



State of Wisconsin
2011 – 2012 LEGISLATURE



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ASSEMBLY SUBSTITUTE AMENDMENT ,
TO 2011 ASSEMBLY BILL 126

1 **AN ACT** *to repeal* 941.237 (4), 948.605 (1) (a) and (am) and 948.605 (2) (b) 1. to
2 5. and 7.; *to renumber* 167.30, 941.295 (1), 943.13 (1e) (a) and 947.01; *to*
3 *renumber and amend* 23.33 (3) (e), 29.089 (2), 29.091, 29.314 (4) (b) 1., 29.621
4 (4), 440.26 (3m), 941.23, 941.235 (2), 941.295 (2) (d), 941.295 (4), 943.13 (2),
5 948.605 (2) (b) 6. and 948.605 (2) (b) 8.; *to amend* 48.685 (2) (bb), 50.065 (2) (bb),
6 59.54 (6), 66.0409 (3) (b), 165.60, 165.81 (2), 165.82 (1) (intro.), 165.82 (2),
7 167.31 (1) (b), 813.12 (6) (am) 1., 813.122 (9) (am) 1., 813.125 (5r) (a), 895.527
8 (5) (a), 938.396 (2g) (n), 939.22 (10), 941.295 (2) (intro.), 943.13 (1m) (b), 943.13
9 (3), 947.011 (2) (a) 1., 947.011 (2) (c) 1., 947.011 (2) (d), 948.60 (1), 948.605 (2)
10 (b) (intro.), 968.255 (1) (a) 2., 971.37 (1m) (a) 2. and 973.055 (1) (a) 1.; *to repeal*
11 *and recreate* 29.314 (3) (b) 1.; and *to create* 20.455 (2) (gs), 20.455 (2) (gu),
12 23.33 (3) (e) 1., 23.33 (3) (e) 2., 23.33 (3) (e) 3., 23.33 (3) (e) 4., 23.33 (3) (e) 5.,
13 29.089 (2) (a), 29.089 (2) (b), 29.089 (2) (c), 29.089 (2) (d), 29.089 (2) (e), 29.091

1 (2), 29.314 (4) (b) 1g., 29.621 (4) (a), 29.621 (4) (b), 29.621 (4) (c), 29.621 (4) (d),
2 29.621 (4) (e), 29.621 (6), 66.0409 (6), 165.25 (12), 167.30 (2), 167.31 (4) (ar),
3 167.31 (4) (at), 175.48, 175.49, 175.60, 440.26 (3m) (a), 440.26 (3m) (b), 440.26
4 (3m) (c), 440.26 (3m) (d), 440.26 (3m) (e), 941.23 (1), 941.23 (2) (b), 941.23 (2)
5 (c), 941.23 (2) (d), 941.23 (2) (dp), 941.23 (2) (e), 941.23 (3), 941.232, 941.235 (2)
6 (c), 941.235 (2) (d), 941.235 (2) (e), 941.235 (2) (f), 941.237 (3) (cr), 941.237 (3)
7 (ct), 941.237 (3) (cx), 941.237 (3) (cy), 941.295 (1c) (b) and (c), 941.295 (2) (d) 2.
8 and 3., 941.295 (2g), 941.295 (2r), 943.13 (1e) (aL), 943.13 (1e) (cm), 943.13 (1m)
9 (c), 943.13 (1n), 943.13 (2) (bm), 946.71, 947.01 (2), 948.605 (2) (b) 1m. and 1r.
10 and 973.016 of the statutes; **relating to:** carrying a concealed weapon; licenses
11 authorizing persons to carry concealed weapons; referendum for carrying a
12 concealed weapon without a permit; possessing or transporting a firearm, bow,
13 or crossbow under certain circumstances; disorderly conduct limitations;
14 photographic identification cards for former law enforcement officers;
15 providing an exemption from emergency rule procedures; requiring the
16 exercise of rule-making authority; making appropriations; and providing
17 penalties.

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

18 **SECTION 1.** 20.455 (2) (gs) of the statutes is created to read:

19 20.455 (2) (gs) *Background check for licenses to carry concealed weapons.* All
20 moneys received as fee payments under s. 175.60 (7) (c) and (d) and (15) (b) 4. a. and
21 b. to provide services under s. 175.60.

22 **SECTION 2.** 20.455 (2) (gu) of the statutes is created to read:

1 20.455 (2) (gu) *Certification cards for carrying concealed weapons.* All moneys
2 received as fees under s. 175.49 (5m) to verify eligibility of, and to issue certification
3 cards to, former officers seeking to carry concealed weapons.

