

**2015 DRAFTING REQUEST**

**Senate Substitute Amendment (SSA-SB102)**

Received: 6/17/2015 Received By: chanaman  
For: Terry Moulton (608) 266-7511 Same as LRB: s0079  
May Contact: By/Representing: Nathan  
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Submit via email: YES  
Requester's email: Sen.Moulton@legis.wisconsin.gov  
Carbon copy (CC) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Switchblades and CCWs; local regulation of weapons and disorderly conduct

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	chanaman 6/17/2015	csicilia 6/17/2015	_____	lparisi 6/17/2015	lparisi 6/17/2015	

FE Sent For:

<END>



State of Wisconsin  
2015 - 2016 LEGISLATURE

50098/1  
LRBs0079/3  
CMH:cjs&kjf

*SEN*  
ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO ASSEMBLY BILL 142

*SO*      *102*

*comp  
maker  
nmw*

June 1, 2015 - Offered by Representative BERNIER.

*no  
changes*

1      **AN ACT to repeal** 941.24; **to amend** 66.0409 (title), 66.0409 (2), 66.0409 (3) (a),  
2      66.0409 (6), 175.60 (1) (j), 938.78 (3), 939.632 (1) (e) 3., 947.01 (2) and 968.255  
3      (1) (a) 2.; and **to create** 941.23 (1) (ap) and 941.231 of the statutes; **relating to:**  
4      knives and preemption of regulation of knives and providing a criminal penalty.

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***Analysis by the Legislative Reference Bureau***

This substitute amendment eliminates the prohibition against possessing, purchasing, or selling a switchblade knife. This substitute amendment treats knives in the same manner as current law treats firearms by prohibiting local governments from regulating the sale, purchase, or possession of knives and prohibiting charging a person with disorderly conduct for going armed with a knife without criminal intent. Finally, this substitute amendment eliminates a knife from being considered a weapon for purposes of a license to carry a concealed weapon, and eliminates the general prohibition against going armed with a concealed knife except that, under the substitute amendment, a person who is prohibited under state law from

possessing a firearm may not go armed with a concealed knife that is a dangerous weapon.

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

1           **SECTION 1.** 66.0409 (title) of the statutes is amended to read:

2           **66.0409 (title) Local regulation of firearms weapons.**

3           **SECTION 2.** 66.0409 (2) of the statutes is amended to read:

4           66.0409 (2) Except as provided in subs. (3) and (4), no political subdivision may  
5 enact or enforce an ordinance or adopt a resolution that regulates the sale, purchase,  
6 purchase delay, transfer, ownership, use, keeping, possession, bearing,  
7 transportation, licensing, permitting, registration, or taxation of any knife or any  
8 firearm or part of a firearm, including ammunition and reloader components, unless  
9 the ordinance or resolution is the same as or similar to, and no more stringent than,  
10 a state statute.

11           **SECTION 3.** 66.0409 (3) (a) of the statutes is amended to read:

12           66.0409 (3) (a) Nothing in this section prohibits a county from imposing a sales  
13 tax or use tax under subch. V of ch. 77 on any knife or any firearm or part of a firearm,  
14 including ammunition and reloader components, sold in the county.

15           **SECTION 4.** 66.0409 (6) of the statutes is amended to read:

16           66.0409 (6) Unless other facts and circumstances that indicate a criminal or  
17 malicious intent on the part of the person apply, no person may be in violation of, or  
18 be charged with a violation of, an ordinance of a political subdivision relating to  
19 disorderly conduct or other inappropriate behavior for loading, a firearm, or for  
20 carrying, or going armed with a firearm or a knife, without regard to whether the

1 firearm is loaded or the firearm or the knife is concealed or openly carried. Any  
2 ordinance in violation of this subsection does not apply and may not be enforced.

3 **SECTION 5.** 175.60 (1) (j) of the statutes is amended to read:

4 175.60 (1) (j) “Weapon” means a handgun, an electric weapon, as defined in s.  
5 941.295 (1c) (a), ~~a knife other than a switchblade knife under s. 941.24,~~ or a billy club.

6 **SECTION 6.** 938.78 (3) of the statutes is amended to read:

7 938.78 (3) RELEASE OF INFORMATION WHEN ESCAPE OR ABSENCE; RULES. If a juvenile  
8 adjudged delinquent under s. 48.12, 1993 stats., or s. 938.12 or found to be in need  
9 of protection or services under s. 48.13 (12), 1993 stats., or s. 48.13 (14), 1993 stats.,  
10 or s. 938.13 (12) or (14) on the basis of a violation of s. 943.23 (1m) or (1r), 1999 stats.,  
11 or s. 941.10, 941.11, 941.20, 941.21, 941.23, 941.231, 941.235, 941.237, ~~941.24,~~  
12 941.26, 941.28, 941.295, 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03,  
13 943.04, 943.10 (2) (a), 943.23 (1g), 943.32 (2), 948.02, 948.025, 948.03, 948.05,  
14 948.055, 948.085 (2), 948.60, 948.605, or 948.61 or any crime specified in ch. 940 has  
15 escaped from a juvenile correctional facility, residential care center for children and  
16 youth, inpatient facility, as defined in s. 51.01 (10), juvenile detention facility, or  
17 juvenile portion of a county jail, or from the custody of a peace officer or a guard of  
18 such a facility, center, or jail, or has been allowed to leave a juvenile correctional  
19 facility, residential care center for children and youth, inpatient facility, juvenile  
20 detention facility, or juvenile portion of a county jail for a specified time period and  
21 is absent from the facility, center, home, or jail for more than 12 hours after the  
22 expiration of the specified period, the department or county department having  
23 supervision over the juvenile may release the juvenile’s name and any information  
24 about the juvenile that is necessary for the protection of the public or to secure the  
25 juvenile’s return to the facility, center, home, or jail. The department shall

1 promulgate rules establishing guidelines for the release of the juvenile’s name or  
2 information about the juvenile to the public.

3 **SECTION 7.** 939.632 (1) (e) 3. of the statutes is amended to read:

4 939.632 (1) (e) 3. Any misdemeanor under s. 940.19 (1), 940.225 (3m), 940.32  
5 (2), 940.42, 940.44, 941.20 (1), 941.23, 941.231, 941.235, ~~941.24~~ or 941.38 (3).

6 **SECTION 8.** 941.23 (1) (ap) of the statutes is created to read:

7 941.23 (1) (ap) Notwithstanding s. 939.22 (10), “dangerous weapon” does not  
8 include a knife.

9 **SECTION 9.** 941.231 of the statutes is created to read:

10 **941.231 Carrying a concealed knife.** Any person who is prohibited from  
11 possessing a firearm under s. 941.29 who goes armed with a concealed knife that is  
12 a dangerous weapon is guilty of a Class A misdemeanor.

13 **SECTION 10.** 941.24 of the statutes is repealed.

14 **SECTION 11.** 947.01 (2) of the statutes is amended to read:

15 947.01 (2) Unless other facts and circumstances that indicate a criminal or  
16 malicious intent on the part of the person apply, a person is not in violation of, and  
17 may not be charged with a violation of, this section for loading, a firearm, or for  
18 carrying, or going armed with a firearm or a knife, without regard to whether the  
19 firearm is loaded or the firearm or the knife is concealed or openly carried.

20 **SECTION 12.** 968.255 (1) (a) 2. of the statutes is amended to read:

21 968.255 (1) (a) 2. A person arrested for any misdemeanor under s. 167.30 (1),  
22 940.19, 941.20 (1), 941.23, 941.231, 941.237, ~~941.24~~, 948.60, or 948.61.

23 (END)