
Wisconsin Legislative Council

AMENDMENT MEMO



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2021 Senate Bill 619

**Senate
Amendment 1**

BACKGROUND

With certain exceptions for law enforcement officers, persons licensed in other states, and carrying on one's own property, current Wisconsin law generally prohibits any person from carrying a concealed and dangerous weapon, unless the person obtains a concealed carry license from the Department of Justice (DOJ). [s. 941.23 (2), Stats.] In contrast, a license is not required to open carry a firearm or other weapon. However, current law prohibits carrying a loaded firearm or other weapon in specific areas and situations.

2021 SENATE BILL 619

2021 Senate Bill 619 repeals the requirement to obtain a license to carry a concealed weapon in Wisconsin. The bill retains an optional concealed carry license, which would continue to be required to do any of the following: (1) carry an electric weapon; (2) carry a concealed weapon in a school zone;¹ or (3) carry a concealed weapon in another state that requires a license as a condition of reciprocity.

The bill also repeals or modifies certain prohibitions relating to carrying firearms or other weapons in particular areas or circumstances. Specifically, the bill makes all of the following changes to current law:

- Repeals a prohibition on operating an all-terrain vehicle (ATV) or utility terrain vehicle (UTV) while possessing a loaded firearm or cocked and loaded crossbow.²
- Repeals a prohibition on possessing a loaded and uncased firearm in a state fish hatchery.
- Repeals prohibitions on possessing a loaded firearm or strung crossbow in a state wildlife refuge, but retains a prohibition on hunting in a wildlife refuge.
- Reduces the area near hospitals and schools in which hunting is prohibited from 1,700 feet to 1,000 feet.
- Repeals a prohibition on possessing a firearm, bow, or crossbow while shining wildlife, but retains a more general prohibition on shining wildlife while hunting.
- Repeals a prohibition on possessing a loaded firearm (or ready bow or crossbow) in a motorboat, vehicle, or aircraft.
- Repeals prohibitions on carrying in certain buildings, including police stations, mental health facilities, courthouses, and airports, unless those buildings are posted under the trespass law.

¹ The federal gun-free school zones law provides an exception to a general prohibition on carrying in a school zone for a person who has received a state license that includes a background check process. [18 U.S.C.s. 922 (q)(2).]

² Current law allows carrying an unloaded firearm or crossbow while operating an ATV or UTV. Current law also allows carrying a loaded firearm or crossbow while an ATV or UTV is stationary.

- Codifies the Wisconsin Supreme Court decision in *Wisconsin Carry v. City of Madison*, 2017 WI 19, by expressly prohibiting local prohibitions on carrying firearms or knives on public transportation.
- Repeals a prohibition on carrying by a humane officer.
- Repeals a requirement for the Department of Safety and Professional Services to regulate carrying by licensed private detectives.
- Repeals a general prohibition on carrying in bars and restaurants, but retains a prohibition on carrying a handgun while consuming alcohol beverages.
- Specifies that authority to post a building or property as a place where firearms are not allowed pursuant to the trespass law must be “specifically allowed” by statute.

SENATE AMENDMENT 1

Senate Amendment 1 restores current law relating to carrying firearms and crossbows in wildlife refuges.

BILL HISTORY

Senator Felzkowski offered Senate Amendment 1 on December 1, 2021. On January 13, 2022, the Senate Committee on Insurance, Licensing and Forestry voted to recommend adoption of the amendment and passage of the bill, as amended, both on votes of Ayes, 3; Noes, 2.

AH:jal