



State of Wisconsin
2005 - 2006 LEGISLATURE

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

November 9, 2005 - Offered by Senator ZIEN.

1 **AN ACT** *to renumber and amend* 23.33 (3) (e), 29.089 (2), 29.091, 29.621 (4),
2 440.26 (3m), 941.23, 941.235 (2) and 943.13 (2); **to amend** 51.20 (13) (cv) 4.,
3 51.20 (16) (gm), 51.30 (3) (a), 165.82 (1) (intro.), 165.82 (2), 175.35 (1) (at),
4 175.35 (2) (d), 175.35 (2g) (c) 4. a. and b., 175.35 (2k) (ar) 2., 813.12 (6) (am) 1.,
5 813.122 (9) (am) 1., 813.125 (5r) (a), 885.235 (1g) (intro.), 938.396 (8), 941.295
6 (2) (d), 943.13 (1m) (b) and 943.13 (3); and **to create** 23.33 (3) (e) 1., 23.33 (3)
7 (e) 2., 23.33 (3) (e) 3., 23.33 (3) (e) 4., 23.33 (3) (em), 29.089 (2) (a), 29.089 (2) (b),
8 29.089 (2) (c), 29.089 (2) (d), 29.091 (2), 29.091 (2) (d), 29.621 (4) (a), 29.621 (4)
9 (b), 29.621 (4) (c), 29.621 (4) (d), 29.621 (6), 55.06 (17) (d), 59.25 (3) (u), 165.25
10 (11), 167.31 (4) (ar), 175.35 (1) (am), 175.48, 175.49, 175.50, 440.26 (3m) (a),
11 440.26 (3m) (b), 440.26 (3m) (c), 440.26 (3m) (d), 885.235 (1g) (e), 938.396 (8m),
12 941.23 (1), 941.23 (2) (a), 941.23 (2) (b), 941.23 (2) (c), 941.23 (2) (d), 941.23 (2)
13 (e), 941.23 (3), 941.235 (2) (c), 941.235 (2) (d), 941.235 (2) (e), 941.237 (3) (cr),

1 941.237 (3) (ct), 941.237 (3) (cx), 941.29 (11), 941.295 (2g), 941.295 (2r), 943.13
2 (1e) (bm), 943.13 (1e) (g), 943.13 (1m) (c), 943.13 (2) (bm), 946.32 (3), 948.605
3 (2) (c) and 948.61 (3m) of the statutes; **relating to:** carrying a concealed
4 weapon, possessing or transporting a firearm under certain circumstances,
5 background checks for handgun purchases, photographic identification cards
6 for retired law enforcement officers, requiring the exercise of rule-making
7 authority, providing an exemption from rule-making authority, and providing
8 penalties.

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

9 **SECTION 1.** 23.33 (3) (e) of the statutes is renumbered 23.33 (3) (e) (intro.) and
10 amended to read:

11 23.33 (3) (e) (intro.) With any firearm in his or her possession unless it is
12 unloaded and enclosed in a carrying case, ~~or any bow unless it is unstrung or enclosed~~
13 ~~in a carrying case.~~ This paragraph does not apply to any of the following:

14 **SECTION 2.** 23.33 (3) (e) 1. of the statutes is created to read:

15 23.33 (3) (e) 1. A person who is employed in this state by a public agency as a
16 law enforcement officer and to whom s. 941.23 (1) (e) 2. to 5. and (2) (b) 1. to 3. applies.

17 **SECTION 3.** 23.33 (3) (e) 2. of the statutes is created to read:

18 23.33 (3) (e) 2. A qualified out-of-state law enforcement officer, as defined in
19 s. 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

20 **SECTION 4.** 23.33 (3) (e) 3. of the statutes is created to read:

21 23.33 (3) (e) 3. A retired law enforcement officer, as defined in s. 941.23 (1) (f),
22 to whom s. 941.23 (2) (c) 1. to 7. applies.

23 **SECTION 5.** 23.33 (3) (e) 4. of the statutes is created to read:

1 23.33 (3) (e) 4. A licensee, as defined in s. 175.50 (1) (d) or an out-of-state
2 licensee, as defined in s. 175.50 (1) (g), who possesses a handgun, as defined in s.
3 175.50 (1) (bm).

4 **SECTION 6.** 23.33 (3) (em) of the statutes is created to read:

5 23.33 (3) (em) With any bow unless it is unstrung or enclosed in a carrying case.

6 **SECTION 7.** 29.089 (2) of the statutes is renumbered 29.089 (2) (intro.) and
7 amended to read:

8 29.089 (2) (intro.) Except as provided in sub. (3), no person may have in his or
9 her possession or under his or her control a firearm on land located in state parks or
10 state fish hatcheries unless the firearm is unloaded and enclosed within a carrying
11 case. This subsection does not apply to any of the following:

12 **SECTION 8.** 29.089 (2) (a) of the statutes is created to read:

13 29.089 (2) (a) A person who is employed in this state by a public agency as a
14 law enforcement officer and to whom s. 941.23 (1) (e) 2. to 5. and (2) (b) 1. to 3. applies.

15 **SECTION 9.** 29.089 (2) (b) of the statutes is created to read:

16 29.089 (2) (b) A qualified out-of-state law enforcement officer, as defined in s.
17 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

18 **SECTION 10.** 29.089 (2) (c) of the statutes is created to read:

19 29.089 (2) (c) A retired law enforcement officer, as defined in s. 941.23 (1) (f),
20 firearm to whom s. 941.23 (2) (c) 1. to 7. applies.

21 **SECTION 11.** 29.089 (2) (d) of the statutes is created to read:

22 29.089 (2) (d) A licensee, as defined in s. 175.50 (1) (d), or an out-of-state
23 licensee, as defined in s. 175.50 (1) (g), if the firearm is a handgun, as defined in s.
24 175.50 (1) (bm).

1 **SECTION 12.** 29.091 of the statutes is renumbered 29.091 (1) and amended to
2 read:

3 **29.091 (1)** No person may hunt or trap within any wildlife refuge established
4 under s. 23.09 (2) (b) or 29.621 (1), or, except as provided in sub. (2), have possession
5 or control of any gun, firearm, bow or crossbow unless the gun or firearm is unloaded,
6 the bow or crossbow is unstrung and the gun, firearm, bow or crossbow is enclosed
7 within a carrying case. The taking of predatory game birds and animals shall be done
8 as the department directs. All state wildlife refuge boundary lines shall be marked
9 by posts placed at intervals of not over 500 feet and bearing signs with the words
10 “Wisconsin Wildlife Refuge”.

11 **SECTION 13.** 29.091 (2) of the statutes is created to read:

12 **29.091 (2)** The prohibition in sub. (1), as it relates to the possession or control
13 of a loaded or unencased gun or firearm within a game refuge established under s.
14 23.09 (2) (b), does not apply to any of the following:

15 (a) A person who is employed in this state by a public agency as a law
16 enforcement officer and to whom s. 941.23 (1) (e) 2. to 5. and (2) (b) 1. to 3. applies.

17 (b) A qualified out-of-state law enforcement officer, as defined in s. 941.23 (1)
18 (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

19 (c) A retired law enforcement officer, as defined in s. 941.23 (1) (f), to whom s.
20 941.23 (2) (c) 1. to 7. applies.

21 **SECTION 14.** 29.091 (2) (d) of the statutes is created to read:

22 **29.091 (2) (d)** A licensee, as defined in s. 175.50 (1) (d), or an out-of-state
23 licensee, as defined in s. 175.50 (1) (g), if the gun or firearm is a handgun, as defined
24 in s. 175.50 (1) (bm).

1 **SECTION 15.** 29.621 (4) of the statutes is renumbered 29.621 (4) (intro.) and
2 amended to read:

3 29.621 (4) PROTECTION. (intro.) Except as provided in s. 29.091 (1), no owner
4 of a wildlife refuge, and no other person, may hunt or trap within the boundaries of
5 any wildlife refuge or have in his or her possession or under his or her control in the
6 wildlife refuge a gun, firearm, bow or crossbow, unless the gun or firearm is unloaded,
7 the bow or crossbow is unstrung and the gun, firearm, bow or crossbow is enclosed
8 within a carrying case. ~~Nothing in this section may prohibit, prevent or interfere~~
9 ~~with the department in the destruction of injurious animals. This subsection, as it~~
10 ~~relates to the possession or control of a loaded or unencased firearm, does not apply~~
11 ~~to any of the following:~~

12 **SECTION 16.** 29.621 (4) (a) of the statutes is created to read:

13 29.621 (4) (a) A person who is employed in this state by a public agency as a
14 law enforcement officer and to whom s. 941.23 (1) (e) 2. to 5. and (2) (b) 1. to 3. applies.

15 **SECTION 17.** 29.621 (4) (b) of the statutes is created to read:

16 29.621 (4) (b) A qualified out-of-state law enforcement officer, as defined in s.
17 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

18 **SECTION 18.** 29.621 (4) (c) of the statutes is created to read:

19 29.621 (4) (c) A retired law enforcement officer, as defined in s. 941.23 (1) (f),
20 to whom s. 941.23 (2) (c) 1. to 7. applies.

21 **SECTION 19.** 29.621 (4) (d) of the statutes is created to read:

22 29.621 (4) (d) A licensee, as defined in s. 175.50 (1) (d), or an out-of-state
23 licensee, as defined in s. 175.50 (1) (g), if the gun or firearm is a handgun, as defined
24 in s. 175.50 (1) (bm).

25 **SECTION 20.** 29.621 (6) of the statutes is created to read:

1 29.621 (6) INJURIOUS ANIMALS. Nothing in this section may prohibit, prevent,
2 or interfere with the department in the destruction of injurious animals.

3 **SECTION 21.** 51.20 (13) (cv) 4. of the statutes is amended to read:

4 51.20 (13) (cv) 4. If the court prohibits a subject individual from possessing a
5 firearm under subd. 1. or cancels a prohibition under subd. 2., the court clerk shall
6 notify the department of justice of that fact and provide any information identifying
7 the subject individual that is necessary to permit an accurate involuntary
8 commitment history record search under s. 175.35 (2g) (c) or a background check
9 under s. 175.50 (9g) (b). No other information from the subject individual's court
10 records may be disclosed to the department of justice except by order of the court.
11 The department of justice may disclose information provided under this subdivision
12 only as part of an involuntary commitment history record search under s. 175.35 (2g)
13 (c).

14 **SECTION 22.** 51.20 (16) (gm) of the statutes is amended to read:

15 51.20 (16) (gm) Upon a request under par. (a), a court may cancel the
16 prohibition under sub. (13) (cv) 1. if the court determines, based on evidence
17 presented on the issue of the subject individual's dangerousness, that there no longer
18 is a substantial probability that the individual may use a firearm to cause physical
19 harm to himself or herself or endanger public safety. If a court cancels a prohibition
20 under sub. (13) (cv) 1. under this paragraph, the court clerk shall notify the
21 department of justice of that fact and provide any information identifying the subject
22 individual that is necessary to permit an accurate involuntary commitment record
23 search under s. 175.35 (2g) (c) or a background check under s. 175.50 (9g) (b). No
24 other information from the subject individual's court records may be disclosed to the
25 department of justice except by order of the court.

1 **SECTION 23.** 51.30 (3) (a) of the statutes is amended to read:

2 51.30 (3) (a) Except as provided in pars. (b) and (c) and s. 175.50 (11) (d) 2. g.
3 and 3. and under rules that the department of justice promulgates under s. 175.35
4 (2g) (c) 3. or 175.50 (9g) (f), the files and records of the court proceedings under this
5 chapter shall be closed but shall be accessible to any individual who is the subject of
6 a petition filed under this chapter.

