2011 SENATE BILL 93


AN ACT to repeal 23.33 (3) (e), 165.81 (2), 167.31 (1) (b), 167.31 (1) (g), 167.31 (2)
(a), 167.31 (2) (b), 167.31 (4) (am) 2. and 3., 167.31 (4) (bg), (bn) and (bt), 167.31
(4) (cm) and (d), 941.23, 941.235, 941.237, 941.295, 948.605 (1) (a) and (am),
948.605 (2) (b) 1. to 5. and 7. and 973.137 (1); to renumber 29.091, 29.621 (4),
167.30, 943.13 (1e) (a) and 947.01; to renumber and amend 167.31 (4) (am)
1. and 943.13 (2); to amend 29.089 (2), 29.314 (3) (a), 29.314 (4) (a), 48.685 (2)
(bb), 50.065 (2) (bb), 59.54 (6), 66.0409 (3) (b), 110.07 (1) (a) 1., 110.07 (1) (a) 3.,
110.07 (1) (b), 167.31 (2) (c), 167.31 (2) (d), 167.31 (2) (e), 167.31 (3) (title), 167.31
(3) (a), 167.31 (3) (b), 167.31 (4) (a), 167.31 (4) (b), 167.31 (4) (c), 167.31 (4) (f),
345.11 (1s), 345.20 (2) (f), 895.527 (5) (a), 938.34 (14q), 938.78 (3), 939.22 (10),
939.632 (1) (e) 3., 941.299 (1) (a), 943.13 (1m) (b), 943.13 (3), 947.011 (2) (a) 1.,
947.011 (2) (c) 1., 947.011 (2) (d), 948.60 (1), 948.605 (2) (title), 948.605 (2) (a),
948.605 (2) (b) (intro.), 948.605 (2) (b) 6., 968.255 (1) (a) 2., 971.37 (1m) (a) 2. and
973.055 (1) (a) 1.; and to create 29.091 (1), 29.314 (1) (ah), 29.621 (4) (a),
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66.0409 (6), 167.30 (2), 167.31 (4) (at), 939.22 (11m), 941.232, 943.13 (1e) (aL),
943.13 (1e) (cm), 943.13 (1m) (c), 943.13 (2) (bm), 943.13 (6), 947.01 (2) and
948.605 (2) (b) 1m. of the statutes; relating to: going armed with weapons,
possessing or transporting a firearm, bow, or crossbow under certain
circumstances, disorderly conduct limitations, and electric weapons.

Analysis by the Legislative Reference Bureau

In general, under current Wisconsin law, no person may go armed with a concealed and dangerous weapon. The “going armed with” language includes cases in which a person is carrying a concealed weapon but has not gone and is not going anywhere with it and cases in which a weapon is readily accessible to a person in a car. A person who violates the prohibition may be fined not more than $10,000 or imprisoned for not more than nine months or both. This prohibition has many exceptions. First, Wisconsin Statutes expressly exempt law enforcement officers. In addition, under State v. Hamdan, 2003 WI 113, 264 Wis. 2d 433, this prohibition is unconstitutional if applied to a person carrying a concealed weapon at his or her own business when: 1) the person’s interest in carrying a concealed weapon substantially outweighs the state’s interest in enforcing the concealed weapons law; 2) the person has no other reasonable means to keep and handle the weapon; and 3) the person is not motivated by an unlawful purpose in concealing it. In Hamdan, the court also indicated that the constitutional right to keep and bear arms for security allows a person to carry a concealed weapon under certain circumstances in his or her own home. Finally, under federal law, qualified law enforcement officers and qualified retired law enforcement officers may carry concealed firearms that have been shipped or transported in interstate or foreign commerce, regardless of any state prohibition. This bill eliminates the prohibition against going armed with a concealed and dangerous weapon.

Current law also prohibits, with certain exceptions, going armed with or possessing a firearm in a public building, tavern, state park, or wildlife refuge or within 1,000 feet of the grounds of a school. This bill eliminates the prohibitions against going armed with or possessing a firearm in a public building or tavern but this bill adds general prohibitions against carrying weapons into a police station, sheriff’s office, or state patrol station; a prison, jail, house of correction, or secured correctional facility; a courthouse; a place beyond a security checkpoint in an airport; and a building owned or leased by the state or any political subdivision of the state if the building provides electronic screening for weapons at all public entrances to the building and provides locked storage for weapons on the premises while the person carrying the weapon is in the building. This bill applies the prohibition against going armed with or possessing a firearm in a state park or a wildlife refuge only to firearms that are not handguns. This bill also limits the prohibition against going
armed with or possessing a firearm within 1,000 feet of the grounds of a school only to the grounds of a school. Any federal prohibitions against guns in school zones, however, still apply.

