



State of Wisconsin
2005 - 2006 LEGISLATURE

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**SENATE AMENDMENT 3,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2005 SENATE BILL 403**

December 5, 2005 – Offered by JOINT COMMITTEE ON FINANCE.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 7, line 19: delete “LIST OF CONCEALED-CARRY LICENSE APPROVED STATES.”
3 and substitute “RULES REGARDING CONCEALED WEAPONS LICENSES. (a) Promulgate
4 rules providing a procedure by which the department may file a petition under s.
5 175.50 (10m) and a license may be revoked under s. 175.50 (14) with respect to a
6 person who is issued a license under s. 175.50 (9r) and who, as a result of being
7 licensed, poses a substantial risk to others.

8 (b)”.

9 **2.** Page 25, line 23: delete “and” and substitute “or”.

10 **3.** Page 25, line 25: after that line insert:

1 “(mr) The individual has not been prohibited from obtaining a license under
2 sub. (10m) based on the individual having committed a misdemeanor crime of
3 violence.”.

4 **4.** Page 30, line 1: delete “Within” and substitute “Subject to par. (c), within”.

5 **5.** Page 30, line 8: after that line insert:

6 “(c) The time period specified in par. (b) (intro.) is tolled during the pendency
7 of any action brought under sub. (10m).”.

8 **6.** Page 33, line 14: after that line insert:

9 **“(10m) DISQUALIFICATION PETITION REGARDING CERTAIN MISDEMEANANTS.** (a) If the
10 department receives an application for a license under this section from a person who
11 has committed a misdemeanor crime of violence and the person is eligible for a
12 license under sub. (3) (m), the department may file a petition under this subsection
13 asking the circuit court to enter an order barring the person from receiving a license.
14 The department may only file such a petition if the petition alleges that, based on the
15 person’s commission of one or more misdemeanor crimes of violence, the person
16 would pose a substantial risk to others if the person were issued a license under this
17 section.

18 (b) The department shall file any such petition in the circuit court of the
19 person’s county of residence. The department may not file the petition more than 30
20 days after receiving the person’s completed application, unless the person was issued
21 a license under sub. (9r). The court shall allow the person 30 days to file an answer
22 to the petition. The court may hold an evidentiary hearing on the petition.

23 (c) If the court determines, by clear and convincing evidence, that the person
24 would pose a substantial risk to others if the person were issued a license under this

1 section, the court shall enter an order prohibiting the person from obtaining a license
2 under this section.

3 (d) If the court denies the department's petition, the court shall award the
4 person costs and reasonable attorney fees.

5 (e) The court shall expedite any proceeding brought under this subsection.”.

6 **7.** Page 36, line 6: after that line insert:

7 “**(12m)** PUBLICATION OF RECORDS BY THE DEPARTMENT. Notwithstanding s. 19.35,
8 neither the department nor any department employee may make information
9 obtained under this section available to the public except in the context of a
10 prosecution for an offense in which the person's status as a licensee is relevant, in
11 the context of a proceeding under sub. (10m), or through a report created under sub.
12 (19).”.

13 **8.** Page 59, line 1: delete “section” and substitute “sections 165.25 (11) (a) and”.

14 **9.** Page 59, line 11: after “sections” insert “165.25 (11) (a),”.

15 (END)