7 **SECTION 24.** 55.06 (17) (d) of the statutes is created to read:

8 55.06 (17) (d) Notwithstanding par. (a), information from records described in
9 par. (a) may be disclosed under rules that the department of justice promulgates
10 under s. 175.35 (2g) (c) 3. or 175.50 (9g) (f).

11 **SECTION 25.** 59.25 (3) (u) of the statutes is created to read:

12 59.25 (3) (u) 1. Establish a segregated fund, the proceeds of which may be used
13 by the county to award shooting range grants under s. 175.50 (20m).

14 2. Deposit into the segregated fund created under subd. 1. all moneys received
15 under s. 175.50 (7) (bp) or (15) (b) 4. c.

16 3. Make payments from the fund established under subd. 1. as directed by the
17 county.

18 **SECTION 26.** 165.25 (11) of the statutes is created to read:

19 165.25 (11) LIST OF CONCEALED-CARRY LICENSE APPROVED STATES. Determine
20 which states issue permits or licenses to carry a concealed weapon to persons who
21 pass criminal background checks in those states and promulgate by rule a list of
22 those states.

23 **SECTION 27.** 165.82 (1) (intro.) of the statutes is amended to read:

24 165.82 (1) (intro.) Notwithstanding s. 19.35 (3), the department of justice shall
25 impose the following fees, plus any surcharge required under sub. (1m), for criminal

1 history searches for purposes unrelated to criminal justice or to s. 175.35, 175.49, or
2 175.50:

3 **SECTION 28.** 165.82 (2) of the statutes is amended to read:

4 165.82 (2) ~~Except as provided in s. 175.35, the~~ The department of justice shall
5 not impose fees for criminal history searches for purposes related to criminal justice.

6 **SECTION 29.** 167.31 (4) (ar) of the statutes is created to read:

7 167.31 (4) (ar) Subsections (2) (a), (b), and (c) and (3) (a) and (b) do not apply
8 to the placement, possession, transportation, or loading of a firearm by any of the
9 following:

10 1. A person who is employed in this state by a public agency as a law
11 enforcement officer and to whom s. 941.23 (1) (e) 2. to 5. and (2) (b) 1. to 3. applies.

12 2. A qualified out-of-state law enforcement officer, as defined in s. 941.23 (1)
13 (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

14 3. A retired law enforcement officer, as defined in s. 941.23 (1) (f), to whom s.
15 941.23 (2) (c) 1. to 7. applies.

16 4. A licensee, as defined in s. 175.50 (1) (d), or an out-of-state licensee, as
17 defined in s. 175.50 (1) (g), if the firearm is handgun, as defined in s. 175.50 (1) (bm).

18 **SECTION 30.** 175.35 (1) (am) of the statutes is created to read:

19 175.35 (1) (am) “Disqualifying mental health adjudication” means one of the
20 following events if it occurs in a proceeding that was not commenced by the person
21 who is the subject of the proceeding and if it is based on the person having markedly
22 subnormal intelligence or the person’s mental illness, incompetency, condition, or
23 disease:

24 1. An order entered by a court in this state that commits a person for treatment
25 in an inpatient mental health facility.

1 2. A determination by a court in this state that a person is a danger to himself
2 or herself or others under s. 51.20 (1) (a) 2. or lacks the mental capacity to contract
3 or manage his or her own affairs.

4 **SECTION 31.** 175.35 (1) (at) of the statutes is amended to read:

5 175.35 (1) (at) “Firearms restrictions record search” means a search of
6 department of justice records to determine whether a person seeking to purchase a
7 handgun is prohibited from possessing a firearm under s. 941.29 or based on a
8 disqualifying mental health adjudication. “Firearms restriction record search”
9 includes a criminal history record search, a search to determine whether a person is
10 prohibited from possessing a firearm under s. 51.20 (13) (cv), a search to determine
11 whether the person is subject to an injunction under s. 813.12 or 813.122, or a tribal
12 injunction, as defined in s. 813.12 (1) (e), issued by a court established by any
13 federally recognized Wisconsin Indian tribe or band, except the Menominee Indian
14 tribe of Wisconsin, that includes notice to the respondent that he or she is subject to
15 the requirements and penalties under s. 941.29 and that has been filed with the
16 circuit court under s. 806.247 (3), and a search to determine whether the person is
17 prohibited from possessing a firearm under s. 813.125 (4m).

18 **SECTION 32.** 175.35 (2) (d) of the statutes is amended to read:

19 175.35 (2) (d) Forty-eight hours, subject to extension under sub. (2g) (c) 4. c.,
20 have elapsed from the time that the firearms dealer has received a confirmation
21 number regarding the firearms restrictions record search under sub. (2g) (c) from the
22 department of justice and the firearms dealer has not been notified that the transfer
23 would be in violation of s. 941.29 or that the transferee would be prohibited from
24 possessing a firearm based on a disqualifying mental health adjudication.

25 **SECTION 33.** 175.35 (2g) (c) 4. a. and b. of the statutes are amended to read:

1 175.35 **(2g)** (c) 4. a. If the search indicates that the transferee is prohibited from
2 possessing a firearm under s. 941.29 or based on a disqualifying mental health
3 adjudication, the department shall provide the firearms dealer with a unique
4 nonapproval number. The department may not disclose to the firearms dealer the
5 reason the transferee is prohibited from possessing a firearm ~~under s. 941.29~~.

6 b. If the search indicates that the transferee is not prohibited from possessing
7 a firearm under s. 941.29 or based on a disqualifying mental health adjudication, the
8 department shall provide the firearms dealer with a unique approval number.

9 **SECTION 34.** 175.35 (2k) (ar) 2. of the statutes is amended to read:

10 175.35 **(2k)** (ar) 2. Check each duplicate notification form received under sub.
11 (2j) against the information recorded by the department regarding the corresponding
12 request for a firearms restrictions record search under sub. (2g). If the department
13 previously provided a unique approval number regarding the request and nothing
14 in the duplicate completed notification form indicates that the transferee is
15 prohibited from possessing a firearm under s. 941.29 or based on a disqualifying
16 mental health adjudication, the department shall destroy all records regarding that
17 firearms restrictions record search within 30 days after receiving the duplicate form.

18 **SECTION 35.** 175.48 of the statutes is created to read:

19 **175.48 Law enforcement officer identification cards.** If a Wisconsin law
20 enforcement agency, as defined in s. 175.46 (1) (f), issues photographic identification
21 cards to its officers, it may not require an officer to relinquish his or her card upon
22 retirement unless one of the following applies:

23 **(1)** The officer may not lawfully possess a firearm under federal law.

24 **(2)** The officer did not retire in good standing from service as a law enforcement
25 officer with the agency or retired as a result of mental instability.

1 **(3)** The officer was regularly employed as a law enforcement officer for an
2 aggregate of less than 15 years. This subsection does not apply if the officer, after
3 completing any applicable probationary period of service with the agency, retired
4 from service with the agency due to a service-connected disability, as determined by
5 the agency.

6 **(4)** The officer does not have a nonforfeitable right to benefits under the
7 agency's retirement plan.

8 **SECTION 36.** 175.49 of the statutes is created to read:

9 **175.49 Retired law enforcement officers seeking to carry concealed**
10 **weapons. (1) DEFINITIONS.** In this section:

11 (a) "Department" means the department of justice.

12 (b) "Former employer" means a law enforcement agency that employed a
13 retired law enforcement officer immediately before his or her retirement.

14 (c) "Law enforcement officer" means a person who is employed by a public
15 agency in the United States for the purpose of engaging in, or supervising others
16 engaging in, the prevention, detection, investigation, or prosecution of, or the
17 incarceration of any person for, any violation of law and who has statutory powers
18 of arrest.

19 **(2) ISSUANCE OF CERTIFICATION.** Subject to sub. (3), the department shall issue
20 and provide a retired law enforcement officer, upon request and at his or her own
21 expense, an identification card that contains the information specified in sub. (4) (b)
22 and that certifies all of the following:

23 (a) That the department has found that the retired officer has met the
24 standards established by this state for training and qualification for active duty law
25 enforcement officers to carry firearms.

1 (b) The date on which the department made the finding under par. (a).

2 (c) That, as a result of the finding under par. (a), the retired officer is qualified
3 to carry any concealed firearm other than a machine gun or a firearm bearing a
4 silencer.

5 **(3) PREREQUISITES FOR DEPARTMENT ACTION.** (a) Subsection (2) does not apply
6 with respect to a person requesting an identification card unless all of the following
7 apply:

8 1. The person retired in good standing from service as a law enforcement officer
9 for reasons other than mental instability.

10 2. At least one of the following applies:

11 a. Before retiring, the person was regularly employed as a law enforcement
12 officer for an aggregate of 15 years or more.

13 b. The person completed any applicable probationary period of service with his
14 or her former employer and retired from service due to a service-connected disability,
15 as determined his or her former employer.

16 3. The person has a nonforfeitable right to benefits under his or her former
17 employer's retirement plan.

18 4. The department determines that its records do not indicate that the person
19 is prohibited from possessing a firearm under federal law or is a person specified in
20 s. 941.29 (1) (a), (b), (bm), (c), (d), (e), or (g).

21 5. The person is a resident of this state.

22 (b) The department may require a person to sign appropriate consents for
23 release of information to enable it to confirm that he or she meets all of the
24 prerequisites under this subsection for the department to act under sub. (2).

1 (c) In addition to other fees authorized under sub. (2), the department may
2 require a person to pay a fee, not to exceed the department's costs, for verifying his
3 or her employment history or retirement plan status under par. (a) 1. to 3. or making
4 a determination under par. (a) 4.

5 (4) CONTENTS OF IDENTIFICATION CARD. (a) Subject to pars. (b), (c), and (d), the
6 department shall design a single document for identification cards issued under this
7 section. The department shall complete the design of the identification card
8 document no later than the first day of the 2nd month beginning after the effective
9 date of this paragraph [revisor inserts date].

10 (b) In addition to the information certified under sub. (2), an identification card
11 issued under this section shall contain all of the following on one side:

- 12 1. The full name, date of birth, and residence address of the retired officer.
13 2. A physical description of the retired officer, including sex, height, weight, and
14 hair and eye color.
15 3. The name of this state.

16 (c) An identification card may not contain the retired officer's social security
17 number.

18 (d) An identification card issued under this section shall be, to the maximum
19 extent possible, tamper proof. The contents of the identification card shall be
20 included in the document in substantially the same way that the contents of an
21 operator's license document issued under s. 343.17 are included in that document.

22 **SECTION 37.** 175.50 of the statutes is created to read:

23 **175.50 License to carry a concealed weapon. (1) DEFINITIONS.** In this
24 section:

25 (ab) "Alcohol beverages" has the meaning given in s. 125.02 (1).

1 (abm) “Alcohol concentration” has the meaning given in s. 340.01 (1v).

2 (ac) “Background check” means a search of department and court records
3 conducted under sub. (9g) to determine a person’s eligibility for a license to carry a
4 concealed weapon.

5 (ag) Except in subs. (2g) (b) and (11) (c) 1. b., “carry” means to go armed with.

6 (ah) “Controlled substance” means a controlled substance, as defined in s.
7 961.01 (4), or a controlled substance analog, as defined in s. 961.01 (4m).

8 (aj) “Department” means the department of justice.

