



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBa1291/1
CMH:kjf:ph

**SENATE AMENDMENT 5,
TO SENATE SUBSTITUTE AMENDMENT 2,
TO 2011 SENATE BILL 93**

June 14, 2011 – Offered by Senators ERPENBACH and RISSER.

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

2 **1.** Page 21, line 6: delete lines 6 and 7.

3 **2.** Page 21, line 11: delete “(b) 1r”.

4 **3.** Page 26, line 14: delete “(b) 1r.”.

5 **4.** Page 38, line 16: after that line insert:

6 “9. The state capitol building or the state capitol park.

7 10. Any building or portion of a building that is owned, occupied, or controlled
8 by the state or any political subdivision of the state.

9 11. A clinic or office that is used by a physician licensed under ch. 448 or a
10 building or portion of a building used by a health care facility, as defined in s. 150.84
11 (2).

1 12. Any church, synagogue, mosque, or other building, structure, or place
2 primarily used for religious worship or another religious purpose.

3 13. A building or any portion of a building that is used for a domestic violence
4 victim services program or by an organization that provides a safe haven for victims
5 of domestic violence.

6 14. A place that is on the grounds of a University of Wisconsin institution or
7 extension, a private college or university, or a technical college district.

8 15. Any premises for which a Class "B" or "Class B" license or permit has been
9 issued under ch. 125.

10 16. Any building or part of a building that is used to provide child care services,
11 except that, if the building is a residence and the owner is a licensee, any weapon that
12 is unloaded and securely locked or encased during the hours in which children are
13 present for the child care services.

14 17. Any building or part of a building that is used by a county department of
15 human services.

16 18. Any building or part of a building that is used as a nonprofit organization
17 as described in section 501 (c) of the Internal Revenue Code.

18 19. Any venue, or stadium at which public sporting events or public concerts
19 are held or any amusement park, except that if an event related to firearms is taking
20 place and the weapon is being used at the event.

21 20. Any building or part of a building where bingo or a raffle under ch. 563 is
22 conducted, where a lottery under ch. 565 is conducted, or where a race under ch. 562
23 is conducted.

24 21. Any place that is within 1,000 feet of a polling place on an election day.

25 22. On any vehicle used for public transportation purposes.

1 23. Any public library.

2 24. Any common area in a building that is a residence that is not a
3 single-family residence if the actor does not own the residence or does not occupy any
4 part of the residence.”.

5 **5.** Page 38, line 24: after that line insert:

6 “4. A weapon on the premises described under par. (a) 15. if the individual
7 carrying the weapon is the licensee, owner, or manager of the premises, or any
8 employee or agent authorized to possess a weapon by the licensee, owner, or manager
9 of the premises.”.

10 **6.** Page 43, line 19: after that line insert:

11 “**SECTION 49g.** 939.6185 of the statutes is created to read:

12 **939.6185 Mandatory minimum sentence for illegally carrying a**
13 **concealed weapon if previously convicted of violent felony.** If a person is
14 convicted of a violation of s. 941.23 (2d) and the person has been previously convicted
15 of a violent offense, as defined in s. 301.048 (2) (bm), the court shall impose a
16 bifurcated sentence under s. 973.01. The term of confinement in prison portion of the
17 bifurcated sentence shall be at least 3 years. Otherwise the penalties for the crime
18 apply, subject to any applicable penalty enhancement.

19 **SECTION 49h.** 939.632 (1) (e) 3. of the statutes is amended to read:

20 939.632 (1) (e) 3. Any misdemeanor under s. 940.19 (1), 940.225 (3m), 940.32
21 (2), 940.42, 940.44, 941.20 (1), 941.23 (2), 941.235, 941.24 or 941.38 (3).”.

22 **7.** Page 43, line 22: delete lines 22 to 24 and substitute:

1 “941.23 (2) (intro.) ~~Any~~ Except as provided in sub. (2d), any person, other than
2 one of the following, who carries a concealed and dangerous weapon is guilty of a
3 Class A misdemeanor.”.

4 **8.** Page 46, line 12: after that line insert:

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

6 941.23 (2d) A person who violates sub. (2), who is ineligible to possess a firearm
7 as indicated by a search in the national instant criminal background check system,
8 is guilty of a Class H felony.”.

9 **9.** Page 49, line 4: after that line insert:

10 “**SECTION 64h.** 941.2905 of the statutes is created to read:

11 **941.2905 Straw purchase of firearm. (1)** Whoever purchases a firearm for
12 a person knowing that the person is prohibited from possessing a firearm under s.
13 941.29 is guilty of a Class G felony.

14 **(2)** A person who possesses a firearm in violation of s. 941.29 (2) is guilty of a
15 Class F felony if he or she knows that another person purchased the firearm for the
16 person.”.

17 **10.** Page 52, line 3: delete lines 3 to 10.

18 **11.** Page 53, line 3: delete lines 3 to 9.

19 **12.** Page 53, line 10: delete lines 10 to 15.

20 **13.** Page 54, line 8: after that line insert:

21 “1m. For purposes of sub. (1m) (c) 2. to 5. notice may be given as provided in
22 subd. 2. or personally, either orally or in writing.”.

23 **14.** Page 54, line 9: delete lines 9 to 16.

- 1 **15.** Page 54, line 17: delete “2., 4., and 5.” and substitute “2.”.
- 2 **16.** Page 54, line 17: before “am.” insert “2.”.
- 3 **17.** Page 54, line 18: delete the material beginning with “, the state” and
4 ending with “college” on line 19.
- 5 **18.** Page 54, line 21: delete “, state, local governmental unit”.
- 6 **19.** Page 54, line 21: delete “, local governmental unit” and substitute “, or
7 local governmental unit”.
- 8 **20.** Page 57, line 13: before “Any individual” insert “Any individual who
9 knowingly possesses a firearm at a place that the individual knows, or has
10 reasonable cause to believe, is in a school forest is guilty of a Class C misdemeanor.”.
- 11 **21.** Page 57, line 15: delete “is subject to a Class B forfeiture” and substitute
12 “is guilty of a Class C misdemeanor”.
- 13 **22.** Page 57, line 16: delete the material beginning with that line and ending
14 with page 58, line 9.
- 15 **23.** Page 57, line 23: after “school” insert “or, unless subd. 3m. applies, in a
16 school forest”.

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(END)