In addition, current law prohibits, with certain exceptions, carrying a firearm, bow, or crossbow in most vehicles unless the firearm is unloaded and encased or the bow or crossbow is unstrung and encased. This bill generally eliminates the requirements that the firearm be unloaded and encased and that the bow or crossbow be unstrung and encased in order to be carried in a vehicle. The bill retains the requirement that a firearm be unloaded and encased in order to be carried on a commercial aircraft.

This bill specifies that an individual does not violate the prohibition against disorderly conduct, or does not violate any local ordinance prohibiting disorderly conduct, by loading, carrying, or going armed with a firearm without regard to whether the firearm is loaded or whether the firearm is concealed or openly carried.

This bill also repeals the current law prohibition against possessing electric weapons.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 23.33 (3) (e) of the statutes is repealed.

SECTION 2. 29.089 (2) of the statutes is amended to read:

29.089 (2) Except as provided in sub. (3) and except if the firearm is a handgun as defined in s. 175.35 (1) (b), no person may have in his or her possession or under his or her control a firearm on land located in state parks or state fish hatcheries unless the firearm is unloaded and enclosed within a carrying case.

SECTION 3. 29.091 of the statutes is renumbered 29.091 (2).

SECTION 4. 29.091 (1) of the statutes is created to read:

29.091 (1) In this section:

(a) “Firearm” does not include a handgun.

(b) “Gun” does not include a handgun.

(c) “Handgun” has the meaning given in s. 175.35 (1) (b).
SECTION 5. 29.314 (1) (ah) of the statutes is created to read:

29.314 (1) (ah) “Handgun” has the meaning given in s. 175.35 (1) (b).

SECTION 6. 29.314 (3) (a) of the statutes is amended to read:

29.314 (3) (a) Prohibition. No person may use or possess with intent to use a light for shining deer, elk, or bear while the person is hunting deer, elk, or bear or in possession of a firearm that is not a handgun, bow and arrow, or crossbow.

SECTION 7. 29.314 (4) (a) of the statutes is amended to read:

29.314 (4) (a) Prohibition. No person may use or possess with intent to use a light for shining wild animals while the person is hunting or in possession of a firearm that is not a handgun, bow and arrow, or crossbow.

SECTION 8. 29.621 (4) of the statutes is renumbered 29.621 (4) (b).

SECTION 9. 29.621 (4) (a) of the statutes is created to read:

29.621 (4) (a) In this subsection:

1. “Firearm” does not include a handgun.

2. “Gun” does not include a handgun.

3. “Handgun” has the meaning given in s. 175.35 (1) (b).

SECTION 10. 48.685 (2) (bb) of the statutes is amended to read:

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

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

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

SECTION 12. 59.54 (6) of the statutes is amended to read:

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

SECTION 13. 66.0409 (3) (b) of the statutes is amended to read:

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

SECTION 14. 66.0409 (6) of the statutes is created to read:

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

SECTION 15. 110.07 (1) (a) 1. of the statutes is amended to read:
110.07 (1) (a) 1. Enforce and assist in the administration of this chapter and chs. 194, 218, 341 to 349 and 351, and ss. 23.33, 125.07 (4) (b), 125.085 (3) (b), 167.31 (2) (b) to (c) and (d) and 287.81 and ch. 350 where applicable to highways, or orders or rules issued pursuant thereto.

SECTION 16. 110.07 (1) (a) 3. of the statutes is amended to read:

110.07 (1) (a) 3. Have authority to enter any place where vehicles subject to this chapter, ss. 167.31 (2) (b) to (c) and (d) and 287.81 and chs. 194, 218 and 341 to 350 are stored or parked at any time to examine such vehicles, or to stop such vehicles while en route at any time upon the public highways to examine the same and make arrests for all violations thereof.