4 **SECTION 3.** 23.33 (3) (e) of the statutes is renumbered 23.33 (3) (e) (intro.) and
5 amended to read:

6 23.33 (3) (e) (intro.) With any firearm in his or her possession unless it is
7 unloaded and enclosed in a carrying case, or any bow unless it is unstrung or enclosed
8 in a carrying case. This prohibition, as it relates to firearms, does not apply to any
9 of the following:

10 **SECTION 4.** 23.33 (3) (e) 1. of the statutes is created to read:

11 23.33 (3) (e) 1. A person who is employed in this state by a public agency as a
12 law enforcement officer and to whom s. 941.23 (1) (g) 2. to 5. and (2) (b) 1. to 3. applies.

13 **SECTION 5.** 23.33 (3) (e) 2. of the statutes is created to read:

14 23.33 (3) (e) 2. A qualified out-of-state law enforcement officer, as defined in
15 s. 941.23 (1) (g), to whom s. 941.23 (2) (b) 1. to 3. applies.

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

17 23.33 (3) (e) 3. A former officer, as defined in s. 941.23 (1) (c), to whom s. 941.23
18 (2) (c) 1. to 7. applies.

19 **SECTION 7.** 23.33 (3) (e) 4. of the statutes is created to read:

20 23.33 (3) (e) 4. A licensee, as defined in s. 175.60 (1) (d), or an out-of-state
21 licensee, as defined in s. 175.60 (1) (g).

22 **SECTION 8.** 23.33 (3) (e) 5. of the statutes is created to read:

23 23.33 (3) (e) 5. Any person who is not prohibited from possessing a firearm
24 under s. 941.29 or under federal law if a statewide referendum is held on the question

1 of whether the legislature should authorize concealed carry without a license and a
2 majority of the voters voting at the referendum vote to approve the question.

3 **SECTION 9.** 29.089 (2) of the statutes is renumbered 29.089 (2) (intro.) and
4 amended to read:

5 29.089 (2) (intro.) Except as provided in sub. (3), no person may have in his or
6 her possession or under his or her control a firearm on land located in state parks or
7 state fish hatcheries unless the firearm is unloaded and enclosed within a carrying
8 case. This subsection does not apply to any of the following:

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

10 29.089 (2) (a) A person who is employed in this state by a public agency as a
11 law enforcement officer and to whom s. 941.23 (1) (g) 2. to 5. and (2) (b) 1. to 3. applies.

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

13 29.089 (2) (b) A qualified out-of-state law enforcement officer, as defined in s.
14 941.23 (1) (g), to whom s. 941.23 (2) (b) 1. to 3. applies.

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

16 29.089 (2) (c) A former officer, as defined in s. 941.23 (1) (c), to whom s. 941.23
17 (2) (c) 1. to 7. applies.

18 **SECTION 13.** 29.089 (2) (d) of the statutes is created to read:

19 29.089 (2) (d) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state
20 licensee, as defined in s. 175.60 (1) (g).

21 **SECTION 14.** 29.089 (2) (e) of the statutes is created to read:

22 29.089 (2) (e) Any person who is not prohibited from possessing a firearm under
23 s. 941.29 or under federal law if a statewide referendum is held on the question of
24 whether the legislature should authorize concealed carry without a license and a
25 majority of the voters voting at the referendum vote to approve the question.

1 **SECTION 15.** 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 16.** 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 refuge established under s. 23.09
14 (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) (g) 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 (g), to whom s. 941.23 (2) (b) 1. to 3. applies.

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

21 (d) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state licensee, as
22 defined in s. 175.60 (1) (g).

23 (e) Any person who is not prohibited from possessing a firearm under s. 941.29
24 or under federal law if a statewide referendum is held on the question of whether the

1 legislature should authorize concealed carry without a license and a majority of the
2 voters voting at the referendum vote to approve the question.

3 **SECTION 17.** 29.314 (3) (b) 1. of the statutes is repealed and recreated to read:

4 29.314 (3) (b) 1. To any of the following:

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

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

9 c. A former officer, as defined in s. 941.23 (1) (c), to whom s. 941.23 (2) (c) 1. to
10 7. applies.

11 d. A licensee, as defined in s. 175.60 (1) (d), or an out-of-state licensee, as
12 defined in s. 175.60 (1) (g).