9 (am) “Drunk driving offense” means any of the following:

10 1. A violation of s. 346.63 or a local ordinance in conformity with that section.

11 2. A violation of a law of a federally recognized American Indian tribe or band
12 in this state in conformity with s. 346.63.

13 3. A violation of the law of another jurisdiction, as defined in s. 340.01 (41m),
14 that prohibits use of a motor vehicle while intoxicated, while under the influence of
15 a controlled substance, a controlled substance analog, or a combination thereof, with
16 an excess or specified range of alcohol concentration, or while under the influence of
17 any drug to a degree that renders the person incapable of safely driving, as those or
18 substantially similar terms are used in that jurisdiction’s laws.

19 (bm) “Handgun” means any weapon designed or redesigned, or made or
20 remade, and intended to be fired while held in one hand and to use the energy of an
21 explosive to expel a projectile through a smooth or rifled bore. “Handgun” does not
22 include a machine gun, as defined in s. 941.27 (1), a short-barreled rifle, as defined
23 in s. 941.28 (1) (b), or a short-barreled shotgun, as defined in s. 941.28 (1) (c).

24 (bq) “Intoxicant” means any alcohol beverage, controlled substance, or other
25 drug, or any combination thereof.

1 (c) "Law enforcement officer" has the meaning given in s. 165.85 (2) (c).

2 (d) "Licensee" means an individual holding a valid license to carry a concealed
3 weapon issued under this section.

4 (e) "Misdemeanor crime of violence" means any of the following:

5 1. A misdemeanor violation of chs. 940, 941, or 948 or of s. 947.013 or a violation
6 of s. 947.01 or of sub. (2k) (e) or (16) (cm).

7 2. A crime under federal law or the law of another state that is comparable to
8 a crime described in subd. 1.

9 (eg) "Misdemeanor delinquency adjudication" means a finding that a juvenile
10 is delinquent for an act that would be a misdemeanor if committed by an adult.

11 (f) "Out-of-state authorization" means a valid permit document or a valid
12 license document issued by another state if all of the following apply:

13 1. The permit document or license document documents that a person is
14 authorized under the law of that state to carry a concealed weapon in that state.

15 2. The state is listed in the rule promulgated by the department under s. 165.25
16 (11).

17 (g) "Out-of-state licensee" means an individual who is 21 years of age or over,
18 who is not a Wisconsin resident, who has been issued an out-of-state authorization,
19 and who is not prohibited from possessing a firearm under s. 941.29 or from
20 possessing a firearm that has been transported in interstate or foreign commerce
21 under federal law.

22 (gm) "Photo identification card" means an operator's license issued under ch.
23 343 or an identification card issued under s. 343.50.

24 (h) "Private property" has the meaning given in s. 943.13 (1e) (e).

1 (i) “Proprietor” means a person to whom a Class “B” or “Class B” license or
2 permit has been issued under ch. 125.

3 (ig) “Purpose of authorized analysis” means for the purpose of determining or
4 obtaining evidence of the presence, quantity, or concentration of any intoxicant in a
5 person’s blood, breath, or urine.

6 (im) “State identification card number” means the unique identifying driver
7 number assigned to a person by the department of transportation under s. 343.17 (3)
8 (a) 4. or, if the person presents, under sub. (6), an identification card issued under
9 s. 343.50, the number assigned to the person on that identification card.

10 (is) “Test facility” means a test facility or agency prepared to administer tests
11 under s. 343.305 (2).

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

14 **(2) ISSUANCE OF LICENSE.** The department shall issue licenses to carry a
15 concealed weapon to an individual who meets the qualifications specified in sub. (3)
16 and who completes the application process specified in sub. (7). A license to carry a
17 concealed weapon issued under this section shall meet the requirements specified in
18 sub. (2m).

19 **(2g) CARRYING A CONCEALED WEAPON; CARRYING AND DISPLAY OF LICENSE DOCUMENT**
20 **OR AUTHORIZATION.** (a) A licensee or an out-of-state licensee may carry a concealed
21 weapon anywhere in this state except as provided under sub. (15m) or (16) or s.
22 941.20 (1) (b) or 943.13 (1m) (c).

23 (b) A licensee shall carry his or her license document and photo identification
24 card and an out-of-state licensee shall carry his or her out-of-state authorization
25 at all times during which he or she is going armed with a concealed weapon.

1 (c) If he or she is carrying a concealed weapon, a licensee shall display his or
2 her license document and photo identification card and an out-of-state licensee shall
3 display his or her out-of-state authorization to a law enforcement officer upon the
4 request of the law enforcement officer.

5 **(2i) PRELIMINARY BREATH SCREENING TEST.** (a) *Requirement.* A person shall
6 provide a sample of his or her breath for a preliminary breath screening test if a law
7 enforcement officer has probable cause to believe that the person is violating sub.
8 (16) (cm) and if, prior to an arrest, the law enforcement officer requested that the
9 person provide this sample.

10 (b) *Use of test results.* A law enforcement officer may use the results of a
11 preliminary breath screening test for the purpose of deciding whether or not to arrest
12 a person for a violation of sub. (16) (cm) or for the purpose of deciding whether or not
13 to request a chemical test under sub. (2k). Following the preliminary breath
14 screening test, chemical tests may be required of the person under sub. (2k).

15 (c) *Admissibility.* The result of a preliminary breath screening test is not
16 admissible in any action or proceeding except to show probable cause for an arrest,
17 if the arrest is challenged, or to show that a chemical test was properly required of
18 a person under sub. (2k).

19 (d) *Refusal.* There is no penalty for a violation of par. (a). Neither sub. (17) (b)
20 nor the general penalty provision under s. 939.61 applies to that violation.

21 **(2j) IMPLIED CONSENT.** Any person who carries a concealed weapon in this state
22 is deemed to have given consent to provide one or more samples of his or her breath,
23 blood, or urine for the purpose of authorized analysis as required under sub. (2k).
24 Any person who carries a concealed weapon in this state is deemed to have given

1 consent to submit to one or more chemical tests of his or her breath, blood, or urine
2 for the purpose of authorized analysis as required under sub. (2k).

3 **(2k) CHEMICAL TESTS.** (a) *Requirement.* 1. ‘Samples; submission to tests.’ A
4 person shall provide one or more samples of his or her breath, blood, or urine for the
5 purpose of authorized analysis if he or she is arrested for a violation of sub. (16) (cm)
6 and if he or she is requested to provide the sample by a law enforcement officer. A
7 person shall submit to one or more chemical tests of his or her breath, blood, or urine
8 for the purpose of authorized analysis if he or she is arrested for a violation of sub.
9 (16) (cm) and if he or she is requested to submit to the test by a law enforcement
10 officer.

11 2. ‘Information.’ A law enforcement officer requesting a person to provide a
12 sample or to submit to a chemical test under subd. 1. shall inform the person of all
13 of the following at the time of the request and prior to obtaining the sample or
14 administering the test:

15 a. That he or she is deemed to have consented to tests under sub. (2i).

16 b. That a refusal to provide a sample or to submit to a chemical test constitutes
17 a violation under par. (e) and is subject to the same penalties and procedures as a
18 violation of sub. (16) (cm).

19 c. That in addition to the designated chemical test under par. (b) 2. he or she
20 may have an additional chemical test under par. (c) 1.

21 3. ‘Unconscious person.’ A person who is unconscious or otherwise not capable
22 of withdrawing consent is presumed not to have withdrawn consent under this
23 paragraph, and if a law enforcement officer has probable cause to believe that the
24 person violated sub. (16) (cm), one or more chemical tests may be administered to the

1 person without a request under subd. 1. and without providing information under
2 subd. 2.

3 (b) *Chemical tests.* 1. 'Test facility.' Upon the request of a law enforcement
4 officer, a test facility shall administer a chemical test of breath, blood, or urine for
5 the purpose of authorized analysis. A test facility shall be prepared to administer
6 2 of the 3 chemical tests of breath, blood, or urine for the purpose of authorized
7 analysis. The department may enter into agreements for the cooperative use of test
8 facilities.

9 2. 'Designated chemical test.' A test facility shall designate one chemical test
10 of breath, blood, or urine which it is prepared to administer first for the purpose of
11 authorized analysis.

12 3. 'Additional chemical test.' A test facility shall specify one chemical test of
13 breath, blood, or urine, other than the test designated under subd. 2., which it is
14 prepared to administer for the purpose of authorized analysis as an additional
15 chemical test.

16 4. 'Validity; procedure.' A chemical test of blood or urine conducted for the
17 purpose of authorized analysis is valid as provided under s. 343.305 (6). The duties
18 and responsibilities of the laboratory of hygiene, department of health and family
19 services, and department of transportation under s. 343.305 (6) apply to a chemical
20 test of blood or urine conducted for the purpose of authorized analysis under this
21 subsection. Blood may be withdrawn from a person arrested for a violation of sub.
22 (16) (cm) only by a physician, registered nurse, medical technologist, physician
23 assistant, or person acting under the direction of a physician and the person who
24 withdraws the blood, the employer of that person, and any hospital where blood is

1 withdrawn have immunity from civil or criminal liability as provided under s.
2 895.53.

3 5. ‘Report.’ A test facility which administers a chemical test of breath, blood,
4 or urine for the purpose of authorized analysis under this subsection shall prepare
5 a written report which shall include the findings of the chemical test, the
6 identification of the law enforcement officer or the person who requested a chemical
7 test, and the identification of the person who provided the sample or submitted to the
8 chemical test. The test facility shall transmit a copy of the report to the law
9 enforcement officer and the person who provided the sample or submitted to the
10 chemical test.

11 (c) *Additional and optional chemical tests.* 1. ‘Additional chemical test.’ If a
12 person is arrested for a violation of sub. (16) (cm) and if the person is requested to
13 provide a sample or to submit to a test under par. (a) 1., the person may request the
14 test facility to administer the additional chemical test specified under par. (b) 3. or,
15 at his or her own expense, reasonable opportunity to have any qualified person
16 administer a chemical test of his or her breath, blood, or urine for the purpose of
17 authorized analysis.

18 2. ‘Optional test.’ If a person is arrested for a violation of sub. (16) (cm) and if
19 the person is not requested to provide a sample or to submit to a test under par. (a)
20 1., the person may request the test facility to administer a chemical test of his or her
21 breath or, at his or her own expense, reasonable opportunity to have any qualified
22 person administer a chemical test of his or her breath, blood, or urine for the purpose
23 of authorized analysis. If a test facility is unable to perform a chemical test of breath,
24 the person may request the test facility to administer the designated chemical test
25 under par. (b) 2. or the additional chemical test under par. (b) 3.

1 3. 'Compliance with request.' A test facility shall comply with a request under
2 this paragraph to administer any chemical test that it is able to perform.

3 4. 'Inability to obtain chemical test.' The failure or inability of a person to
4 obtain a chemical test at his or her own expense does not preclude the admission of
5 evidence of the results of a chemical test required and administered under pars. (a)
6 and (b).

7 (d) *Admissibility; effect of test results; other evidence.* The results of a chemical
8 test required or administered under par. (a), (b), or (c) are admissible in any civil or
9 criminal action or proceeding arising out of the acts committed by a person alleged
10 to have violated sub. (16) (cm) on the issue of whether the person had alcohol
11 concentrations at or above specified levels or was under the influence of an
12 intoxicant. Results of these chemical tests shall be given the effect required under
13 s. 885.235. This subsection does not limit the right of a law enforcement officer to
14 obtain evidence by any other lawful means.

