

2017 DRAFTING REQUEST

**Bill**

For: **Jesse Kremer (608) 266-9175** Drafter: **chanaman**

By: Secondary Drafters:

Date: **9/1/2016** May Contact:

Same as LRB:

Submit via email: **YES**  
 Requester's email: **Rep.Kremer@legis.wisconsin.gov**  
 Carbon copy (CC) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Nonpublic schools may have a policy allowing licensees to carry concealed weapons

**Instructions:**

See attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	chanaman 10/4/2016	kmochal 10/4/2016	egradian 9/2/2016		
/P2	chanaman 5/31/2017	anienaja 5/31/2017	egradian 10/4/2016		
/P3			hkohn 5/31/2017		
/1			mbarman 2/15/2018	lparisi 2/15/2018	

FE Sent For: *Not Needed* <END>

## Hanaman, Cathlene

---

**From:** Kremer, Jesse  
**Sent:** Wednesday, August 31, 2016 1:24 PM  
**To:** Hanaman, Cathlene  
**Subject:** LRB4241

Good afternoon Cathlene,

Last fall you worked on a bill for me that would allow concealed carry in parochial/private schools, LRB4241/P1.

Could you please revisit that for me? It seems to me the way it reads right now would mandate the allowance of CCW in the schools and on the grounds. I am looking for something more in line with LRB 1820 that would put the grounds in line with the Federal Gun Free School Zone Act, but allow the school on an individual basis to decide if they want to allow CCW in the buildings themselves. This would be more similar to LRB1820, but still only for parochial/private schools. There will be a separate bill addressing the public school system in WI.

Thank you again,

*Rep. Jesse Kremer*

Wisconsin State Assembly District 59  
17 West, State Capitol  
PO Box 8952  
Madison, WI 53708  
P (608) 266-9175, (888) 534-0059  
[www.RepKremer.com](http://www.RepKremer.com)



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-0044/P1

CMH...

am

today please

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

SA  
xref

~~Gen.~~ Gen. ✓

1 AN ACT ...; relating to: possession of a firearm by a licensee on the grounds of  
2 a private school.

*Analysis by the Legislative Reference Bureau*

This bill allows persons who have a license to carry a concealed weapon to possess a firearm in or on the grounds of a parochial, private, or tribal school and, if the school adopts a policy, to possess a firearm in a building on the school grounds. Under current law, a person who possesses a firearm on the grounds of any school is guilty of a Class I felony.

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

3 SECTION 1. 175.60 (2g) (a) of the statutes is amended to read:

4 × 175.60 (2g) (a) A licensee or an out-of-state licensee may carry a concealed  
5 weapon anywhere in this state except as provided under subs. (15m) and (16) and ss.

6 943.13 (1m) (c) and 948.605 (2) (b) 1r. (c). (2m) ✓

History: 2011 a. 35; 2013 a. 166 s. 76; 2013 a. 167 223; 2015 a. 67, 109, 149, 197, 352.

7 SECTION 2. 175.60 (5) (a) 6. of the statutes is amended to read:

1        ~~175.60 (5)~~ (a) 6. A statement of the places under sub. (16) where a licensee is  
 2        prohibited from carrying a weapon, as well as an explanation of the provisions under  
 3        sub. (15m) and ss. 943.13 (1m) (c) and 948.605 (2) ~~(b) 1r. (c)~~. that could limit the places  
 4        where the licensee may carry a weapon, with a place for the applicant to sign his or  
 5        her name to indicate that he or she has read and understands the statement.

6        History: 2011 a. 35; 2013 a. 166 s. 76; 2013 a. 167, 223; 2015 a. 67, 109, 149, 197, 362.

6        **SECTION 3.** 948.605 (1) (ak) and (aq) of the statutes are created to read:

7        ~~948.605 (1)~~ (ak) "Licensee" means a licensee, as defined in s. 175.60 (1) (d), or  
 8        an out-of-state licensee, as defined in s. 175.60 (1) (g).