13 e. Any person who is not prohibited from possessing a firearm under s. 941.29
14 or under federal law if a statewide referendum is held on the question of whether the
15 legislature should authorize concealed carry without a license and a majority of the
16 voters voting at the referendum vote to approve the question.

17 **SECTION 18.** 29.314 (4) (b) 1. of the statutes is renumbered 29.314 (4) (b) 1r. and
18 amended to read:

19 29.314 (4) (b) 1r. To ~~a peace officer on official business~~, an employee of the
20 department on official business or a person authorized by the department to conduct
21 a game census.

22 **SECTION 19.** 29.314 (4) (b) 1g. of the statutes is created to read:

23 29.314 (4) (b) 1g. To any person under sub. (3) (b) 1.

24 **SECTION 20.** 29.621 (4) of the statutes is renumbered 29.621 (4) (intro.) and
25 amended to read:

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

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

11 29.621 (4) (a) A person who is employed in this state by a public agency as a
12 law enforcement officer and to whom s. 941.23 (1) (g) 2. to 5. and (2) (b) 1. to 3. applies.

13 **SECTION 22.** 29.621 (4) (b) of the statutes is created to read:

14 29.621 (4) (b) A qualified out-of-state law enforcement officer, as defined in s.
15 941.23 (1) (g), to whom s. 941.23 (2) (b) 1. to 3. applies.

16 **SECTION 23.** 29.621 (4) (c) of the statutes is created to read:

17 29.621 (4) (c) A former officer, as defined in s. 941.23 (1) (c), to whom s. 941.23
18 (2) (c) 1. to 7. applies.

19 **SECTION 24.** 29.621 (4) (d) of the statutes is created to read:

20 29.621 (4) (d) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state
21 licensee, as defined in s. 175.60 (1) (g).

22 **SECTION 25.** 29.621 (4) (e) of the statutes is created to read:

23 29.621 (4) (e) Any person who is not prohibited from possessing a firearm under
24 s. 941.29 or under federal law if a statewide referendum is held on the question of

1 whether the legislature should authorize concealed carry without a license and a
2 majority of the voters voting at the referendum vote to approve the question.

3 **SECTION 26.** 29.621 (6) of the statutes is created to read:

4 29.621 (6) INJURIOUS ANIMALS. Nothing in this section may prohibit, prevent,
5 or interfere with the department in the destruction of injurious animals.

6 **SECTION 27.** 48.685 (2) (bb) of the statutes is amended to read:

7 48.685 (2) (bb) If information obtained under par. (am) or (b) 1. indicates a
8 charge of a serious crime, but does not completely and clearly indicate the final
9 disposition of the charge, the department, county department, agency contracted
10 with under s. 48.651 (2), child welfare agency, school board, or entity shall make
11 every reasonable effort to contact the clerk of courts to determine the final disposition
12 of the charge. If a background information form under sub. (6) (a) or (am) indicates
13 a charge or a conviction of a serious crime, but information obtained under par. (am)
14 or (b) 1. does not indicate such a charge or conviction, the department, county
15 department, agency contracted with under s. 48.651 (2), child welfare agency, school
16 board, or entity shall make every reasonable effort to contact the clerk of courts to
17 obtain a copy of the criminal complaint and the final disposition of the complaint.
18 If information obtained under par. (am) or (b) 1., a background information form
19 under sub. (6) (a) or (am), or any other information indicates a conviction of a
20 violation of s. 940.19 (1), 940.195, 940.20, 941.30, 942.08, 947.01 (1), or 947.013
21 obtained not more than 5 years before the date on which that information was
22 obtained, the department, county department, agency contracted with under s.
23 48.651 (2), child welfare agency, school board, or entity shall make every reasonable
24 effort to contact the clerk of courts to obtain a copy of the criminal complaint and
25 judgment of conviction relating to that violation.

1 **SECTION 28.** 50.065 (2) (bb) of the statutes is amended to read:

2 50.065 **(2)** (bb) If information obtained under par. (am) or (b) indicates a charge
3 of a serious crime, but does not completely and clearly indicate the final disposition
4 of the charge, the department or entity shall make every reasonable effort to contact
5 the clerk of courts to determine the final disposition of the charge. If a background
6 information form under sub. (6) (a) or (am), or any disclosure made pursuant to a
7 disclosure policy described under sub. (6) (am), indicates a charge or a conviction of
8 a serious crime, but information obtained under par. (am) or (b) does not indicate
9 such a charge or conviction, the department or entity shall make every reasonable
10 effort to contact the clerk of courts to obtain a copy of the criminal complaint and the
11 final disposition of the complaint. If information obtained under par. (am) or (b), a
12 background information form under sub. (6) (a) or (am), any disclosure made
13 pursuant to a disclosure policy described under sub. (6) (am), or any other
14 information indicates a conviction of a violation of s. 940.19 (1), 940.195, 940.20,
15 941.30, 942.08, 947.01 (1), or 947.013 obtained not more than 5 years before the date
16 on which that information was obtained, the department or entity shall make every
17 reasonable effort to contact the clerk of courts to obtain a copy of the criminal
18 complaint and judgment of conviction relating to that violation.