SECTION 17. 110.07 (1) (b) of the statutes is amended to read:

110.07 (1) (b) All municipal judges, judges, district attorneys and law enforcement officers shall assist in enforcing this chapter, ss. 167.31 (2) (b) to (c) and (d) and 287.81 and chs. 194, 218 and 341 to 351, and orders or rules issued pursuant thereto and shall report to the department the disposition of every uniform traffic citation issued for cases involving those chapters.

SECTION 18. 165.81 (2) of the statutes is repealed.

SECTION 19. 167.30 of the statutes is renumbered 167.30 (1).

SECTION 20. 167.30 (2) of the statutes is created to read:

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

SECTION 21. 167.31 (1) (b) of the statutes is repealed.

SECTION 22. 167.31 (1) (g) of the statutes is repealed.

SECTION 23. 167.31 (2) (a) of the statutes is repealed.
1 **SECTION 24.** 167.31 (2) (b) of the statutes is repealed.

2 **SECTION 25.** 167.31 (2) (c) of the statutes is amended to read:

3 167.31 (2) (c) Except as provided in sub. (4), no person may load or discharge a firearm or shoot a bolt or an arrow from a bow or crossbow in or from a vehicle.

4 **SECTION 26.** 167.31 (2) (d) of the statutes is amended to read:

5 167.31 (2) (d) Except as provided in sub. (4) (a), (bg), (cg), (e), and (g), no person may discharge a firearm or shoot a bolt or an arrow from a bow or crossbow from or across a highway or within 50 feet of the center of a roadway.

6 **SECTION 27.** 167.31 (2) (e) of the statutes is amended to read:

7 167.31 (2) (e) A person who violates pars. (a) to par. (c) or (d) is subject to a forfeiture of not more than $100.

8 **SECTION 28.** 167.31 (3) (title) of the statutes is amended to read:

9 167.31 (3) (title) **PROHIBITIONS PROHIBITION: AIRCRAFT.**

10 **SECTION 29.** 167.31 (3) (a) of the statutes is amended to read:

11 167.31 (3) (a) Except as provided in sub. (4), no person may place, possess or transport a firearm, bow or crossbow in or on an a commercial aircraft, unless the firearm is unloaded and encased or unless the bow or crossbow is unstrung or is enclosed in a carrying case.

12 **SECTION 30.** 167.31 (3) (b) of the statutes is amended to read:

13 167.31 (3) (b) Except as provided in sub. (4), no person may load or discharge a firearm or shoot a bolt or an arrow from a bow or crossbow in or from an a commercial aircraft.

14 **SECTION 31.** 167.31 (4) (a) of the statutes is amended to read:

15 167.31 (4) (a) Subsections (2) (c) and (d) and (3) (a) and (b) do not apply to any of the following who, in the line of duty, place, possess, transport, load or discharge
a firearm in, on or from a vehicle, motorboat or commercial aircraft or discharge a
firearm from or across a highway or within 50 feet of the center of a roadway:

SECTION 32. 167.31 (4) (am) 1. of the statutes is renumbered 167.31 (4) (am)
and amended to read:

167.31 (4) (am) Subsections (2) (a), (c) and (d) and (3) (a) and (b) do not apply
to a peace officer who, in the line of duty, loads or discharges a firearm in, on, or from
a vehicle, motorboat or commercial aircraft or discharges a firearm from or across a
highway or within 50 feet of the center of a roadway.

SECTION 33. 167.31 (4) (am) 2. and 3. of the statutes are repealed.

SECTION 34. 167.31 (4) (at) of the statutes is created to read:

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

SECTION 35. 167.31 (4) (b) of the statutes is amended to read:

167.31 (4) (b) Subsections (2) (a), (b) and (c), (3) (a) and (b), and (3m) (a) do not
apply to the holder of a scientific research license under s. 169.25 or a scientific
collector permit under s. 29.614 who is using a net gun or tranquilizer gun in an
activity related to the purpose for which the license or permit was issued.

SECTION 36. 167.31 (4) (bg), (bn) and (bt) of the statutes are repealed.

SECTION 37. 167.31 (4) (c) of the statutes is amended to read:

167.31 (4) (c) Subsection (2) (b) and (c) does not apply to the holder of a Class A
or Class B permit under s. 29.193 (2) who is hunting from a stationary vehicle.