15 (e) *Refusal.* No person may refuse a lawful request to provide one or more
16 samples of his or her breath, blood, or urine or to submit to one or more chemical tests
17 under par. (a). A person shall not be deemed to refuse to provide a sample or to submit
18 to a chemical test if it is shown by a preponderance of the evidence that the refusal
19 was due to a physical inability to provide the sample or to submit to the test due to
20 a physical disability or disease unrelated to the use of an intoxicant. Issues in any
21 action concerning a violation of par. (a) or this paragraph are limited to:

22 1. Whether the law enforcement officer had probable cause to believe the
23 person was violating or had violated sub. (16) (cm).

24 2. Whether the person was lawfully placed under arrest for violating sub. (16)
25 (cm).

1 3. Whether the law enforcement officer requested the person to provide a
2 sample or to submit to a chemical test and provided the information required under
3 par. (a) 2. or whether the request and information were unnecessary under par. (a)
4 3.

5 4. Whether the person refused to provide a sample or to submit to a chemical
6 test.

7 **(2m)** LICENSE DOCUMENT; CONTENT OF LICENSE. (a) Subject to pars. (b), (c), and
8 (d), the department shall design a single license document for licenses issued and
9 renewed under this section. The department shall complete the design of the license
10 document no later than the first day of the 2nd month beginning after the effective
11 date of this paragraph [revisor inserts date].

12 (b) A license document for a license issued under this section shall contain all
13 of the following on one side:

14 1. The full name, date of birth, and residence address of the licensee.

15 2. A physical description of the licensee, including sex, height, weight, and hair
16 and eye color.

17 3. The date on which the license was issued.

18 4. The date on which the license expires.

19 5. The name of this state.

20 6. A unique identification number for each licensee.

21 (c) The license document may not contain the licensee's social security number.

22 (d) A license document issued under this section shall be, to the maximum
23 extent possible, tamper proof. The contents of the license document shall be included
24 in the document in substantially the same way that the contents of an operator's
25 license document issued under s. 343.17 are included in that document.

1 **(3) QUALIFICATIONS FOR OBTAINING A LICENSE.** An individual is eligible for a
2 license under this section if all of the following apply:

3 (a) The individual is at least 21 years of age.

4 (b) The individual does not have a severe physical disability that prevents him
5 or her from safely handling a weapon and that, if the individual were handling a
6 weapon, would cause the individual to pose a significant public safety risk. The
7 department may determine that a person is ineligible for a license under this
8 paragraph only if the form that the person has submitted under (7) (d) does not
9 indicate that the person is eligible. The department may override an indication on
10 a form submitted under sub. (7) (d) that a person is not eligible for a license under
11 this paragraph. This paragraph does not apply to a person certified under sub. (3m)

12 (b) as an instructor of a firearm training or firearm safety course or class.

13 (c) The individual is not prohibited under federal law from possessing a firearm
14 that has been transported in interstate or foreign commerce.

15 (d) The individual is not prohibited from possessing a firearm under s. 941.29.

16 (e) During the preceding 3 years, the individual has not been committed under
17 s. 51.20 for being drug dependent.

18 (f) During the preceding 3 years, the individual has not been convicted for any
19 violation, or for the solicitation, conspiracy, or attempt to commit any violation, of ch.
20 961 or of a federal law or a law of another state that is comparable to any provision
21 of ch. 961.

22 (g) The individual does not chronically and habitually use alcohol beverages or
23 other substances to the extent that his or her normal faculties are impaired. A person
24 is presumed chronically and habitually to use alcohol beverages or other substances

1 to the extent that his or her normal faculties are impaired if, within the preceding
2 3 years, any of the following applies:

3 1. The individual has been committed for involuntary treatment under s. 51.45
4 (13).

5 2. The individual has been convicted of a violation of s. 941.20 (1) (b).

6 3. In 2 or more cases arising out of separate incidents, a court has found the
7 individual to have committed a drunk driving offense.

8 (h) 1. The individual has done one of the following:

9 a. Successfully completed a firearm training or firearm safety course or class
10 that meets the requirements of sub. (3m) (a) and that is conducted by an instructor
11 certified by the state in which the course or class was conducted or by a national or
12 state organization that certifies firearms instructors.

13 b. Participated in organized shooting competitions or military, law
14 enforcement, or security training that gave the applicant experience with firearms
15 that the department determines is substantially equivalent to any course or class
16 that meets the requirements of sub. (3m) (a).

17 c. Been certified as described under sub. (3m) (b) as an instructor of a firearm
18 training or firearm safety course or class.

19 2. If subd. 1. a. or b. applies, the person providing the training or organizing
20 a shooting competition in which the person has competed shall complete the form
21 designed by the department under sub. (5) (b).

22 (i) The individual has not been found incompetent under ch. 880 or, if the
23 individual has been found incompetent under ch. 880, he or she was subsequently
24 found to be competent and at least 5 years have elapsed from the date that he or she
25 was found to be competent.

1 (im) The individual was not the subject of a protective placement under s. 55.06
2 as a minor unless at least 5 years have elapsed from the date on which his or her
3 protective placement ended.

4 (j) The individual has not been involuntarily committed for treatment under
5 s. 51.20 due to mental illness or a developmental disability or, if the individual has
6 been involuntarily committed for treatment under s. 51.20 due to mental illness or
7 a developmental disability, he or she shows, through evidence from a psychiatrist
8 licensed in this state, that he or she has not been disabled due to mental illness or
9 a developmental disability for at least 5 years.

10 (k) The individual has not been found incompetent under s. 971.14 or, if the
11 individual has been found incompetent under s. 971.14, one of the following applies:

12 1. He or she was subsequently found to be competent and at least 5 years have
13 elapsed from the date that he or she was found to be competent.

14 2. He or she was not subsequently found to be competent and he or she shows,
15 through evidence from a psychiatrist licensed in this state, that he or she has not
16 been disabled due to mental illness or a developmental disability for at least 5 years.

17 (L) The individual has not been found not guilty by reason of mental disease
18 or defect under s. 971.17 or, if the individual has been found not guilty by reason of
19 mental disease or defect under s. 971.17, he or she presents evidence from a
20 psychiatrist licensed in this state that he or she has not been disabled due to mental
21 illness or a developmental disability for at least 5 years.

22 (m) Within the preceding 3 years, the individual was not convicted of a
23 misdemeanor crime of violence and was not serving a sentence, on probation, or
24 subject to a dispositional order under ch. 938 for committing a misdemeanor crime
25 of violence.

1 (n) The individual has not been charged with a felony or a misdemeanor crime
2 of violence for which the prosecution was suspended under a deferred prosecution
3 agreement unless 3 years have elapsed since the date of the agreement.

4 (o) The individual is not the subject of any pending civil or criminal case, the
5 disposition of which could disqualify him or her from having a license under this
6 subsection.

7 (p) The individual has not previously submitted an application for a license
8 under this section and had the application denied, unless each reason for the denial
9 is no longer applicable because of changed circumstances or, if the denial was based
10 on a restriction under this subsection that applies for a specified period of time,
11 because that time period has run.

12 (q) The individual has not had a license that was issued under this section
13 revoked, unless each reason for the revocation is no longer applicable because of
14 changed circumstances or, if the revocation was based on a restriction under this
15 subsection that applies for a specified period of time, because that time period has
16 run.

17 (r) Within the preceding 3 years, the individual was not convicted under sub.
18 (17) (c), (d), or (e) and was not serving a sentence, on probation, or subject to a
19 dispositional order under ch. 938 for committing an offense under sub. (17) (c), (d),
20 or (e).

21 (s) The individual is a Wisconsin resident.

22 **(3m)** COURSE OR CLASS REQUIREMENTS. (a) A firearm training or firearm safety
23 course or class under sub. (3) (h) 1. a. shall consist of all of the following:

24 1. Instruction on how to handle, load, unload, and store handguns.

1 2. Instruction on the privilege of self-defense and the defense of others under
2 s. 939.48.

3 3. Instruction on how to avoid injuring 3rd parties when defending himself,
4 herself, or others in a manner that is privileged under s. 939.48.

5 4. Instruction on basic self-defense principles.

6 5. Instruction on how to carry a concealed handgun safely.

7 6. Instruction on firing a handgun.

8 7. Practice firing a handgun.

9 (am) The department may not specify the number of hours of instruction, either
10 in the aggregate or with respect to any of the individual topics specified in par. (a)
11 1. to 7., that a course or class must provide.

12 (b) The department shall certify instructors who are qualified to teach a course
13 or class described in par. (a) and maintain a list of instructors that it certifies. To be
14 certified by the department as an instructor, a person must meet all of the following
15 criteria:

16 1. Be qualified under sub. (3) to carry a concealed weapon.

17 2. Be able to demonstrate the ability and knowledge required for instructing
18 students under par. (a) 1. to 7.

19 **(5) APPLICATION, RENEWAL, AND TRAINING FORMS.** (a) The department shall design
20 an application form for use by individuals who apply for a license under this section
21 and a renewal form for use by individuals applying for renewal of a license under sub.
22 (15). The department shall complete the design of the application form no later than
23 the first day of the 2nd month beginning after the effective date of this subsection
24 [revisor inserts date], and shall complete the design of the renewal form no later than
25 the first day of the 36th month beginning after the effective date of this subsection

1 [revisor inserts date]. The forms shall require the applicant to provide only his
2 or her name, address, date of birth, state identification card number, race, sex,
3 height, weight, and hair and eye color and shall include all of the following:

4 1. A statement that the applicant is eligible for a license if the requirements
5 specified in sub. (3) are met.

6 2. A statement explaining the privilege of self-defense and defense of others
7 under s. 939.48, with a place for the applicant to sign his or her name to indicate that
8 he or she has read and understands the statement.

9 3. A statement, with a place for the applicant to sign his or her name, to indicate
10 that the applicant has read and understands the requirements of this section.

11 4. A statement that the application must include the notarized statement
12 described under sub. (7) (b) and that an applicant may be prosecuted if he or she gives
13 a false answer to any question on the application or submits a falsified document
14 with the application.

15 5. A statement of the penalties for giving a false answer to any question on the
16 application or submitting a falsified document with the application.

17 (b) The department shall design a form for use by individuals listed in sub. (3)
18 (h) 2. to verify a person's eligibility for a license under sub. (3) (b) and (h) 1. The form
19 shall provide for verification of a person's eligibility under sub. (3) (b) by providing
20 a space for the individual completing the form to check a box indicating whether the
21 person is eligible for a license under sub. (3) (b).

22 (c) The department shall make the forms described in this subsection available
23 on the Internet or by mail upon request.

24 **(6) REVIEW BY NOTARY.** Before a person submits an application under sub. (7),
25 the person shall display a valid license document or identification card that he or she

1 has been issued under s. 343.17 or 343.50 to the notary who is to notarize the
2 statement required under sub. (7) (b). Before notarizing that statement, the notary
3 shall verify the person's identity using that license document or identification card
4 and verify that the name and state identification card number listed on the license
5 document or identification card are the same as the name and state identification
6 card number listed on the application.

7 **(7) SUBMISSION OF APPLICATION.** An individual may apply for a license under this
8 section with the department by submitting to the department all of the following:

9 (a) A completed application in the form prescribed under sub. (5) (a).

10 (b) A notarized statement that states that the information that he or she is
11 providing in the application submitted under par. (a) and any document submitted
12 with the application is true and complete to the best of his or her knowledge.

13 (bd) A license fee of \$52.

14 (bh) A fee for a background check of \$8.