19 **SECTION 29.** 59.54 (6) of the statutes is amended to read:

20 59.54 **(6)** PEACE AND ORDER. The board may enact and enforce ordinances to
21 preserve the public peace and good order within the county including, but not limited
22 by enumeration, ordinances prohibiting conduct that is the same as or similar to
23 conduct that is prohibited by ss. 947.01 (1) and 947.02, and provide a forfeiture for
24 a violation of the ordinances.

25 **SECTION 30.** 66.0409 (3) (b) of the statutes is amended to read:

1 66.0409 (3) (b) Nothing in this section prohibits a city, village or town that is
2 authorized to exercise village powers under s. 60.22 (3) from enacting an ordinance
3 or adopting a resolution that restricts the discharge of a firearm. Any ordinance or
4 resolution that restricts the discharge of a firearm does not apply and may not be
5 enforced if the actor's conduct is justified or, had it been subject to a criminal penalty,
6 would have been subject to a defense described in s. 939.45.

7 **SECTION 31.** 66.0409 (6) of the statutes is created to read:

8 66.0409 (6) No person may be in violation of, or be charged with a violation of,
9 an ordinance of a political subdivision relating to disorderly conduct or other
10 inappropriate behavior for loading, carrying, or going armed with a firearm, without
11 regard to whether the firearm is loaded or is concealed or openly carried. Any
12 ordinance in violation of this subsection does not apply and may not be enforced.

13 **SECTION 32.** 165.25 (12) of the statutes is created to read:

14 165.25 (12) RULES REGARDING CONCEALED WEAPONS LICENSES. Promulgate by
15 rule a list of states that issue a permit, license, approval, or other authorization to
16 carry a concealed weapon if the permit, license, approval, or other authorization
17 requires, or designates that the holder chose to submit to, a background search that
18 is comparable to a background check as defined in s. 175.60 (1) (ac).

19 **SECTION 33.** 165.60 of the statutes is amended to read:

20 **165.60 Law enforcement.** The department of justice is authorized to enforce
21 ss. 101.123 (2), (2m), and (8), 175.60 (17) (e), 944.30, 944.31, 944.33, 944.34, 945.02
22 (2), 945.03 (1m), and 945.04 (1m) and ch. 108 and, with respect to a false statement
23 submitted or made under s. 175.60 (7) (b) or (15) (b) 2., to enforce s. 946.32 and is
24 invested with the powers conferred by law upon sheriffs and municipal police officers
25 in the performance of those duties. This section does not deprive or relieve sheriffs,

1 constables, and other local police officers of the power and duty to enforce those
2 sections, and those officers shall likewise enforce those sections.

3 **SECTION 34.** 165.81 (2) of the statutes is amended to read:

4 165.81 (2) Any electric weapon, as defined in s. 941.295 (4) (1c) (a), in the
5 possession of the laboratories shall either be destroyed or be turned over to an agency
6 authorized to have electric weapons under s. 941.295 (2).

7 **SECTION 35.** 165.82 (1) (intro.) of the statutes is amended to read:

8 165.82 (1) (intro.) Notwithstanding s. 19.35 (3), the department of justice shall
9 impose the following fees, plus any surcharge required under sub. (1m), for criminal
10 history searches for purposes unrelated to criminal justice or to s. 175.35, 175.49, or
11 175.60:

12 **SECTION 36.** 165.82 (2) of the statutes is amended to read:

13 165.82 (2) ~~Except as provided in s. 175.35, the~~ The department of justice shall
14 not impose fees for criminal history searches for purposes related to criminal justice.

15 **SECTION 37.** 167.30 of the statutes is renumbered 167.30 (1).

16 **SECTION 38.** 167.30 (2) of the statutes is created to read:

17 167.30 (2) Subsection (1) does not apply to the discharge of a firearm if the
18 actor's conduct is justified or, had it been subject to a criminal penalty, would have
19 been subject to a defense described in s. 939.45.

