



**ASSEMBLY AMENDMENT 2,
TO 2003 ASSEMBLY BILL 40**

March 13, 2003 – Offered by Representative STASKUNAS.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 4, line 17: after that line insert:

3 “(dm) The person has not been convicted of a violation of s. 941.23 (2) or 941.237
4 (2). This paragraph does not apply to a conviction resulting from acts occurring
5 before the person obtained a state identification card, as defined in s. 941.23 (1) (b),
6 containing a designation under s. 343.17 (3) (a) 14.”

7 **2.** Page 5, line 13: delete “firearms restriction record search” and substitute
8 “criminal history check”.

9 **3.** Page 6, line 21: delete the material beginning with that line and ending on
10 page 7, line 2, and substitute:

11 **“175.33 Criminal history checks for retired peace officers. (1) In this**
12 section, “criminal history check” means a search of department of justice records

1 consisting of a firearms restriction record search, as defined in s. 175.35 (1) (at), and
2 a search to determine whether a person has violated s. 941.23 (2) or 941.237 (2).

3 (2) At the request of the law enforcement standards board under s. 165.87 (4)
4 (c), the department of justice shall conduct a criminal history check. The department
5 may not charge a fee for a criminal history check conducted under this subsection.
6 The department shall promulgate rules prescribing the manner by which criminal
7 history checks are to be conducted under this subsection.”.

8 **4.** Page 8, line 23: delete “175.33 or”.

9 **5.** Page 8, line 23: after “(c)” insert “or a criminal history check under s.
10 175.33”.

11 **6.** Page 9, line 3: delete “175.33 or”.

12 **7.** Page 9, line 3: after “(c)” insert “or a criminal history check under s. 175.33”.

13 **8.** Page 9, line 9: delete “175.33 or”.

14 **9.** Page 9, line 10: after “(c)” insert “or a criminal history check under s.
15 175.33”.

16 **10.** Page 9, line 14: delete “175.33 or”.

17 **11.** Page 9, line 14: after “(c)” insert “or a criminal history check under s.
18 175.33”.

19 **12.** Page 9, line 21: delete “175.33 or”.

20 **13.** Page 9, line 22: after “(c)” insert “or a criminal history check under s.
21 175.33”.

22 **14.** Page 10, line 3: delete “175.33 or”.

1 **15.** Page 10, line 3: after “(c)” insert “or a criminal history check under s.
2 175.33”.

3 **16.** Page 10, line 3: after that line insert:

4 “**SECTION 15g.** 885.235 (1g) (intro.) of the statutes is amended to read:

5 885.235 (**1g**) (intro.) In any action or proceeding in which it is material to prove
6 that a person was under the influence of an intoxicant or had a prohibited alcohol
7 concentration or a specified alcohol concentration while operating or driving a motor
8 vehicle or, if the vehicle is a commercial motor vehicle, on duty time, while operating
9 a motorboat, except a sailboat operating under sail alone, while operating a
10 snowmobile, while operating an all-terrain vehicle, while going armed with a
11 concealed weapon, or while handling or going armed with a firearm, evidence of the
12 amount of alcohol in the person’s blood at the time in question, as shown by chemical
13 analysis of a sample of the person’s blood or urine or evidence of the amount of alcohol
14 in the person’s breath, is admissible on the issue of whether he or she was under the
15 influence of an intoxicant or had a prohibited alcohol concentration or a specified
16 alcohol concentration if the sample was taken within 3 hours after the event to be
17 proved. The chemical analysis shall be given effect as follows without requiring any
18 expert testimony as to its effect:

19 **SECTION 15r.** 885.235 (1g) (e) of the statutes is created to read:

20 885.235 (**1g**) (e) In cases brought under s. 941.23 (2) or 941.237 (2) in which the
21 state seeks to prove that a person had an alcohol concentration, as defined in s.
22 340.01 (1v), of 0.02 or more, the fact that the analysis shows that the person had an
23 alcohol concentration of more than 0.0 but less than 0.02 is relevant evidence on the
24 issue of the person having an alcohol concentration of 0.02 or more but is not to be

1 given any prima facie effect. The fact that the analysis shows that the person had
2 an alcohol concentration of 0.02 or more is prima facie evidence that he or she had
3 an alcohol concentration of 0.02 or more.”.

4 **17.** Page 10, line 10: delete “175.33 or”.

5 **18.** Page 10, line 11: after “(c)” insert “or a criminal history check under s.
6 175.33”.

7 **19.** Page 10, line 19: delete lines 19 to 22 and substitute:

8 “(a) “Qualified retired peace officer” means a person who meets all of the
9 following requirements:

10 1. The person’s request for authorization to carry a concealed weapon under s.
11 165.87 has been granted.

12 2. The person continues to meet the requirements for the authorization.

13 3. The person holds a valid state identification card containing a designation
14 under s. 343.17 (3) (a) 14.

15 4. The person’s alcohol concentration, as defined in s. 340.01 (1v), is less than
16 0.02.”.

17 **(END)**