15 (bp) A shooting range improvement fee of \$15 written as a separate check,
16 made out to the applicant's county of residence, that the department shall forward
17 to that county on at least a quarterly basis.

18 (d) A training certificate, in the form created by the department under sub. (5)
19 (b), that is completed by the person specified in sub. (3) (h) 2. and that shows that the
20 person is eligible for a license under sub. (3) (b) and (h) 1. This paragraph does not
21 apply to a person certified under sub. (3m) (b) as an instructor of a firearm training
22 or firearm safety course or class.

23 **(9) PROCESSING OF APPLICATION.** (a) Upon receiving an application submitted
24 under sub. (7), the department shall conduct a background check, as provided under
25 sub. (9g).

1 (b) Within 21 days after receiving an application under sub. (7), the department
2 shall do one of the following:

3 1. Issue the license and promptly send the licensee his or her license document
4 by 1st class mail.

5 2. Deny the application, but only if the applicant fails to qualify under the
6 criteria specified in sub. (3). If the department denies the application, the
7 department shall inform the applicant in writing, stating the reason and factual
8 basis for the denial to the extent permitted under federal law.

9 **(9g) BACKGROUND CHECKS.** (b) The department shall conduct a background
10 check regarding an applicant for a license using the following procedure:

11 1. The department shall create a confirmation number associated with the
12 applicant.

13 2. The department shall use the transaction information for management of
14 enforcement system and the national crime information center system.

15 3. As soon as practicable, the department shall do the following:

16 a. If the background check indicates that the applicant does not qualify for a
17 license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m), (n), (o), or (r), create
18 a unique nonapproval number for the applicant.

19 b. If the completed background check does not indicate that the applicant is
20 disqualified for a license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m),
21 (n), (o), or (r), create a unique approval number for the applicant.

22 c. If the background check indicates that the applicant was the subject of a
23 relevant criminal charge for which there is no recorded disposition or if, in the case
24 of a misdemeanor delinquency adjudication, the background check does not indicate

1 how long the resultant dispositional order was in effect, make all reasonable efforts
2 to obtain the missing information.

3 (c) The department shall conduct the background check under par. (b)
4 immediately if the background check is for an applicant for an emergency license
5 under sub. (9r).

6 (d) The department shall maintain the record of all completed application
7 forms and a record of all confirmation numbers and corresponding approval or
8 nonapproval numbers regarding background checks under this subsection.

9 (e) 1. The department shall check each application form under par. (d) against
10 the information recorded by the department regarding the corresponding request for
11 a background check under this subsection. If the department previously provided
12 a unique approval number regarding the request and nothing in the completed
13 application form indicates that the applicant is not qualified for a license under sub.
14 (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m), (n), (o), or (r), the department shall,
15 except as provided in subd. 2., destroy all records regarding that background check
16 within 30 days after receiving the form. If the department previously provided a
17 unique approval number regarding the request and the completed application form
18 indicates that the applicant is not qualified for a license under sub. (3) (c), (d), (e), (f),
19 (g), (i), (im), (j), (k), (L), (m), (n), (o), or (r), the department shall immediately revoke
20 the license.

21 2. The department may maintain records necessary to administer this
22 subsection and, for a period of not more than 15 months after the department issues
23 a unique approval number, a log of dates of requests for background checks under
24 this subsection together with confirmation numbers and unique approval and
25 nonapproval numbers corresponding to those dates.

1 (f) The department shall promulgate rules authorizing it to obtain records
2 necessary to determine an applicant's eligibility under sub. (3) (e), (g) 1., (i), (im), and
3 (j) for a license issued under this section.

4 **(9r) EMERGENCY LICENSE.** (a) Unless the department knows that the person is
5 not qualified for a license under sub. (3) (a) to (g) or (i) to (s), the department shall
6 issue a license under this section to an individual who does not satisfy the
7 requirements under sub. (3) (h) 1. if the department determines that immediate
8 licensure is warranted to protect the individual from death or great bodily harm, as
9 defined in s. 939.22 (14). If the individual has obtained a temporary restraining
10 order or injunction under s. 813.12 or 813.125 or a foreign protection order that meets
11 the requirements of s. 806.247 (2) and that has the same effect as an order issued
12 under s. 813.12 or 813.125, the department shall presume that immediate licensure
13 is warranted to protect the individual from death or great bodily harm. If the
14 department issues a license under this paragraph it shall conduct an immediate
15 background check under sub. (9g).

16 (b) 1. Except as provided in subd. 2. and par. (d), a license issued under par. (a)
17 is valid for 120 days from the date on which it is issued and may not be renewed.

18 2. If the department learns that an individual to whom the department has
19 issued a license under par. (a) does not qualify for a license under sub. (3) (c), (d), (e),
20 (f), (g), (i), (im), (j), (k), (L), (m), (n), (o), or (r), the department shall revoke the license.

21 (c) The department may waive the fees that would otherwise be required under
22 sub. (7) (bd), (bh), and (bp) for an individual who is applying for a license under par.
23 (a) if requiring the individual to pay the fees would create a hardship for the
24 individual. The department shall promulgate rules specifying the procedures and
25 definitions to apply when determining whether an individual is eligible for a waiver

1 of the fees for an emergency license under this section as provided under this
2 paragraph.

3 (d) A person who has been issued a license under par. (a) may obtain a license
4 under sub. (2) if he or she meets the qualifications specified under sub. (3) and
5 completes the application process specified in sub. (7). A license issued to a person
6 under par. (a) is void if the person is issued a license under sub. (2).

7 **(10) EXEMPTION FROM BACKGROUND CHECK.** Notwithstanding subs. (9) (a) and
8 (15) (c), the department shall issue or renew a license under this section to any of the
9 following individuals without requesting a background check:

10 (a) A law enforcement officer.

11 (b) A correctional officer.

12 (c) A probation, parole, and extended supervision agent.

13 (d) A person who holds a current certification from the law enforcement
14 standards board under s. 165.85 (3) (c).

15 **(11) LICENSEE INFORMATION.** (a) The department shall maintain a computerized
16 record listing the names and the information specified in sub. (2m) (b) of all
17 individuals who have been issued a license under this section. After entering all of
18 the information, the department may not store, maintain, format, sort, or access the
19 information in any way other than by the names, dates of birth, or sex of licensees
20 or by the identification numbers assigned to licensees under sub. (2m) (b) 6.

21 (c) 1. The department shall provide information concerning a specific licensee
22 to a law enforcement agency, but only if the law enforcement agency is requesting the
23 information for any of the following purposes:

24 a. To confirm that a license produced by an individual at the request of a law
25 enforcement officer is valid.

1 b. To confirm that the individual holds a valid license under this section, if the
2 individual is going armed with a concealed weapon but is not carrying his or her
3 license document and claims to hold a valid license issued under this section.

4 c. To investigate whether an individual submitted an intentionally false
5 notarized statement under sub. (7) (b) or (15) (b) 2., intentionally violated sub. (12)
6 (a), or intentionally made a false statement to the department in connection with the
7 individual's request for an emergency license under sub. (9r).

8 2. If the department maintains information compiled under this section
9 regarding licensees through the transaction information for the management of
10 enforcement system and a law enforcement officer uses that system in the context
11 of a vehicle stop that meets the requirements of s. 349.02 (2) (a), the law enforcement
12 officer may obtain information from that system regarding the licensee's status as
13 a licensee only for the purposes listed in subd. 1.

14 (d) 1. In this paragraph:

15 a. "Clerk" means the clerk of the circuit court or, if it has enacted a law or an
16 ordinance in conformity with s. 346.63, the clerk of the court for a federally
17 recognized American Indian tribe or band in this state, a city, a village, or a town.

18 b. "Court automated information systems" means the systems under s. 758.19
19 (4).

20 2. The court automated information systems, or the clerk or register in probate,
21 if the information is not contained in or cannot be transmitted by the court
22 automated information systems, shall promptly notify the department of the name
23 of any individual with respect to whom any of the following occurs and the specific
24 reason for the notification:

1 a. The individual is charged with a felony, a misdemeanor crime of violence, a
2 violation of ch. 961, the solicitation, conspiracy, or attempt to commit any violation
3 of ch. 961, a violation of s. 941.20 (1) (b), a violation of sub. (17) (c), (d), or (e), or any
4 other crime that, upon conviction, would disqualify the individual from having a
5 license under this section.

6 b. The individual is charged with a drunk driving offense.

7 c. The individual is found by a court to have committed any offense described
8 in subd. 2. a. or b.

9 d. Prosecution of a felony or a misdemeanor crime of violence for which the
10 individual is charged is suspended under a deferred prosecution agreement.

11 e. The individual is found incompetent under s. 971.14.

12 f. The individual is found not guilty of any crime by reason of mental disease
13 or mental defect under s. 971.17.

14 g. The individual is involuntarily committed for treatment under s. 51.20 or
15 51.45.

16 h. The individual is found incompetent under ch. 880.

17 i. The individual becomes subject to an injunction described in s. 941.29 (1) (f)
18 or is ordered not to possess a firearm under s. 813.125 (4m).

19 j. A court has prohibited the individual from possessing a dangerous weapon
20 under s. 969.02 (3) (c).

21 3. Upon receiving a notice under subd. 2., the department shall immediately
22 determine if the individual who is the subject of the notice is a licensee, using the list
23 maintained under par. (a).

1 **(12) UPDATED INFORMATION.** (a) Within 10 days after being charged under
2 federal law or the law of another state with any crime or any drunk driving offense,
3 a licensee shall notify the department of the charge.

4 (b) No later than 30 days after changing his or her address, a licensee shall
5 inform the department of his or her new address. The department shall include the
6 individual's new address in the list under sub. (11) (a).

7 **(13) LOST OR DESTROYED LICENSE.** No later than 30 days after losing his or her
8 license document or after his or her license document is destroyed, a licensee shall
9 submit to the department a notarized statement that his or her license document has
10 been lost or destroyed. The department shall issue a replacement license document
11 within 14 days of receiving the notarized statement and a replacement license fee of
12 \$15.

13 **(14) LICENSE REVOCATION AND SUSPENSION.** (a) The department shall revoke a
14 license issued under this section if the licensee no longer meets all of the criteria
15 specified in sub. (3) (b) to (g), (i) to (n), and (p) to (s).

16 (am) 1. If any of the following occurs with respect to a licensee, the department
17 shall suspend the licensee's license:

18 a. The licensee is the subject of a pending civil or criminal case, the disposition
19 of which could require revocation of his or her license under par. (a).

20 b. A court has prohibited the licensee from possessing a dangerous weapon
21 under s. 969.02 (3) (c).

22 2. If the department suspends a license under subd. 1., and, upon disposition
23 of the case, the person to whom the license was issued meets all of the criteria
24 specified in sub. (3), the department shall restore the license within 14 days of
25 receiving the disposition.

1 (b) 1. If the department revokes or suspends a license under this section, the
2 revocation or suspension shall take effect immediately.

3 2. If the department suspends or revokes a license issued under this section,
4 it shall send the individual whose license has been suspended or revoked notice of
5 the suspension or revocation by certified mail within one day after the suspension
6 or revocation. Within 7 days after receiving the notice, the individual whose license
7 has been suspended or revoked shall deliver the license document personally or by
8 certified mail to the department.

9 **(14g) DEPARTMENTAL REVIEW.** The department shall promulgate rules providing
10 for the review of any action by the department denying an application for a license
11 under this section, suspending or revoking a license under this section, or denying
12 certification as an instructor under sub. (3m) (b).