20 **SECTION 39.** 167.31 (1) (b) of the statutes is amended to read:

21 167.31 (1) (b) "Encased" means enclosed in a case ~~that is expressly made for~~
22 ~~the purpose of containing a firearm and~~ that is completely zipped, snapped, buckled,
23 tied or otherwise fastened with no part of the firearm exposed.

24 **SECTION 40.** 167.31 (4) (ar) of the statutes is created to read:

1 167.31 (4) (ar) The restrictions that apply to firearms under sub. (2) (a), (b), and
2 (c), and, if the aircraft is not a commercial aircraft, sub. (3) (a) and (b), do not apply
3 to any of the following if the firearm is a handgun, as defined in s. 175.60 (1) (bm):

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

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

8 3. A former officer, as defined in s. 941.23 (1) (c), to whom s. 941.23 (2) (c) 1. to
9 7. applies.

10 4. A licensee, as defined in s. 175.60 (1) (d), or an out-of-state licensee, as
11 defined in s. 175.60 (1) (g).

12 5. Any person who is not prohibited from possessing a firearm under s. 941.29
13 or under federal law if a statewide referendum is held on the question of whether the
14 legislature should authorize concealed carry without a license and a majority of the
15 voters voting at the referendum vote to approve the question.

16 **SECTION 41.** 167.31 (4) (at) of the statutes is created to read:

17 167.31 (4) (at) Subsections (2) (c) and (d) and (3) (b) do not apply to the
18 discharge of a firearm if the actor's conduct is justified or, had it been subject to a
19 criminal penalty, would have been subject to a defense described in s. 939.45.

20 **SECTION 42.** 175.48 of the statutes is created to read:

21 **175.48 Law enforcement officer identification cards. (1)** In this section,
22 "Wisconsin law enforcement agency" has the meaning given in s. 175.46 (1) (f).

23 **(2)** If a Wisconsin law enforcement agency issues photographic identification
24 cards to its officers, it may not require an officer to relinquish his or her card when

1 the officer separates from service with the Wisconsin law enforcement agency unless
2 one of the following applies:

3 (a) The officer may not lawfully possess a firearm under federal law.

4 (b) The officer did not separate from service in good standing as a law
5 enforcement officer with the agency.

6 (c) The officer served as a law enforcement officer for an aggregate of less than
7 10 years. This paragraph does not apply if the officer, after completing any
8 applicable probationary period of service with the agency, separated from service
9 with the agency due to a service-connected disability, as determined by the agency.

10 (d) 1. A qualified medical professional employed by the law enforcement agency
11 has found the officer to be unqualified to be a law enforcement officer for reasons
12 related to the officer's mental health.

13 2. The officer has entered into an agreement with the law enforcement agency
14 from which he or she is separating from service in which the officer acknowledges
15 that he or she is not qualified to be a law enforcement officer for reasons related to
16 the officer's mental health and in which the officer declines the photographic
17 identification for that reason.

18 **(3)** Unless sub. (2) (a), (b), (c), or (d) applies, if a Wisconsin law enforcement
19 agency does not issue photographic identification cards to its officers, it shall issue
20 such a card to an officer who separates from service with that agency upon the
21 separating officer's request and at his or her expense.

22 **(4)** This section does not restrict the right of an officer who has separated from
23 service to go armed with a firearm that is not concealed.

24 **SECTION 43.** 175.49 of the statutes is created to read:

1 **175.49 Former law enforcement officers seeking to carry concealed**
2 **weapons. (1) DEFINITIONS.** In this section:

3 (a) “Department” means the department of justice.

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

5 (c) “Firearm silencer” has the meaning given in s. 941.298 (1).

6 (d) “Former federal law enforcement officer” means a person who separated
7 from service as a law enforcement officer at a federal law enforcement agency and
8 who resides in Wisconsin.

9 (e) “Former law enforcement officer” means a person who separated from
10 service as a law enforcement officer at a state or local law enforcement agency in
11 Wisconsin.

12 (f) “Law enforcement agency” means an agency that consists of one or more
13 persons employed by the federal government, including any agency described under
14 18 USC 926C (e) (2); a state, or a political subdivision of a state; the U.S. armed forces;
15 or the national guard, that has as its purposes the prevention and detection of crime
16 and the enforcement of laws or ordinances, and that is authorized to make arrests
17 for crimes.