SECTION 38. 167.31 (4) (cm) and (d) of the statutes are repealed.

SECTION 39. 167.31 (4) (f) of the statutes is amended to read:
167.31 (4) (f) Subsection (2) (d) does not prohibit a person from possessing a loaded firearm within 50 feet of the center of a roadway if the person does not violate sub. (2) (b) or (c).

**SECTION 40.** 345.11 (1s) of the statutes is amended to read:

345.11 (1s) The uniform traffic citation shall be used by a traffic officer employed under s. 110.07 for a violation of s. 167.31 (2) (b), (c) or (d) when committed on a highway.

**SECTION 41.** 345.20 (2) (f) of the statutes is amended to read:

345.20 (2) (f) Sections 23.50 to 23.85 apply to actions in circuit court to recover forfeitures and weapons surcharges imposed under ch. 814 for violations of s. 167.31 (2) (b), (c), or (d). No points may be assessed against the driving record of a person convicted of a violation of s. 167.31 (2) (b), (c), or (d). The report of conviction shall be forwarded to the department.

**SECTION 42.** 895.527 (5) (a) of the statutes is amended to read:

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

**SECTION 43.** 938.34 (14q) of the statutes is amended to read:

938.34 (14q) CERTAIN BOMB SCARES AND FIREARM VIOLATIONS. In addition to any other disposition imposed under this section, if the juvenile is found to have violated s. 947.015 and the property involved is owned or leased by the state or any political subdivision of the state, or if the property involved is a school premises, as defined in s. 948.61 (1) (c), or if the juvenile is found to have violated s. 941.235 or 948.605, immediately suspend the juvenile’s operating privilege, as defined in s. 340.01 (40), for 2 years. The court shall immediately forward to the department of transportation
the notice of suspension, stating that the suspension is for a violation of s. 947.015 involving school premises, or for a violation of s. 941.235 or 948.605. If otherwise eligible, the juvenile is eligible for an occupational license under s. 343.10.

**SECTION 44.** 938.78 (3) of the statutes is amended to read:

938.78 (3) **RELEASE OF INFORMATION WHEN ESCAPE OR ABSENCE; RULES.** If a juvenile adjudged delinquent under s. 48.12, 1993 stats., or s. 938.12 or found to be in need of protection or services under s. 48.13 (12), 1993 stats., or s. 48.13 (14), 1993 stats., or s. 938.13 (12) or (14) on the basis of a violation of s. 943.23 (1m) or (1r), 1999 stats., or s. 941.10, 941.11, 941.20, 941.21, 941.23, 941.235, 941.237, 941.24, 941.26, 941.28, 941.295, 941.298, 941.30, 941.31, 941.32, 941.325, 941.302, 941.303, 941.304, 943.10 (2) (a), 943.23 (1g), 943.32 (2), 948.02, 948.025, 948.03, 948.05, 948.055, 948.085 (2), 948.60, 948.605, or 948.61 or any crime specified in ch. 940 has escaped from a juvenile correctional facility, residential care center for children and youth, inpatient facility, as defined in s. 51.01 (10), juvenile detention facility, or juvenile portion of a county jail, or from the custody of a peace officer or a guard of such a facility, center, or jail, or has been allowed to leave a juvenile correctional facility, residential care center for children and youth, inpatient facility, juvenile detention facility, or juvenile portion of a county jail for a specified time period and is absent from the facility, center, home, or jail for more than 12 hours after the expiration of the specified period, the department or county department having supervision over the juvenile may release the juvenile's name and any information about the juvenile that is necessary for the protection of the public or to secure the juvenile's return to the facility, center, home, or jail. The department shall promulgate rules establishing guidelines for the release of the juvenile's name or information about the juvenile to the public.
SECTION 45. 939.22 (10) of the statutes is amended to read:

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

SECTION 46. 939.22 (11m) of the statutes is created to read:

939.22 (11m) “Electric weapon” means any device which is designed, redesigned, used or intended to be used, offensively or defensively, to immobilize or incapacitate persons by the use of electric current.

SECTION 47. 939.632 (1) (e) 3. of the statutes is amended to read:

939.632 (1) (e) 3. Any misdemeanor under s. 940.19 (1), 940.225 (3m), 940.32 (2), 940.42, 940.44, 941.20 (1), 941.23, 941.235, 941.24 or 941.38 (3).