13 **(14m) APPEALS TO THE CIRCUIT COURT.** (a) A person aggrieved by any action by
14 the department denying an application for a license under this section, suspending
15 or revoking a license under this section, or denying certification as an instructor
16 under sub. (3m) (b) may appeal directly to the circuit court of his or her county, but
17 only if the person has completed the review process established under sub. (14g).

18 (b) To begin an appeal under this subsection, the aggrieved person shall file a
19 petition for review with the clerk of the applicable circuit court within 30 days after
20 the completion of the review process established under sub. (14g). The petition shall
21 state the substance of the department's action that the person is appealing from and
22 the grounds upon which the person believes the department's action to be improper.
23 The petition may include a copy of any records or documents that are relevant to the
24 grounds upon which the person believes the department's action to be improper.

1 (c) A copy of the petition shall be served upon the department either personally
2 or by registered or certified mail within 5 days after the person files his or her petition
3 under par. (b).

4 (d) The department shall file an answer within 15 days after being served with
5 the petition under par. (c). The answer shall include a brief statement of the actions
6 taken by the department. A copy of any documents or records on which the
7 department based its action shall be included with the answer when filed.

8 (e) The court shall review the petition, the answer, and any records or
9 documents submitted with the petition or the answer. The review under this
10 paragraph shall be conducted by the court without a jury and shall be confined to the
11 petition, the answer, and any records or documents submitted with the petition or
12 the answer, except that in cases of alleged irregularities in procedure by the
13 department the court may take testimony that the court determines is appropriate.

14 (f) The court shall affirm the department's action unless the court finds any of
15 the following:

16 1. That the department failed to follow procedure prescribed under this section.

17 2. That the department erroneously interpreted a provision of law and a correct
18 interpretation compels a different action.

19 3. That the department's action depends on a finding of fact that is not
20 supported by substantial evidence in the record.

21 (g) 1. The court's decision shall provide whatever relief is appropriate
22 regardless of the original form of the petition.

23 2. If the court overturns the department's decision under sub. (3m) (b), the court
24 shall order the department to pay the aggrieved person all court costs and reasonable
25 attorney fees.

1 **(15) LICENSE EXPIRATION AND RENEWAL.** (a) Except as provided in par. (e) and
2 sub. (9r) (b) 1., a license issued under this section is valid for a period of 5 years from
3 the date on which the license is issued unless the license is suspended or revoked
4 under sub. (9g) (e) 1. or (14).

5 (b) The department shall design a notice of expiration form. At least 90 days
6 before the expiration date of a license issued under this section, the department shall
7 mail to the licensee a notice of expiration form and a form for renewing the license.
8 The department shall renew the license if, before the date the license expires, the
9 licensee does all of the following:

10 1. Submits a renewal application on the form provided by the department.

11 2. Submits a notarized statement reporting that the information provided
12 under subd. 1. is true and complete to the best of his or her knowledge and that he
13 or she is qualified under sub. (3).

14 4. Pays all of the following:

15 a. A \$27 renewal fee.

16 b. A fee for a background check of \$8.

17 c. A shooting range improvement fee of \$15 written as a separate check, made
18 out to the applicant's county of residence, that the department shall forward to that
19 county on at least a quarterly basis.

20 (c) The department shall conduct a background check of a licensee as provided
21 under sub. (9g) before renewing the licensee's license under par. (b).

22 (d) If an individual whose license has expired does not submit a renewal
23 application under par. (b) before 6 months after the expiration date, the license shall
24 permanently expire. An individual whose license has permanently expired may
25 apply for a new license under sub. (7).

1 (e) The license of a member of the U.S. armed forces, a reserve unit of the armed
2 forces, or the national guard who is deployed overseas while on active duty may not
3 expire until at least 90 days after the end of the licensee's overseas deployment
4 unless the license is suspended or revoked under sub. (9g) (e) 1. or (14).

5 **(15m) PRIVATE EMPLOYER RESTRICTIONS.** (a) Except as provided in par. (b), a
6 private employer may prohibit a licensee or an out-of-state licensee that it employs
7 from carrying a concealed weapon or a particular type of concealed weapon in the
8 course of the licensee's or out-of-state licensee's employment or during any part of
9 the licensee's or out-of-state licensee's course of employment.

10 (b) A private employer may not prohibit a licensee or an out-of-state licensee,
11 as a condition of employment, from carrying a concealed weapon or a particular type
12 of concealed weapon in the licensee's or out-of-state licensee's own motor vehicle,
13 regardless of whether the motor vehicle is used in the course of employment.

14 **(16) PROHIBITED ACTIVITY.** (a) Neither a licensee nor an out-of-state licensee
15 may knowingly carry a concealed weapon in any of the following places:

16 1. A place that has been declared a nuisance under ch. 823.

17 2. A police station, sheriff's office, or state patrol station. This subdivision does
18 not prohibit a peace officer who is acting within the scope of his or her employment
19 from carrying a concealed weapon in a police station, sheriff's office, or state patrol
20 station.

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

22 4. A courthouse, except that a judge who is a licensee may carry a concealed
23 weapon in a courthouse in which he or she is presiding in court and may permit in
24 writing any other licensee or out-of-state licensee to carry a concealed weapon in a
25 courthouse in which he or she is presiding in court.

1 5. A place at which a school, college, or professional athletic event is taking
2 place, unless the event is related to firearms and the licensee or out-of-state licensee
3 is a participant in the event.

4 6. A school administration building.

5 7. Any premises for which a Class "B" or "Class B" license or permit has been
6 issued under ch. 125, unless one of the following applies:

7 a. The licensee or the out-of-state licensee is a person described in s. 941.237
8 (3) (a), (b), (c), (cm), or (d).

9 b. If the licensee or the out-of-state licensee is carrying a handgun, his or her
10 possession of the handgun is described in s. 941.237 (3) (e), (f), (g), (h), (i), or (j).

11 c. The sale of intoxicating liquors or fermented malt beverages or both on those
12 premises accounts for not more than 50 percent of the proprietor's annual gross
13 receipts from those premises.

14 8. In or beyond a security checkpoint in an airport, unless the weapon is
15 encased for shipment as baggage to be transported by aircraft.

16 9. A place in which carrying the weapon is prohibited by federal law.

17 10. A kindergarten facility or classroom.

18 (at) Neither a licensee nor an out-of-state licensee may carry a concealed
19 weapon in a building owned or leased by the state or any political subdivision of the
20 state if the building provides electronic screening for weapons at all public entrances
21 to the building and for the locked storage of weapons on the premises while the
22 licensee or out-of-state licensee is in the building. This paragraph does not apply
23 to:

24 1. Peace officers or armed forces or military personnel who go armed in the line
25 of duty.

1 2. A person authorized to carry a weapon in the building by the chief of police
2 of the city, village, or town or the sheriff of the county in which the building is located.

3 3. A person authorized to carry a weapon in the building by the chief of the
4 capitol police, if the building is owned or leased by the state.

5 (b) Neither a licensee nor an out-of-state licensee may knowingly carry a
6 handgun in a school zone, as defined in s. 948.605 (1) (c), unless he or she is not in
7 or on the grounds of a school, as defined in s. 948.61 (1) (b), and one of the following
8 applies:

9 1. The individual is in a motor vehicle or on a snowmobile or bicycle.

10 2. The individual has exited a motor vehicle and is encasing the handgun or
11 storing it in the motor vehicle.

12 3. The individual is traveling directly to any person's private property from his
13 or her place of employment or business, from any person's private property, or from
14 a place outside of the school zone.

15 4. The individual is traveling directly to his or her place of employment or
16 business from another place of his or her employment or business, from any person's
17 private property, or from a place outside of the school zone.

18 5. The individual is traveling directly to a place outside of the school zone from
19 another place outside of the school zone, from any individual's private property, or
20 from his or her place of employment or business.

21 6. The individual's possession of the handgun is described in s. 948.605 (2) (b).

22 (c) Neither a licensee nor an out-of-state licensee may knowingly carry a
23 weapon other than a handgun on school premises, as defined in s. 948.61 (1) (c),
24 unless he or she is a person described in or a person whose conduct is described in
25 s. 948.61 (3).

1 (cm) A person may not carry a concealed weapon if his or her alcohol
2 concentration exceeds 0.08.

3 (d) Paragraphs (a), (at), (b), and (c) do not apply to a peace officer, as defined
4 in s. 939.22 (22).

5 **(17) PENALTIES.** (a) Any person who violates sub. (2g) (b) or (c) may be required
6 to forfeit not more than \$25.

7 (b) Any person who violates sub. (16) (a), (at), (b), or (c) may be fined not more
8 than \$1,000 or imprisoned for not more than 90 days or both.

9 (bm) Any person who violates sub. (2k) (e) or (16) (cm) may be fined not more
10 than \$10,000 or imprisoned for not more than 9 months or both.

11 (c) Any person who submits an intentionally false notarized statement under
12 sub. (7) (b) or (15) (b) 2. or who intentionally makes a false statement to the
13 department in requesting or in connection with the issuance of an emergency license
14 under sub. (9r) shall be fined not less than \$500 nor more than \$10,000 and may be
15 imprisoned for not more than 9 months.

16 (d) Any person who intentionally violates sub. (12) (a) shall be fined not less
17 than \$500 nor more than \$10,000 and may be imprisoned for not more than 9 months.

18 (e) Any person required under sub. (14) (b) 2. to relinquish or deliver a license
19 document to the department who intentionally violates the requirements of that
20 subdivision shall be fined not less than \$500 nor more than \$10,000 and may be
21 imprisoned for not more than 9 months.

22 **(18) ACCESS TO RECORDS.** Records created or kept under this section by the
23 department, other than reports created under sub. (19), are not subject to access
24 under s. 19.35.

1 **(19) STATISTICAL REPORT.** (a) By February 1 of each year, the department shall
2 create a statistical report indicating the number of licenses applied for, issued,
3 denied, suspended, and revoked under this section during the previous calendar
4 year. For the licenses denied, the report shall indicate the reasons for the denials and
5 the part of the application process during which the reasons for denial were
6 discovered. For the licenses suspended or revoked, the report shall indicate the
7 reasons for the suspensions and revocations.

8 (b) By March 1 of each year, the department shall submit a statistical report
9 to the legislature under s. 13.172 (2) and to the governor that is compiled from the
10 reports submitted under par. (a) and that indicates the number of licenses applied
11 for, issued, denied, suspended, and revoked under this section during the previous
12 calendar year. For the licenses denied, the report shall indicate the reasons for the
13 denials and the part of the application process in which the reasons for denial were
14 discovered. For the licenses suspended or revoked, the report shall indicate the
15 reasons for the suspensions and revocations.

16 **(20m) GRANTS FOR SHOOTING RANGES.** (a) Using the fees collected under subs.
17 (7) (bp) and (15) (b) 4. c., a county shall award grants to persons for construction or
18 improvement of shooting ranges.

19 (b) A grant awarded under this subsection may be for up to 50 percent of the
20 cost of the construction or improvement of the shooting range. A grant awarded
21 under this subsection may not be used to pay for any of the following:

22 1. The construction of clubhouses and facilities that are not essential to the
23 operation of the shooting range.

24 2. The operation and maintenance of the shooting range.

1 (c) In order to receive a grant under this subsection, the person creating or
2 improving a shooting range shall agree to provide the facility for a firearm safety
3 course or class that meets the requirements under sub. (3m) (a).

