~ that is completely zipped, snapped, buckled,
20 tied or otherwise fastened with no part of the firearm exposed.

21 **SECTION 30.** 167.31 (2) (a) of the statutes is amended to read:

22 167.31 (2) (a) Except as provided in sub. (4), no person may place, possess, or
23 transport a firearm, bow, or crossbow in or on a motorboat with the motor running,
24 unless the firearm is a handgun, as defined in s. 175.60 (1) (bm), unless the firearm

1 is unloaded, or unless the bow or crossbow is unstrung or is enclosed in a carrying
2 case.

3 **SECTION 31.** 167.31 (2) (b) of the statutes is amended to read:

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

8 **SECTION 32.** 167.31 (2) (c) of the statutes is amended to read:

9 167.31 (2) (c) Except as provided in sub. (4), no person may load a firearm, other
10 than a handgun, as defined in s. 175.60 (1) (bm), in a vehicle or discharge a firearm
11 or shoot a bolt or an arrow from a bow or crossbow in or from a vehicle.

12 **SECTION 33.** 167.31 (3) (a) of the statutes is renumbered 167.31 (3) (a) (intro.)
13 and amended to read:

14 167.31 (3) (a) (intro.) Except as provided in sub. (4), no person may place, do
15 any of the following:

16 1. Place, possess, or transport a firearm, bow, or crossbow in or on an a
17 commercial aircraft, unless the firearm is unloaded and encased or unless the bow
18 or crossbow is unstrung or is enclosed in a carrying case.

19 **SECTION 34.** 167.31 (3) (a) 2. of the statutes is created to read:

20 167.31 (3) (a) 2. Place, possess, or transport a firearm, bow, or crossbow in or
21 on a noncommercial aircraft, unless the firearm is unloaded and encased or the
22 firearm is a handgun, as defined in s. 175.60 (1) (bm), or unless the bow or crossbow
23 is unstrung or is enclosed in a carrying case.

24 **SECTION 35.** 167.31 (4) (at) of the statutes is created to read:

1 167.31 (4) (at) Subsections (2) (c) and (d) and (3) (b) do not apply to the
2 discharge of a firearm if the actor's conduct is justified or, had it been subject to a
3 criminal penalty, would have been subject to a defense described in s. 939.45.

4 **SECTION 36.** 175.48 of the statutes is created to read:

5 **175.48 Law enforcement officer identification cards. (1)** In this section,
6 "Wisconsin law enforcement agency" has the meaning given in s. 175.46 (1) (f).

7 **(2)** If a Wisconsin law enforcement agency issues photographic identification
8 cards to its officers, it may not require an officer to relinquish his or her card when
9 the officer separates from service with the Wisconsin law enforcement agency unless
10 one of the following applies:

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

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

14 (c) The officer served as a law enforcement officer for an aggregate of less than
15 10 years. This paragraph does not apply if the officer, after completing any
16 applicable probationary period of service with the agency, separated from service
17 with the agency due to a service-connected disability, as determined by the agency.

18 (d) Either of the following applies:

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

22 2. The officer has entered into an agreement with the law enforcement agency
23 from which he or she is separating from service in which the officer acknowledges
24 that he or she is not qualified to be a law enforcement officer for reasons related to

1 the officer's mental health and in which the officer declines the photographic
2 identification for that reason.

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

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

9 **SECTION 37.** 175.49 of the statutes is created to read:

10 **175.49 Former law enforcement officers seeking to carry concealed**
11 **weapons. (1) DEFINITIONS.** In this section:

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

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

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

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

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

21 (f) "Law enforcement agency" means an agency that consists of one or more
22 persons employed by the federal government, including any agency described under
23 18 USC 926C (e) (2); a state, or a political subdivision of a state; the U.S. armed forces;
24 or the national guard, that has as its purposes the prevention and detection of crime

1 and the enforcement of laws or ordinances, and that is authorized to make arrests
2 for crimes.

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

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

8 **(2) CERTIFICATION OF FORMER LAW ENFORCEMENT OFFICERS.** (a) Upon the request
9 of a former law enforcement officer and at the expense of the former law enforcement
10 agency officer, a law enforcement agency that employed the former law enforcement
11 officer shall, except as provided in par. (b), issue the former law enforcement officer
12 a certification card as described in sub. (4) stating all of the following:

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

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

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

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

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

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

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

12 3. Both of the following:

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

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

21 4. The former law enforcement officer is not prohibited under federal law from
22 possessing a firearm as indicated by a search of the transaction information for
23 management of enforcement system and the national criminal background check
24 system.

