



2011 ASSEMBLY BILL 413

December 7, 2011 – Introduced by JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES. Referred to Committee on Judiciary and Ethics.

1 **AN ACT** *to renumber* 175.60 (4) (b) 1. a. and b.; *to renumber and amend* 175.60
2 (4) (b) 1. (intro.), 175.60 (4) (b) 2. and 175.60 (7) (e); *to amend* 175.60 (4) (a)
3 (intro.); and *to create* 175.60 (4) (c) 1., 2. and 3. and 175.60 (7) (e) 1., 2., 3. and
4 4. of the statutes; **relating to:** training requirements for licenses to carry a
5 concealed weapon.

Analysis by the Legislative Reference Bureau

Under current law, an individual who applies for a license to carry a concealed weapon must fulfill a training requirement, which can be done by completing a specified course, including the following: a firearms safety or training course conducted by a national or state organization that certifies firearms instructors; a firearms safety or training course that is offered by a law enforcement agency; a firearms safety or training course that is taught by an instructor who is certified by a national or state organization or by the Department of Justice (DOJ) that is offered by a technical college, a college, or a university, or a firearms training school; and a firearms safety or training course that is offered to law enforcement officers or to licensed private detective and security agencies. This bill prohibits DOJ from setting an hourly minimum for the firearms safety or training course and, from requiring the course to test the individual's comprehension and application of firearms safety rules and safe firearms handling. The bill also prohibits DOJ from requiring, as a condition for certification as an instructor of a firearms safety or training course, a certain minimum length of training.

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Current law requires an applicant for a license to submit a copy of a document, or an affidavit from an instructor or organization that conducted the course or program, that indicates that the applicant completed the course. This bill prohibits DOJ from requiring the document or affidavit to include the length of the course, the city or state in which the course was completed, and a statement signed by the instructor that the course satisfies the training requirements for the license.

This bill is introduced as required by s. 227.26 (2) (f), stats., in support of the action of the Joint Committee for Review of Administrative Rules in suspending portions of Emergency Rule 1114, Wis. Adm. Code, an emergency rule of DOJ on November 7, 2011. The suspended portions of the rule provided for specific information on documentation required for an application for a license to carry a concealed weapon, requirements for firearms safety or training courses that satisfy the training requirements for a license to carry a concealed weapon, and specific training requirements for instructors that teach firearms safety or training courses that satisfy the requirements.

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

1 **SECTION 1.** 175.60 (4) (a) (intro.) of the statutes, as created by 2011 Wisconsin
2 Act 35, is amended to read:

3 175.60 (4) (a) (intro.) The Subject to par. (c), the proof of training requirement
4 under sub. (7) (e) may be met by any of the following:

5 **SECTION 2.** 175.60 (4) (b) 1. (intro.) of the statutes, as created by 2011 Wisconsin
6 Act 35, is renumbered 175.60 (4) (b) (intro.) and amended to read:

7 175.60 (4) (b) 1. (intro.) The department shall certify instructors for the
8 purposes of par. (a) 1. c. and e. and shall maintain a list of instructors that it certifies.
9 The department may not require as a condition of certification as an instructor that
10 the individual complete any certain minimum length of training. To be certified by
11 the department as an instructor, a person must meet all of the following criteria:

12 **SECTION 3.** 175.60 (4) (b) 1. a. and b. of the statutes, as created by 2011
13 Wisconsin Act 35, are renumbered 175.60 (4) (b) 1m. and 2m.

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1 **SECTION 4.** 175.60 (4) (b) 2. of the statutes, as created by 2011 Wisconsin Act
2 35, is renumbered 175.60 (4) (c) (intro.) and amended to read:

3 175.60 **(4)** (c) (intro.) The department may not require ~~firing live ammunition~~
4 any of the following for a course or program to meet the training requirements under
5 par. (a)-:

6 **SECTION 5.** 175.60 (4) (c) 1., 2. and 3. of the statutes are created to read:

7 175.60 **(4)** (c) 1. Firing live ammunition.

8 2. A test of the individual's comprehension and application of firearms safety
9 rules and procedures for safe firearms handling.

10 3. A minimum length of the course or program.

11 **SECTION 6.** 175.60 (7) (e) of the statutes, as created by 2011 Wisconsin Act 35,
12 is renumbered 175.60 (7) (e) (intro.) and amended to read:

13 175.60 **(7)** (e) (intro.) Proof of that the applicant meets the training as
14 requirements that are described under sub. (4) (a). If the applicant is meeting the
15 training requirements through a course or program described under sub. (4) (a) 1.,
16 the department may not require any of the following information to be on any
17 document or affidavit submitted as proof of meeting the training requirements:

18 **SECTION 7.** 175.60 (7) (e) 1., 2., 3. and 4. of the statutes are created to read:

19 175.60 **(7)** (e) 1. The duration of the course or program.

20 2. The city or state in which the course or program was given.

21 3. The address and phone number of the person that is responsible for providing
22 the course or program.

23 4. A signed affirmation from the instructor of the course or program stating
24 that the course or program satisfies the training requirements described under sub.
25 (4) (a).

ASSEMBLY BILL 4131 **SECTION 8. Initial applicability.**

2 (1) This act applies retroactively to applications submitted under section
3 175.60 (7) of the statutes before the effective date of this subsection and retroactively
4 to any firearms safety or training course submitted to fulfill the training
5 requirement under section 175.60 (7) (e) of the statutes without regard to when the
6 safety or training course was completed.

7 (END)