4 (d) In determining whether to make a grant under this subsection to a
5 particular applicant, the county shall consider the potential of the project to meet the
6 needs of firearm safety courses or classes that meet the requirements under sub.
7 (3m) in the area served by the shooting range relative to the proposed cost of the
8 construction or improvement.

9 **(21) IMMUNITY.** (a) The department and its employees, clerks, as defined in sub.
10 (11) (d) 1. a., and their staff, and court automated information systems, as defined
11 under sub. (11) (d) 1. b., and their employees are immune from liability arising from
12 any act or omission under this section, if done in good faith.

13 (b) A person providing a firearm safety or firearm training course or class in
14 good faith is immune from liability arising from any act or omission related to the
15 course or class if the course or class is one described in sub. (3) (h) 1.

16 (c) A person that permits an individual to carry a concealed weapon on property
17 that the person owns or occupies is immune from any liability arising from its
18 decision to do so, if done in good faith.

19 (d) An employer that permits any of its employees to carry a concealed weapon
20 under sub. (15m) is immune from any liability arising from its decision to do so, if
21 done in good faith.

22 **SECTION 38.** 440.26 (3m) of the statutes is renumbered 440.26 (3m) (intro.) and
23 amended to read:

24 440.26 **(3m)** RULES CONCERNING DANGEROUS WEAPONS. (intro.) The department
25 shall promulgate rules relating to the carrying of dangerous weapons by a person

1 who holds a license or permit issued under this section or who is employed by a
2 person licensed under this section. The rules shall meet the minimum requirements
3 specified in 15 USC 5902 (b)- and shall allow all of the following:

4 **SECTION 39.** 440.26 (3m) (a) of the statutes is created to read:

5 440.26 **(3m)** (a) A person who is employed in this state by a public agency as
6 a law enforcement officer to carry a concealed firearm if s. 941.23 (1) (e) 2. to 5. and
7 (2) (b) 1. to 3. applies.

8 **SECTION 40.** 440.26 (3m) (b) of the statutes is created to read:

9 440.26 **(3m)** (b) A qualified out-of-state law enforcement officer, as defined in
10 s. 941.23 (1) (e), to carry a concealed firearm if s. 941.23 (2) (b) 1. to 3. applies.

11 **SECTION 41.** 440.26 (3m) (c) of the statutes is created to read:

12 440.26 **(3m)** (c) A retired law enforcement officer, as defined in s. 941.23 (1) (f),
13 to carry a concealed firearm if s. 941.23 (2) (c) 1. to 7. applies.

14 **SECTION 42.** 440.26 (3m) (d) of the statutes is created to read:

15 440.26 **(3m)** (d) A licensee, as defined in s. 175.50 (1) (d), or an out-of-state
16 licensee, as defined in s. 175.50 (1) (g), to go armed with a concealed weapon as
17 permitted under s. 175.50.

18 **SECTION 43.** 813.12 (6) (am) 1. of the statutes is amended to read:

19 813.12 **(6)** (am) 1. If an injunction is issued or extended under sub. (4) or if a
20 tribal injunction is filed under s. 806.247 (3), the clerk of the circuit court shall notify
21 the department of justice of the injunction and shall provide the department of
22 justice with information concerning the period during which the injunction is in
23 effect and information necessary to identify the respondent for purposes of a firearms
24 restrictions record search under s. 175.35 (2g) (c) or a background check under s.
25 175.50 (9g) (b).

1 **SECTION 44.** 813.122 (9) (am) 1. of the statutes is amended to read:

2 813.122 **(9)** (am) 1. If an injunction is issued or extended under sub. (5), the
3 clerk of the circuit court shall notify the department of justice of the injunction and
4 shall provide the department of justice with information concerning the period
5 during which the injunction is in effect and information necessary to identify the
6 respondent for purposes of a firearms restrictions record search under s. 175.35 (2g)
7 (c) or a background check under s. 175.50 (9g) (b).

8 **SECTION 45.** 813.125 (5r) (a) of the statutes is amended to read:

9 813.125 **(5r)** (a) If an order prohibiting a respondent from possessing a firearm
10 is issued under sub. (4m), the clerk of the circuit court shall notify the department
11 of justice of the existence of the order prohibiting a respondent from possessing a
12 firearm and shall provide the department of justice with information concerning the
13 period during which the order is in effect and information necessary to identify the
14 respondent for purposes of a firearms restrictions record search under s. 175.35 (2g)
15 (c) or a background check under s. 175.50 (9g) (b).

16 **SECTION 46.** 885.235 (1g) (intro.) of the statutes is amended to read:

17 885.235 **(1g)** (intro.) In any action or proceeding in which it is material to prove
18 that a person was under the influence of an intoxicant or had a prohibited alcohol
19 concentration or a specified alcohol concentration while operating or driving a motor
20 vehicle or, if the vehicle is a commercial motor vehicle, on duty time, while operating
21 a motorboat, except a sailboat operating under sail alone, while operating a
22 snowmobile, while operating an all-terrain vehicle, while going armed with a
23 concealed weapon, or while handling a firearm, evidence of the amount of alcohol in
24 the person's blood at the time in question, as shown by chemical analysis of a sample
25 of the person's blood or urine or evidence of the amount of alcohol in the person's

1 breath, is admissible on the issue of whether he or she was under the influence of an
2 intoxicant or had a prohibited alcohol concentration or a specified alcohol
3 concentration if the sample was taken within 3 hours after the event to be proved.
4 The chemical analysis shall be given effect as follows without requiring any expert
5 testimony as to its effect:

6 **SECTION 47.** 885.235 (1g) (e) of the statutes is created to read:

7 885.235 **(1g)** (e) In a case brought under s. 175.50 (16) (cm), the fact that the
8 analysis shows that the person had an alcohol concentration of more than 0.0 but less
9 than 0.08 is relevant evidence on the issue of whether the person had an alcohol
10 concentration of 0.08 or more but is not to be given any prima facie effect. In a case
11 brought under s. 175.50 (16) (cm), the fact that the analysis shows that the person
12 had an alcohol concentration of 0.08 or more is prima facie evidence that he or she
13 had an alcohol concentration of 0.08 or more.

14 **SECTION 48.** 938.396 (8) of the statutes is amended to read:

15 938.396 **(8)** Notwithstanding sub. (2), if a juvenile is adjudged delinquent for
16 an act that would be a felony if committed by an adult, the court clerk shall notify
17 the department of justice of that fact. No other information from the juvenile's court
18 records may be disclosed to the department of justice except by order of the court.
19 The department of justice may disclose any information provided under this
20 subsection only as part of a firearms restrictions record search under s. 175.35 (2g)
21 (c) or a background check under s. 175.50 (9g) (b).

22 **SECTION 49.** 938.396 (8m) of the statutes is created to read:

23 938.396 **(8m)** (a) Notwithstanding sub. (2), if a juvenile is adjudged delinquent
24 for an act that would be a misdemeanor crime of violence, as defined in s. 175.50 (1)
25 (e), if committed by an adult, the court clerk shall notify the department of justice

1 of that fact. Except as provided in par. (b), no other information from the juvenile’s
2 court records may be disclosed to the department of justice except by order of the
3 court.

4 (b) If an applicant for a license to carry a concealed weapon under s. 175.50 was
5 adjudicated delinquent as a juvenile in a case covered by par. (a), the department of
6 justice may request permission to review court records relating to the case for the
7 purpose of determining whether the applicant meets the requirement under s.
8 175.50 (3) (m). Upon receiving such a request, the court shall open for inspection by
9 authorized representatives of the department of justice the records of the court
10 relating to that case.

11 (c) The department of justice may disclose information provided or obtained
12 under this subsection only as part of a background check under s. 175.50 (9g) (b).

13 **SECTION 50.** 941.23 of the statutes is renumbered 941.23 (2) (intro.) and
14 amended to read:

15 941.23 (2) (intro.) Any person except a peace officer, other than one of the
16 following, who goes armed with a concealed and dangerous weapon is guilty of a
17 Class A misdemeanor.;

18 **SECTION 51.** 941.23 (1) of the statutes is created to read:

19 941.23 (1) In this section:

20 (a) “Destructive device” has the meaning given in 18 USC 921 (a) (4).

21 (c) “Former employer” has the meaning given in s. 175.49 (1) (b).

22 (d) “Law enforcement officer” has the meaning given in s. 175.49 (1) (c).

23 (e) “Qualified out-of-state law enforcement officer” means a law enforcement
24 officer to whom all of the following apply:

1 1. The person is employed by a state or local government agency in another
2 state.

3 2. The agency has authorized the person to carry a firearm.

4 3. The person is not the subject of any disciplinary action by the agency.

5 4. The person meets all standards established by the agency to qualify the
6 person on a regular basis to use a firearm.

7 5. The person is not prohibited under federal law from possessing a firearm.

8 (f) “Retired law enforcement officer” means a person who, before retiring, was
9 employed as a law enforcement officer with a public agency.

10 **SECTION 52.** 941.23 (2) (a) of the statutes is created to read:

11 941.23 (2) (a) A peace officer.

12 **SECTION 53.** 941.23 (2) (b) of the statutes is created to read:

13 941.23 (2) (b) A qualified out-of-state law enforcement officer. This paragraph
14 applies only if all of the following apply:

15 1. The weapon is a firearm but is not a machine gun, as defined in s. 941.27 (1),
16 or a destructive device.

17 2. A firearm silencer, as defined in s. 941.298 (1), is not attached to the weapon.

18 3. The officer is not under the influence of an intoxicant.

19 **SECTION 54.** 941.23 (2) (c) of the statutes is created to read:

20 941.23 (2) (c) A retired law enforcement officer. This paragraph applies only
21 if all of the following apply:

22 1. The retired officer has been issued a photographic identification document
23 described in s. 941.23 (3) (b) 1. or both of the following:

24 a. A photographic identification document described in s. 941.23 (3) (b) 2.
25 (intro.).

1 b. An identification card described in s. 941.23 (3) (b) 2. a., if the retired officer
2 resides in this state, or a certification described in s. 941.23 (3) (b) 2. b., if the retired
3 officer resides in another state.

4 2. The weapon is a firearm that is of the type described in a photographic
5 identification document described in subd. 1. (intro.) or a certification described in
6 subd. 1. b.

7 3. Within the preceding 12 months, the retired officer met the standards of the
8 state in which he or she resides for training and qualification for active duty law
9 enforcement officers to carry firearms.

10 4. The weapon is not a machine gun, as defined in s. 941.27 (1), or a destructive
11 device.

12 5. A firearm silencer, as defined in s. 941.298 (1), is not attached to the weapon.

13 6. The retired officer is not under the influence of an intoxicant.

14 7. The retired officer is not prohibited under federal law from possessing a
15 firearm.

16 **SECTION 55.** 941.23 (2) (d) of the statutes is created to read:

17 941.23 (2) (d) A licensee, as defined in s. 175.50 (1) (d), or an out-of-state
18 licensee, as defined in s. 175.50 (1) (g), if the dangerous weapon is a weapon, as
19 defined under s. 175.50 (1) (j). An individual formerly licensed under s. 175.50 whose
20 license has been suspended or revoked under s. 175.50 (14) may not assert his or her
21 refusal to accept a notice of revocation or suspension mailed under s. 175.50 (14) (b)
22 2. as a defense to prosecution under this subsection, regardless of whether the person
23 has complied with s. 175.50 (12).