9        ~~(aq)~~ "Private school" means a school that is a parochial, private, or tribal school,  
 10        as defined in s. 115.001. <sup>(15m)</sup>

11        **SECTION 4.** 948.605 (2) (b) 1r. of the statutes is amended to read:

12        ~~948.605 (2) (b) 1r. Except if the person is in or on the grounds of a school, a A~~  
 13        ~~licensee, as defined in s. 175.60 (1) (d), or an out-of-state licensee, as defined in s.~~  
 14        ~~175.60 (1) (g).~~

15        History: 1991 a. 17; 1993 a. 336; 2001 a. 109; 2005 a. 290; 2007 a. 27; 2011 a. 35; 2013 a. 166; 2015 a. 23.

15        **SECTION 5.** 948.605 (2m) of the statutes is created to read:

16        ~~948.605 (2m)~~ POSSESSION OF FIREARM ON SCHOOL GROUNDS BY LICENSEES. (a) A  
 17        licensee who knowingly possesses a firearm in or on the grounds of a school that is  
 18        not a private school is guilty of a Class I felony unless the licensee is described under  
 19        sub. (2) (b) 1m., 2d., 2f., 2h., 2m., 3., or 3m.

20        (b) A licensee who knowingly possesses a firearm in a building on the grounds  
 21        of a private school is guilty of a Class I felony unless the licensee is described under  
 22        sub. (2) (b) 1m., 2d., 2f., 2h., 2m., or 3. or unless the private school has adopted a policy  
 23        allowing licensees to enter and remain in the building while possessing a firearm.

24        (END)

## Hanaman, Cathlene

---

**From:** Arthur, Jackie  
**Sent:** Tuesday, October 04, 2016 10:59 AM  
**To:** Hanaman, Cathlene  
**Subject:** FW: Draft Change on 0044/P1

Hi Cathlene,

Rep. Kremer would like the Class I felony removed (pg. 2 lines 20-23) and replaced with a Class B forfeiture as it would be for trespassing on private property.

Please let me know if you have any questions!

-Jackie

---

**From:** Kremer, Jesse  
**Sent:** Tuesday, October 04, 2016 10:47 AM  
**To:** Arthur, Jackie <Jackie.Arthur@legis.wisconsin.gov>  
**Subject:** Draft Change on 0044/P1

Jackie,

Please contact Cathlene Hanaman and change 948.605 (2m) (b) to be the same Class B forfeiture as private business or residential property trespassing, not the current Class I felony.

Thanks,  
Jesse

*Rep. Jesse Kremer*

Wisconsin State Assembly District 59  
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Madison, WI 53708  
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**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

*Regenerate catalog*  
*If the school does not adopt a policy allowing licensees to possess a firearm in a building on its grounds, a licensee who knowingly possesses a firearm in a building is guilty of a class B felony (forfeiture)*

1 **AN ACT to amend** 175.60 (2g) (a), 175.60 (5) (a) 6. and 948.605 (2) (b) 1r.; and **to**  
2 **create** 948.605 (1) (ak) and (aq) and 948.605 (2m) of the statutes; **relating to:**  
3 possession of a firearm by a licensee on the grounds of a private school.

**Analysis by the Legislative Reference Bureau**

This bill allows persons who have a license to carry a concealed weapon to possess a firearm in or on the grounds of a parochial, private, or tribal school and, if the school adopts a policy, to possess a firearm in a building on the school grounds. Under current law, a person who possesses a firearm on the grounds of any school is guilty of a Class I felony.

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

4 **SECTION 1.** 175.60 (2g) (a) of the statutes is amended to read:  
5 175.60 (2g) (a) A licensee or an out-of-state licensee may carry a concealed  
6 weapon anywhere in this state except as provided under subs. (15m) and (16) and ss.  
7 943.13 (1m) (c) and 948.605 (2) (b) 1r. (2m).

8 **SECTION 2.** 175.60 (5) (a) 6. of the statutes is amended to read:

1 175.60 (5) (a) 6. A statement of the places under sub. (16) where a licensee is  
2 prohibited from carrying a weapon, as well as an explanation of the provisions under  
3 sub. (15m) and ss. 943.13 (1m) (c) and 948.605 (2) (b) 1r. (2m), that could limit the  
4 places where the licensee may carry a weapon, with a place for the applicant to sign  
5 his or her name to indicate that he or she has read and understands the statement.

1WS 6 SECTION 3. 948.605 (1) (ak) and (aq) of the statutes are created to read:

2-4 7 948.605 (1) (ak) "Licensee" means a licensee, as defined in s. 175.60 (1) (d), or  
8 an out-of-state licensee, as defined in s. 175.60 (1) (g).

9 (aq) "Private school" means a school that is a parochial, private, or tribal school,  
10 as defined in s. 115.001 (15m).