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

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

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

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

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

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

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

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

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

13 3. a. A qualified medical professional employed by the law enforcement agency
14 from which the former federal law enforcement officer separated has not found the
15 former federal law enforcement officer to be unqualified to be a law enforcement
16 officer for reasons related to the former officer's mental health.

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

21 4. The former federal law enforcement officer is not prohibited under federal
22 law from possessing a firearm as indicated by a search of the transaction information
23 for management of enforcement system and the national criminal background check
24 system.

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

8 (c) If, under par. (a), the department issues a former federal law enforcement
9 officer a certification card, the department shall add the former federal law
10 enforcement officer's information to the list the department maintains under s.
11 175.60 (12) (a).

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

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

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

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

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

23 3. The name of this state.

24 (c) A certification card shall include a statement that the certification card does
25 not confer any law enforcement authority on the certification card holder and does

1 not make the certification card holder an employee or agent of the certifying agency
2 or department.

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

5 (5) RENEWAL OF CERTIFICATION CARDS. A person who holds a current certification
6 card issued under sub. (2) or (3) may renew the certification card by requesting the
7 law enforcement agency or the department, whichever issued the current
8 certification card, to renew the certification card at the expense of the person holding
9 the card, if, before the date the certification card expires, the law enforcement agency
10 verifies sub. (2) (b) 4. and 5. if the certification card holder is a former law
11 enforcement officer, or the department verifies sub. (3) (b) 4. and 5. if the certification
12 card holder is a former federal law enforcement officer, and the certification card
13 holder provides any information necessary for the verification. The renewal shall
14 state the date on which verification was made and an expiration date that is 12
15 months later than that date.

16 (5m) FEES. The department may charge a fee to verify eligibility for a
17 certification card under this section, for the issuance of a certification card under sub.
18 (3), or for the renewal of a certification card under sub. (5), but the fee may not exceed
19 the costs the department incurs in verifying eligibility or for issuing or renewing a
20 certification card. Payments made to the department under this subsection shall be
21 credited to the appropriation account under s. 20.455 (2) (gu).

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

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

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

7 **SECTION 38.** 175.60 of the statutes is created to read:

8 **175.60 License to carry a concealed weapon. (1) DEFINITIONS.** In this
9 section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (i) "State identification card number" means the unique identifying driver
15 number assigned to a person by the department of transportation under s. 343.17 (3)
16 (a) 4. or, if the person has no driver number, the number assigned to the person on
17 an identification card issued under s. 343.50.

18 (j) "Weapon" means a handgun, an electric weapon, as defined in s. 941.295 (1c)
19 (a), a knife other than a switchblade knife under s. 941.24, or a billy club.

20 **(2) ISSUANCE AND SCOPE OF LICENSE.** (a) The department shall issue a license
21 to carry a concealed weapon to any individual who is not disqualified under sub. (3)
22 and who completes the application process specified in sub. (7). A license to carry a
23 concealed weapon issued under this section shall meet the requirements specified in
24 sub. (2m).

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

4 (c) Unless expressly provided in this section, this section does not limit an
5 individual's right to carry a firearm that is not concealed.

6 (d) For purposes of 18 USC 922 (q) (2) (B) (ii), an out-of-state licensee is
7 licensed by this state.

8 **(2g) CARRYING A CONCEALED WEAPON; POSSESSION AND DISPLAY OF LICENSE**
9 **DOCUMENT OR AUTHORIZATION.** (a) A licensee or an out-of-state licensee may carry a
10 concealed weapon anywhere in this state except as provided under subs. (15m) and
11 (16) and ss. 943.13 (1m) (c) and 948.605 (2) (b) 1r.

12 (b) Unless the licensee or out-of-state licensee is carrying a concealed weapon
13 in a manner described under s. 941.23 (2) (e), a licensee shall have with him or her
14 his or her license document and photographic identification card and an out-of-state
15 licensee shall have with him or her his or her out-of-state license and photographic
16 identification card at all times during which he or she is carrying a concealed
17 weapon.

18 (c) Unless the licensee or out-of-state licensee is carrying a concealed weapon
19 in a manner described under s. 941.23 (2) (e), a licensee who is carrying a concealed
20 weapon shall display his or her license document and photographic identification
21 card and an out-of-state licensee who is carrying a concealed weapon shall display
22 his or her out-of-state license and photographic identification card to a law
23 enforcement officer upon the request of the law enforcement officer while the law
24 enforcement officer is acting in an official capacity and with lawful authority.