24 **SECTION 56.** 941.23 (2) (e) of the statutes is created to read:

1 941.23 (2) (e) An individual who goes armed with a concealed and dangerous
2 weapon, as defined in s. 175.50 (1) (j), in his or her own dwelling or place of business
3 or on land that he or she owns, leases, or legally occupies, unless he or she is
4 prohibited under federal or state law from possessing that weapon.

5 **SECTION 57.** 941.23 (3) of the statutes is created to read:

6 941.23 (3) (a) A qualified out-of-state law enforcement officer shall, while
7 carrying a concealed firearm, also carry an identification card that contains his or
8 her photograph and that was issued by the law enforcement agency by which he or
9 she is employed.

10 (b) A retired law enforcement officer shall, while carrying a concealed firearm,
11 also carry one of the following:

12 1. A photographic identification document issued by the retired officer's former
13 employer that indicates that, within the 12 months preceding the date on which the
14 retired officer is carrying the concealed firearm, he or she was tested or otherwise
15 found by his or her former employer to meet the standards that it has established for
16 training and qualification for active duty law enforcement officers to carry a firearm
17 of the same type as the firearm that the retired officer is carrying.

18 2. A photographic identification document issued by retired officer's former
19 employer and one of the following:

20 a. An identification card issued under s. 175.49 (2), if the retired officer resides
21 in this state.

22 b. A certification issued by the state in which the retired officer resides, if the
23 retired officer resides in another state, that indicates that, within the 12 months
24 preceding the date on which the retired officer is carrying the concealed firearm, he
25 or she was tested or otherwise found by that state to meet the state's standards for

1 training and qualification for active duty law enforcement officers to carry a firearm
2 of the same type as the firearm that the retired officer is carrying.

3 (c) A person who violates this subsection may be required to forfeit not more
4 than \$25.

5 (d) This subsection does not apply to a licensee, as defined in s. 175.50 (1) (d),
6 or an out-of-state licensee, as defined in s. 175.50 (1) (g).

7 **SECTION 58.** 941.235 (2) of the statutes is renumbered 941.235 (2) (intro.) and
8 amended to read:

9 941.235 (2) (intro.) This section does not apply to peace any of the following:

10 (a) Peace officers or armed forces or military personnel who go armed in the line
11 of duty ~~or to any~~.

12 (b) A person duly authorized by the chief of police of any city, village or town,
13 the chief of the capitol police or the sheriff of any county to possess a firearm in any
14 building under sub. (1).

15 **SECTION 59.** 941.235 (2) (c) of the statutes is created to read:

16 941.235 (2) (c) A qualified out-of-state law enforcement officer, as defined in
17 s. 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

18 **SECTION 60.** 941.235 (2) (d) of the statutes is created to read:

19 941.235 (2) (d) A retired law enforcement officer, as defined in s. 941.23 (1) (f),
20 to whom s. 941.23 (2) (c) 1. to 7. applies.

21 **SECTION 61.** 941.235 (2) (e) of the statutes is created to read:

22 941.235 (2) (e) A licensee, as defined in s. 175.50 (1) (d), or an out-of-state
23 licensee, as defined in s. 175.50 (1) (g), if the firearm is a handgun, as defined in s.
24 175.50 (1) (bm).

25 **SECTION 62.** 941.237 (3) (cr) of the statutes is created to read:

1 941.237 (3) (cr) A qualified out-of-state law enforcement officer, as defined in
2 s. 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

3 **SECTION 63.** 941.237 (3) (ct) of the statutes is created to read:

4 941.237 (3) (ct) A retired law enforcement officer, as defined in s. 941.23 (1) (f),
5 to whom s. 941.23 (2) (c) 1. to 7. applies.

6 **SECTION 64.** 941.237 (3) (cx) of the statutes is created to read:

7 941.237 (3) (cx) A licensee, as defined in s. 175.50 (1) (d), or an out-of-state
8 licensee, as defined in s. 175.50 (1) (g).

9 **SECTION 65.** 941.29 (11) of the statutes is created to read:

10 941.29 (11) This section does not apply to any of the following:

11 (a) A person who is employed in this state by a public agency as a law
12 enforcement officer, to whom s. 941.23 (1) (e) 2. to 5. and (2) (b) 1. to 3. applies.

13 (b) A qualified out-of-state law enforcement officer, as defined in s. 941.23 (1)
14 (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

15 (c) A retired law enforcement officer, as defined in s. 941.23 (1) (f), to whom s.
16 941.23 (2) (c) 1. to 7. applies.

17 **SECTION 66.** 941.295 (2) (d) of the statutes is amended to read:

18 941.295 (2) (d) Any manufacturer or seller ~~whose of~~ electric weapons are used
19 ~~in this state solely by persons, unless the manufacturer or seller engages in the~~
20 ~~conduct described in sub. (1) with the intent to provide an electric weapon to someone~~
21 ~~other than a person specified in pars. (a) to (c) or sub. (2g) (a) or to a person for use~~
22 ~~in his or her dwelling or place of business or on land that he or she owns, leases, or~~
23 ~~legally occupies.~~

24 **SECTION 67.** 941.295 (2g) of the statutes is created to read:

1 941.295 **(2g)** The prohibition in sub. (1) on possessing or going armed with an
2 electric weapon does not apply to any of the following:

3 (a) A licensee, as defined in s. 175.50 (1) (d), or an out-of-state licensee, as
4 defined in s. 175.50 (1) (g).

5 (b) An individual who goes armed with an electric weapon in his or her own
6 dwelling or place of business or on land that he or she owns, leases, or legally
7 occupies, unless he or she is prohibited under federal or state law from possessing
8 that weapon.

9 **SECTION 68.** 941.295 (2r) of the statutes is created to read:

10 941.295 **(2r)** The prohibition in sub. (1) on transporting an electric weapon does
11 not apply to any of the following:

12 (a) A licensee, as defined in s. 175.50 (1) (d), or an out-of-state licensee, as
13 defined in s. 175.50 (1) (g).

14 (b) An individual who transports an electric weapon from any of the following
15 places to any of the following places:

16 1. His or her dwelling.

17 2. His or her own place of business.

18 3. Land that he or she owns, leases, or legally occupies.

19 **SECTION 69.** 943.13 (1e) (bm) of the statutes is created to read:

20 943.13 **(1e)** (bm) "Licensee" means a licensee, as defined in s. 175.50 (1) (d), or
21 an out-of-state licensee, as defined in s. 175.50 (1) (g).

22 **SECTION 70.** 943.13 (1e) (g) of the statutes is created to read:

23 943.13 **(1e)** (g) "Weapon" has the meaning given in s. 175.50 (1) (j).

24 **SECTION 71.** 943.13 (1m) (b) of the statutes is amended to read:

1 943.13 (1m) (b) Enters or remains on any land of another after having been
2 notified by the owner or occupant not to enter or remain on the premises. This
3 paragraph does not apply to a licensee if the owner’s or occupant’s intent is to prevent
4 the licensee from going armed with a concealed weapon on the owner’s or occupant’s
5 land.

6 **SECTION 72.** 943.13 (1m) (c) of the statutes is created to read:

7 943.13 (1m) (c) 1. While going armed with a concealed weapon, enters or
8 remains at a residence that the person does not own or occupy after the owner of the
9 residence, if he or she has not leased it to another person, or the occupant of the
10 residence has notified the actor not to enter or remain at the residence while going
11 armed with a concealed weapon or with that type of concealed weapon. In this
12 subdivision, “residence,” with respect to a single-family residence, includes all of the
13 premises, and “residence,” with respect to a residence that is not a single-family
14 residence, does not include any common area of the building in which the residence
15 is located.

16 2. While going armed with a concealed weapon, enters or remains in any part
17 of a nonresidential building that the person does not own or occupy after the owner
18 of the building, if that part of the building has not been leased to another person, or
19 the occupant of that part of the building has notified the actor not to enter or remain
20 in that part of the building while going armed with a concealed weapon or with that
21 type of concealed weapon. This subdivision does not apply to a part of a building
22 occupied by the state or one of its political subdivisions or to any part of a building
23 used for parking.

24 **SECTION 73.** 943.13 (2) of the statutes is renumbered 943.13 (2) (am), and
25 943.13 (2) (am) (intro.) and 1., as renumbered, are amended to read:

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

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

14 **SECTION 74.** 943.13 (2) (bm) of the statutes is created to read:

15 943.13 (2) (bm) 1. In this paragraph, “sign” means a sign that states a
16 restriction imposed under subd. 2. that is at least 11 inches square.

17 2. For the purposes of sub. (1m) (c) 2., an owner or occupant of a part of a
18 nonresidential building has notified an individual not to enter or remain in that part
19 of the nonresidential building while going armed with a concealed weapon or with
20 a particular type of concealed weapon if the owner or occupant has done all of the
21 following:

22 a. Posted a sign that is located in a prominent place near the primary entrance
23 to the part of the nonresidential building to which the restriction applies.

24 b. Personally and orally notified the individual of the restriction.

25 **SECTION 75.** 943.13 (3) of the statutes is amended to read:

1 943.13 (3) Whoever erects on the land of another signs which are the same as
2 or similar to those described in sub. (2) (am) without obtaining the express consent
3 of the lawful occupant of or holder of legal title to such land is subject to a Class C
4 forfeiture.

5 **SECTION 76.** 946.32 (3) of the statutes is created to read:

6 946.32 (3) This section does not apply to offenses that may be prosecuted under
7 s. 175.50 (17) (c).

8 **SECTION 77.** 948.605 (2) (c) of the statutes is created to read:

9 948.605 (2) (c) Paragraph (a) does not apply to any of the following:

10 1. A person who is employed in this state by a public agency as a law
11 enforcement officer and to whom s. 941.23 (1) (e) 2. to 5. and (2) (b) 1. to 3. applies.

12 2. A qualified out-of-state law enforcement officer, as defined in s. 941.23 (1)
13 (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

14 3. A retired law enforcement officer, as defined in s. 941.23 (1) (f), to whom s.
15 941.23 (2) (c) 1. to 7. applies.

16 4. A licensee, as defined in s. 175.50 (1) (d), or an out-of-state licensee, as
17 defined in s. 175.50 (1) (g), if the firearm is a handgun, as defined in s. 175.50 (1) (bm).

18 **SECTION 78.** 948.61 (3m) of the statutes is created to read:

19 948.61 (3m) This section does not apply to the possession of a weapon, as
20 defined in s. 175.50 (1) (j), other than a handgun, as defined in s. 175.50 (1) (bm), by
21 a licensee, as defined in s. 175.50 (1) (d), or an out-of-state licensee, as defined in s.
22 175.50 (1) (g).

23 **SECTION 79. Nonstatutory provisions.**

24 (1) Using the procedure under section 227.24 of the statutes, the department
25 of justice shall promulgate rules required under section 175.35 (2g) (c) 3. of the

1 statutes and under section 175.50 (9g) (f) of the statutes, as created by this act, for
2 the period before the effective date of the permanent rules promulgated under those
3 sections, but not to exceed the period authorized under section 227.24 (1) (c) and (2)
4 of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes,
5 the department is not required to provide evidence that promulgating a rule under
6 this subsection as an emergency rule is necessary for the preservation of public
7 peace, health, safety, or welfare and is not required to provide a finding of an
8 emergency for a rule promulgated under this subsection.

9 **SECTION 80. Effective dates.** This act takes effect on the first day of the 4th
10 month beginning after publication, except as follows:

11 (1) The treatment of sections 175.49 (4), and 175.50 (2m), (3m) (b), and (5) of
12 the statutes and SECTION 79 (1) of this act take effect on the day after publication.

13

(END)