1WS 11 SECTION 4. 948.605 (2) (b) 1r. of the statutes is amended to read:

2-4 12 948.605 (2) (b) 1r. ~~Except if the person is in or on the grounds of a school, a A~~  
13 ~~licensee, as defined in s. 175.60 (1) (d), or an out-of-state licensee, as defined in s.~~  
14 ~~175.60 (1) (g).~~

15 SECTION 5. 948.605 (2m) of the statutes is created to read:

16 948.605 (2m) POSSESSION OF FIREARM ON SCHOOL GROUNDS BY LICENSEES. (a) A  
17 licensee who knowingly possesses a firearm in or on the grounds of a school that is  
18 not a private school is guilty of a Class I felony unless the licensee is described under  
19 sub. (2) (b) 1m., 2d., 2f., 2h., 2m., 3., or 3m.

20 (b) A licensee who knowingly possesses a firearm in a building on the grounds  
21 of a private school is guilty of a Class I felony <sup>e B forfeiture</sup> unless the licensee is described under  
22 sub. (2) (b) 1m., 2d., 2f., 2h., 2m., or 3. or unless the private school has adopted a policy  
23 allowing licensees to enter and remain in the building while possessing a firearm.

24 (END)

**SECTION 1**

1           175.60 **(2g)** (a) A licensee or an out-of-state licensee may carry a concealed  
2           weapon anywhere in this state except as provided under subs. (15m) and (16) and ss.  
3           943.13 (1m) (c) and 948.605 (2) (b) 1r. and (2m).

4           **SECTION 2.** 175.60 (5) (a) 6. of the statutes is amended to read:

5           175.60 **(5)** (a) 6. A statement of the places under sub. (16) where a licensee is  
6           prohibited from carrying a weapon, as well as an explanation of the provisions under  
7           sub. (15m) and ss. 943.13 (1m) (c) and 948.605 (2) (b) 1r. and (2m) that could limit the  
8           places where the licensee may carry a weapon, with a place for the applicant to sign  
9           his or her name to indicate that he or she has read and understands the statement.

10          **SECTION 3.** 943.13 (4m) (bm) of the statutes is renumbered 943.13 (4m) (bm)  
11          (intro.) and amended to read:

12          943.13 **(4m)** (bm) (intro.) Subsection (1m) (c) 2. and 4. does not apply to ~~a~~ any  
13          of the following:

14          1. A law enforcement officer employed in this state by a public agency to whom  
15          s. 941.23 (1) (g) 2. to 5. and (2) (b) 1. to 3. applies, ~~to~~ a qualified out-of-state law  
16          enforcement officer, as defined in s. 941.23 (1) (g), to whom s. 941.23 (2) (b) 1. to 3.  
17          applies, or ~~to~~ a former officer, as defined in s. 941.23 (1) (c), to whom s. 941.23 (2) (c)  
18          1. to 7. applies if the law enforcement officer, the qualified out-of-state law  
19          enforcement officer, or the former officer is in or on the grounds of a school, as defined  
20          in s. 948.61 (1) (b).

21          **SECTION 4.** 943.13 (4m) (bm) 2. of the statutes is created to read:

22          943.13 **(4m)** (bm) 2. A licensee who is in or on the grounds of a school, as defined  
23          in s. 948.605 (1) (b).

24          **SECTION 5.** 948.605 (1) (ak) and (aq) of the statutes are created to read:



1 948.605 (1) (ak) "Licensee" means a licensee, as defined in s. 175.60 (1) (d), or  
2 an out-of-state licensee, as defined in s. 175.60 (1) (g).

3 (aq) "Private school" means a school that is a parochial, private, or tribal school,  
4 as defined in s. 115.001 (15m).

5 **SECTION 6.** 948.605 (1) (b) of the statutes is amended to read:

6 948.605 (1) (b) "School" ~~has the meaning given in s. 948.61 (1) (b)~~ means a  
7 public school or private school that provides an educational program for one or more  
8 grades between grades 1 and 12 and which is commonly known as an elementary  
9 school, middle school, junior high school, senior high school, or high school.