1 **(2m)** LICENSE DOCUMENT; CONTENT OF LICENSE. (a) Subject to pars. (b), (bm), (c),
2 and (d), the department shall design a single license document for licenses issued and
3 renewed under this section. The department shall complete the design of the license
4 document no later than the first day of the 2nd month beginning after the effective
5 date of this paragraph [LRB inserts date].

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

- 8 1. The full name, date of birth, and residence address of the licensee.
- 9 2. A physical description of the licensee, including sex, height, and eye color.
- 10 3. The date on which the license was issued.
- 11 4. The date on which the license expires.
- 12 5. The name of this state.
- 13 6. A unique identification number for each licensee.

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

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

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

22 2. The license document issued under this section shall be tamper proof in
23 substantially the same way that the operator's license is tamper proof under s.
24 343.17 (2).

1 (e) The department of justice may contract with the department of
2 transportation to produce and issue license documents under this section. Neither
3 the department of transportation nor any employee of the department of
4 transportation may store, maintain, or access the information provided by the
5 department of justice for the production or issuance of license documents other than
6 to the extent necessary to produce or issue the license documents.

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

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

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

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

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

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

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

19 (g) The individual has not provided proof of training as described under sub.

20 (4) (a).

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

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

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

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

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

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

14 e. A firearms safety or training course that is conducted by a firearms
15 instructor who is certified by a national or state organization that certifies firearms
16 instructors or who is certified by the department.

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

21 3. A current or expired license, or a photocopy of a current or expired license,
22 that the individual holds or has held that indicates that the individual is licensed or
23 has been licensed to carry a firearm in this state or in another state or in a county
24 or municipality of this state or of another state unless the license has been revoked
25 for cause.

1 4. Documentation of completion of small arms training while serving in the
2 U.S. armed forces, reserves, or national guard as demonstrated by an honorable
3 discharge or general discharge under honorable conditions or a certificate of
4 completion of basic training with a service record of successful completion of small
5 arms training and certification.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (d) A fee for a background check that is equal to the fee charged under s. 175.35
5 (2i).

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

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

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

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

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

16 **(9g) BACKGROUND CHECKS.** (a) The department shall conduct a background
17 check regarding an applicant for a license using the following procedure:

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

20 2. The department shall conduct a criminal history record search and shall
21 search its records and conduct a search in the national instant criminal background
22 check system to determine whether the applicant is prohibited from possessing a
23 firearm under federal law; whether the applicant is prohibited from possessing a
24 firearm under s. 941.29; whether the applicant is prohibited from possessing a
25 firearm under s. 51.20 (13) (cv) 1., 2007 stats.; whether the applicant has been

1 ordered not to possess a firearm under s. 51.20 (13) (cv) 1., 51.45 (13) (i) 1., 54.10 (3)
2 (f) 1., or 55.12 (10) (a); whether the applicant is subject to an injunction under s.
3 813.12 or 813.122, or a tribal injunction, as defined in s. 813.12 (1) (e), issued by a
4 court established by any federally recognized Wisconsin Indian tribe or band, except
5 the Menominee Indian tribe of Wisconsin, that includes notice to the respondent that
6 he or she is subject to the requirements and penalties under s. 941.29 and that has
7 been filed with the circuit court under s. 806.247 (3); and whether the applicant is
8 prohibited from possessing a firearm under s. 813.125 (4m); and to determine if the
9 court has prohibited the applicant from possessing a dangerous weapon under s.
10 969.02 (3) (c) or 969.03 (1) (c) and if the applicant is prohibited from possessing a
11 dangerous weapon as a condition of release under s. 969.01.

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

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

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

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

20 **(9r) EMERGENCY LICENSE.** (a) An individual who requires an immediate license
21 may petition the court in the county in which he or she resides for such a license.
22 Unless the court knows that the individual is ineligible for a license under sub. (3),
23 a court may issue an emergency license to an individual if the court determines that
24 immediate licensure is warranted to protect the individual from death or great bodily
25 harm, as defined in s. 939.22 (14).

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

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

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

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

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

13 b. "Court automated information systems" means the systems under s. 758.19
14 (4).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (c) Notwithstanding s. 19.35, the department of justice, the department of
24 transportation, or any employee of either department may not make information
25 obtained under this section available to the public except in the context of a

1 prosecution for an offense in which the person's status as a licensee or holder of a
2 certification card is relevant or through a report created under sub. (19).