SECTION 48. 941.23 of the statutes is repealed.

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

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

(a) “Carry” means to go armed with.

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

(2) (a) Except as provided in par. (b), any person other than a law enforcement officer who knowingly carries a weapon or a firearm that is not a weapon into any of the following places is guilty of a Class C misdemeanor:
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1. Any portion of a building that is a police station, sheriff’s office, or state patrol station.

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

3. A county, state, or federal courthouse.

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

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

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

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

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

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

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

(3) (a) Except as provided in par. (b), an employer may prohibit an employee from carrying a concealed weapon or a particular type of concealed weapon in the course of the employee’s employment or during any part of the course of the employee’s employment.
(b) An employer may not prohibit an employee, as a condition of employment, from carrying a concealed weapon, a particular type of concealed weapon, or ammunition or from storing a weapon, a particular type of weapon, or ammunition in the employee’s own motor vehicle, regardless of whether the motor vehicle is used in the course of employment or whether the motor vehicle is driven or parked on property used by the employer.

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

Section 50. 941.235 of the statutes is repealed.

Section 51. 941.237 of the statutes is repealed.

Section 52. 941.295 of the statutes is repealed.

Section 53. 941.299 (1) (a) of the statutes is amended to read:

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

Section 54. 943.13 (1e) (a) of the statutes is renumbered 943.13 (1e) (ar).

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

943.13 (1e) (aL) “Carry” means to go armed with.

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

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

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

943.13 (1m) (b) Enters or remains on any land of another after having been notified by the owner or occupant not to enter or remain on the premises. This
paragraph does not apply to an individual if the owner’s or occupant’s intent is to
prevent the individual from carrying a firearm on the owner’s or occupant’s land.

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

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

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

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

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

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

Section 60. 943.13 (2) (bm) of the statutes is created to read:

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

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

Section 61. 943.13 (3) of the statutes is amended to read:

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

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

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

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

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

947.01 (2) A person is not in violation of, and may not be charged with a violation of, sub. (1) for loading, carrying, or going armed with a firearm without regard to whether the firearm is loaded or is concealed or openly carried.

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

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

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

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

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

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

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

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

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

**SECTION 70.** 948.605 (2) (title) of the statutes is amended to read:
948.605 (2) (title) **POSSESSION OF FIREARM IN ON THE GROUNDS OF A SCHOOL ZONE.**

**SECTION 71.** 948.605 (2) (a) of the statutes is amended to read:
948.605 (2) (a) Any individual who knowingly possesses a firearm at a place
that the individual knows, or has reasonable cause to believe, is a school zone on the
grounds of a school is guilty of a Class I felony.

**SECTION 72.** 948.605 (2) (b) (intro.) of the statutes is amended to read:
948.605 (2) (b) (intro.) Paragraph (a) does not apply to the possession of a
firearm by any of the following:

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

**SECTION 74.** 948.605 (2) (b) 1m. of the statutes is created to read:
948.605 (2) (b) 1m. A person who possess the firearm in accordance with 18
USC 922 (q) (2) (b) (i), (iii), (iv), (v), (vi), or (vii).

**SECTION 75.** 948.605 (2) (b) 6. of the statutes is amended to read:
948.605 (2) (b) 6. By a law enforcement officer or A state-certified commission
warden acting in his or her official capacity; or

**SECTION 76.** 968.255 (1) (a) 2. of the statutes is amended to read:
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968.255 (1) (a) 2. Arrested for any misdemeanor under s. 167.30 (1), 940.19, 941.20 (1), 941.23, 941.237, 941.24, 948.60, or 948.61.

SECTION 77. 971.37 (1m) (a) 2. of the statutes is amended to read:

971.37 (1m) (a) 2. An adult accused of or charged with a criminal violation of s. 940.19, 940.20 (1m), 940.201, 940.225, 940.23, 940.285, 940.30, 940.42, 940.43, 940.44, 940.45, 940.48, 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49, 947.01 (1), 947.012 or 947.0125 and the conduct constituting the violation involved an act by the adult person against his or her spouse or former spouse, against an adult with whom the adult person resides or formerly resided or against an adult with whom the adult person has created a child.

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

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

SECTION 79. 973.137 (1) of the statutes is repealed.

(END)