10 **SECTION 7.** 948.605 (2) (b) 1r. of the statutes is amended to read:

11 948.605 (2) (b) 1r. Except if the person is in or on the grounds of a private school,  
12 a licensee, ~~as defined in s. 175.60 (1) (d), or an out-of-state licensee, as defined in s.~~  
13 ~~175.60 (1) (g).~~

14 **SECTION 8.** 948.605 (2m) of the statutes is created to read:

15 948.605 (2m) POSSESSION OF FIREARM BY LICENSEES. (a) Unless the licensee is  
16 described under sub. (2) (b) 1m., 2d., 2f., 2h., 2m., 3., or 3m., no licensee may  
17 knowingly possess a firearm in a building in which instruction is provided to  
18 students and that is on the grounds of a school that is not a private school if the school  
19 board of the school or district in which the school is located has notified the licensee  
20 not to enter or remain in the building while possessing a firearm by posting a sign  
21 that is located in a prominent place near all of the entrances to the building and any  
22 licensee entering the building can be reasonably expected to see the sign.

23 (b) A licensee who violates par. (a) is guilty of one of the following:

24 1. A Class A misdemeanor.

## Hanaman, Cathlene

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**From:** Kremer, Jesse  
**Sent:** Wednesday, May 31, 2017 8:46 AM  
**To:** Hanaman, Cathlene  
**Subject:** RE: LRB4241

Good morning Cathlene,

Could you please make a few changes to a draft that we had last session, 0044/P2. It related to private schools allowing individuals to concealed carry.

A couple of changes though:

1. We had initially been looking to put us in line with federal law regarding the grounds, however, because these are private grounds, thought it best if we remove that section. I believe it is Section 4.
2. Section 8 changed the penalty from a Class I felony to a Class B forfeiture, similar to other trespassing, but we only amended this in parochial schools. Can we please change that from a Class I felony to a Class B forfeiture in all schools – public and private.

Thank you again,

*Rep. Jesse Kremer*

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---

**From:** Hanaman, Cathlene  
**Sent:** Thursday, September 01, 2016 2:26 PM  
**To:** Kremer, Jesse <[Jesse.Kremer@legis.wisconsin.gov](mailto:Jesse.Kremer@legis.wisconsin.gov)>  
**Subject:** RE: LRB4241

I agree, it was confusing. Carving out a narrow exception to an exception can be confusing. You'll get a new approach shortly.

Thanks,  
Cathlene

---

**From:** Kremer, Jesse  
**Sent:** Wednesday, August 31, 2016 1:24 PM  
**To:** Hanaman, Cathlene <[Cathlene.Hanaman@legis.wisconsin.gov](mailto:Cathlene.Hanaman@legis.wisconsin.gov)>  
**Subject:** LRB4241

Good afternoon Cathlene,

Last fall you worked on a bill for me that would allow concealed carry in parochial/private schools, LRB4241/P1.

Could you please revisit that for me? It seems to me the way it reads right now would mandate the allowance of CCW in the schools and on the grounds. I am looking for something more in line with LRB 1820 that would put the grounds in line with the Federal Gun Free School Zone Act, but allow the school on an individual basis to decide if they want to allow CCW in the buildings themselves. This would be more similar to LRB1820, but still only for parochial/private schools. There will be a separate bill addressing the public school system in WI.

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State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-0044/P2  
CMH:amn&klm

P3

today or Thursday

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

SA ✓

Reger ✓

INS A

1 AN ACT *to amend* 175.60 (2g) (a), 175.60 (5) (a) 6., 948.605 (2) (b) 1r. and 948.605  
2 (1) (b); and *to create* 943.13 (4m) (bm) 2., 948.605 (1) (ak) and (aq) and 948.605  
3 (2m) of the statutes; **relating to:** possession of a firearm by a licensee on the  
4 grounds of a private school and providing a penalty.

Under

**Analysis by the Legislative Reference Bureau**

This bill allows persons who have a license to carry a concealed weapon to possess a firearm in or on the grounds of a parochial, private, or tribal school and, if the school adopts a policy, to possess a firearm in a building on the school grounds. If the school does not adopt a policy allowing licensees to possess a firearm in a building on its grounds, a licensee who knowingly possesses a firearm in such a building is guilty of a Class B forfeiture. Under current law, a person who possesses a firearm on the grounds of any school is guilty of a Class I felony. *illegally*

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

5 SECTION 1. 175.60 (2g) (a) of the statutes is amended to read:

**SECTION 1**

1           175.60 **(2g)** (a) A licensee or an out-of-state licensee may carry a concealed  
2           weapon anywhere in this state except as provided under subs. (15m) and (16) and ss.  
3           943.13 (1m) (c) and 948.605 ~~(2) (b) 1r.~~ (2m).