3 **(12g) PROVIDING LICENSEE INFORMATION TO LAW ENFORCEMENT AGENCIES.** (a) The
4 department shall provide information concerning a specific individual on the list
5 maintained under sub. (12) (a) to a law enforcement agency, but only if the law
6 enforcement agency is requesting the information for any of the following purposes:

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

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

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

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

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

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

5 **(13) LOST OR DESTROYED LICENSE.** If a license document is lost, a licensee no
6 longer has possession of his or her license, or a license document is destroyed,
7 unreadable, or unusable, a licensee may submit to the department a statement
8 requesting a replacement license document, the license document or any portions of
9 the license document if available, and a \$12 replacement fee. The department shall
10 issue a replacement license document to the licensee within 14 days of receiving the
11 statement and fee. If the licensee does not submit the original license document to
12 the department, the department shall terminate the unique approval number of the
13 original request and issue a new unique approval number for the replacement
14 request.

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

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

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

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

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

10 a. Deliver the license document personally or by certified mail to the
11 department.

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

15 **(14g) DEPARTMENTAL REVIEW.** The department shall promulgate rules providing
16 for the review of any action by the department denying an application for, or
17 suspending or revoking, a license under this section.

18 **(14m) APPEALS TO THE CIRCUIT COURT.** (a) An individual aggrieved by any action
19 by the department denying an application for, or suspending or revoking, a license
20 under this section, may appeal directly to the circuit court of the county in which the
21 individual resides without regard to whether the individual has sought review under
22 the process established in sub. (14g).

23 (b) To begin an appeal under this subsection, the aggrieved individual shall file
24 a petition for review with the clerk of the applicable circuit court within 30 days of
25 receiving notice of denial of an application for a license or of suspension or revocation

1 of a license. The petition shall state the substance of the department's action from
2 which the individual is appealing and the grounds upon which the individual
3 believes the department's action to be improper. The petition may include a copy of
4 any records or documents that are relevant to the grounds upon which the individual
5 believes the department's action to be improper.

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

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

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

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

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

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

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

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

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

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

7 2. If the court reverses the department's action, the court may order the
8 department to pay the aggrieved individual all court costs and reasonable attorney
9 fees.

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

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

19 1. Submits a renewal application on the form provided by the department.
20 2. Submits a statement reporting that the information provided under subd.
21 1. is true and complete to the best of his or her knowledge and that he or she is not
22 disqualified under sub. (3).

23 4. Pays all of the following:

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

4 b. A fee for a background check that is equal to the fee charged under s. 175.35
5 (2i).

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

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

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

14 **(15m) EMPLOYER RESTRICTIONS.** (a) Except as provided in par. (b), an employer
15 may prohibit a licensee or an out-of-state licensee that it employs from carrying a
16 concealed weapon or a particular type of concealed weapon in the course of the
17 licensee's or out-of-state licensee's employment or during any part of the licensee's
18 or out-of-state licensee's course of employment.

19 (b) An employer may not prohibit a licensee or an out-of-state licensee, as a
20 condition of employment, from carrying a concealed weapon, a particular type of
21 concealed weapon, or ammunition or from storing a weapon, a particular type of
22 weapon, or ammunition in the licensee's or out-of-state licensee's own motor vehicle,
23 regardless of whether the motor vehicle is used in the course of employment or
24 whether the motor vehicle is driven or parked on property used by the employer.

1 **(16) PROHIBITED ACTIVITY.** (a) Except as provided in par. (b), neither a licensee
2 nor an out-of-state licensee may knowingly carry a concealed weapon, a weapon that
3 is not concealed, or a firearm that is not a weapon in any of the following places:

4 1. Any portion of a building that is a police station, sheriff's office, state patrol
5 station, or the office of a division of criminal investigation special agent of the
6 department.

7 2. Any portion of a building that is a prison, jail, house of correction, or secured
8 correctional facility.

9 3. The facility established under s. 46.055.

10 4. The center established under s. 46.056.

11 5. Any secured unit or secured portion of a mental health institute under s.
12 51.05, including a facility designated as the Maximum Security Facility at Mendota
13 Mental Health Institute.

14 6. Any portion of a building that is a county, state, or federal courthouse.

15 7. Any portion of a building that is a municipal courtroom if court is in session.

16 8. A place beyond a security checkpoint in an airport.

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

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

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

23 3. A weapon in a courthouse or courtroom if a district attorney, or an assistant
24 district attorney, who is a licensee is carrying the weapon.