4           **SECTION 2.** 175.60 (5) (a) 6. of the statutes is amended to read:

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8           places where the licensee may carry a weapon, with a place for the applicant to sign  
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17          applies, or ~~to~~ a former officer, as defined in s. 941.23 (1) (c), to whom s. 941.23 (2) (c)  
18          1. to 7. applies if the law enforcement officer, the qualified out-of-state law  
19          enforcement officer, or the former officer is in or on the grounds of a school, as defined  
20          in s. 948.61 (1) (b).

21          **SECTION 4.** 943.13 (4m) (bm) 2. of the statutes is created to read:

22          943.13 **(4m)** (bm) 2. A licensee who is in or on the grounds of a school, as defined  
23          in s. 948.605 (1) (b).

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2           an out-of-state licensee, as defined in s. 175.60 (1) (g).

3           (aq) "Private school" means a school that is a parochial, private, or tribal school,  
4           as defined in s. 115.001 (15m).

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6           948.605 (1) (b) "School" ~~has the meaning given in s. 948.61 (1) (b)~~ means a  
7           public school or private school that provides an educational program for one or more  
8           grades between grades 1 and 12 and which is commonly known as an elementary  
9           school, middle school, junior high school, senior high school, or high school.

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13          ~~175.60 (1) (g).~~

14          **SECTION 8.** 948.605 (2m) of the statutes is created to read:

15          948.605 (2m) POSSESSION OF FIREARM ON SCHOOL GROUNDS BY LICENSEES. (a) A  
16          licensee who knowingly possesses a firearm in or on the grounds of a school that is  
17          not a private school is guilty of a Class B forfeiture ~~Class I felony~~ unless the licensee is described under  
18          sub. (2) (b) 1m., 2d., 2f., 2h., 2m., 3., or 3m.

19          (b) A licensee who knowingly possesses a firearm in a building on the grounds  
20          of a private school is guilty of a Class B forfeiture unless the licensee is described  
21          under sub. (2) (b) 1m., 2d., 2f., 2h., 2m., or 3. or unless the private school has adopted  
22          a policy allowing licensees to enter and remain in the building while possessing a  
23          firearm.

24

(END)

**2017-2018 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0044/p3ins  
CMH... *am*

1

*In addition)*  
Insert A

Under this bill, if a licensee illegally possesses a firearm in or on the grounds of a public school, he or she is guilty of a Class B forfeiture.



**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

No  
change

1 AN ACT *to amend* 175.60 (2g) (a), 175.60 (5) (a) 6., 948.605 (1) (b) and 948.605  
2 (2) (b) 1r.; and *to create* 948.605 (1) (ak) and (aq) and 948.605 (2m) of the  
3 statutes; **relating to:** possession of a firearm by a licensee on the grounds of  
4 a school and providing a penalty.

---

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

Under this bill, a person who has a license to carry a concealed weapon may possess a firearm in or on the grounds of a parochial, private, or tribal school and, if the school adopts a policy, in a building on the school grounds. If the school does not adopt a policy allowing licensees to possess a firearm in a building on its grounds, a licensee who knowingly possesses a firearm in such a building is guilty of a Class B forfeiture. In addition, under this bill, if a licensee illegally possesses a firearm in or on the grounds of a public school, he or she is guilty of a Class B forfeiture. Under current law, a person who illegally possesses a firearm on the grounds of any school is guilty of a Class I felony.

---

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

5 SECTION 1. 175.60 (2g) (a) of the statutes is amended to read:



1           948.605 **(2m)** POSSESSION OF FIREARM ON SCHOOL GROUNDS BY LICENSEES. (a) A  
2 licensee who knowingly possesses a firearm in or on the grounds of a school that is  
3 not a private school is guilty of a Class B forfeiture unless the licensee is described  
4 under sub. (2) (b) 1m., 2d., 2f., 2h., 2m., 3., or 3m.

5           (b) A licensee who knowingly possesses a firearm in a building on the grounds  
6 of a private school is guilty of a Class B forfeiture unless the licensee is described  
7 under sub. (2) (b) 1m., 2d., 2f., 2h., 2m., or 3. or unless the private school has adopted  
8 a policy allowing licensees to enter and remain in the building while possessing a  
9 firearm.

10

**(END)**

**Barman, Mike**

---

**From:** Rettinger, Nik  
**Sent:** Thursday, February 15, 2018 11:50 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -0044/1

Please Jacket LRB -0044/1 for the ASSEMBLY.

Thanks,

-Nik

RA, Office of Rep. Kremer