18 (g) “Law enforcement officer” means a person who is employed by a law
19 enforcement agency for the purpose of engaging in, or supervising others engaging
20 in, the prevention, detection, investigation, or prosecution of, or the incarceration of
21 any person for, any violation of law and who has statutory powers of arrest.

22 (h) “Machine gun” has the meaning given in s. 941.27 (1).

23 **(2) CERTIFICATION OF FORMER LAW ENFORCEMENT OFFICERS.** (a) Upon the request
24 of a former law enforcement officer and at the expense of the former law enforcement
25 agency officer, a law enforcement agency that employed the former law enforcement

1 officer shall, except as provided in par. (b), issue the former law enforcement officer
2 a certification card as described in sub. (4) stating all of the following:

3 1. The type of firearm the former law enforcement officer is certified to carry,
4 but no former law enforcement officer may be certified to carry a machine gun, a
5 firearm silencer, or a destructive device.

6 2. The former law enforcement officer has been found by the state, or by a
7 certified firearms instructor if such an instructor is qualified to conduct a firearms
8 qualification test for law enforcement officers in the state, to meet the standards for
9 qualification in firearms training for law enforcement officers to carry a firearm of
10 the type under subd. 1., that are established by the state or, if the state does not
11 establish standards, by the law enforcement agency from which the former law
12 enforcement officer separated.

13 3. The date on which the finding under subd. 2. was made and an expiration
14 date that is 12 months later than that date.

15 4. That, due to the finding under subd. 2., the former law enforcement officer
16 is qualified to carry a concealed firearm of the type under subd. 1.

17 (b) The law enforcement agency may not issue the former law enforcement
18 officer a certification card under par. (a) unless the law enforcement agency first
19 verifies all of the following:

20 1. The former law enforcement officer separated from service as a law
21 enforcement officer with the law enforcement agency in good standing.

22 2. The former law enforcement officer served as a law enforcement officer for
23 an aggregate of at least 10 years or the former law enforcement officer separated
24 from law enforcement service due to a service-connected disability, as determined
25 by the law enforcement agency, after completing any applicable probationary period.

1 3. a. A qualified medical professional employed by the law enforcement agency
2 has not found the former law enforcement officer to be unqualified to be a law
3 enforcement officer for reasons related to the former officer's mental health.

4 b. The former law enforcement officer has not entered into an agreement with
5 the law enforcement agency from which he or she separated from service in which
6 the former officer acknowledges that he or she is not qualified to be a law enforcement
7 officer for reasons related to his or her mental health and in which he or she declines
8 the photographic identification for that reason.

9 4. The former law enforcement officer is not prohibited under federal law from
10 possessing a firearm as indicated by a search of the transaction information for
11 management of enforcement system and the national crime information center
12 system.

13 5. The former law enforcement officer has, during the previous 12 months at
14 his or her own expense, been found by the state, or by a certified firearms instructor
15 if such an instructor is qualified to conduct a firearms qualification test for law
16 enforcement officers in the state, to meet the standards for qualification in firearms
17 training for law enforcement officers to carry a firearm of the type under par. (a) 1.,
18 that are established by the state or, if the state does not establish standards, by the
19 law enforcement agency from which the former law enforcement officer separated.

20 **(3) CERTIFICATION OF FORMER FEDERAL LAW ENFORCEMENT OFFICERS.** (a) Upon the
21 request of a former federal law enforcement officer and at the expense of the former
22 federal law enforcement officer, the department shall, except as provided in par. (b),
23 issue the former federal law enforcement officer a certification card as described in
24 sub. (4) stating all of the following:

1 1. The type of firearm the former federal law enforcement officer is certified to
2 carry, but no former federal law enforcement officer may be certified to carry a
3 machine gun, a firearm silencer, or a destructive device.

4 2. The former federal law enforcement officer been found by the state, or by a
5 certified firearms instructor if such an instructor is qualified to conduct a firearms
6 qualification test for law enforcement officers in the state, to meet the standards for
7 qualification in firearms training for law enforcement officers to carry a firearm of
8 the type under subd. 1., that are established by the state or, if the state does not
9 establish standards, by any law enforcement agency in the state.

10 3. The date on which the finding under subd. 2. was made and an expiration
11 date that is 12 months later than that date.

12 4. That, due to the finding under subd. 2., the former federal law enforcement
13 officer is qualified to carry a concealed firearm of the type under subd. 1.

14 (b) The department may not issue the former federal law enforcement officer
15 a certification card under par. (a) unless the department first verifies all of the
16 following:

17 1. The former federal law enforcement officer separated from service as a law
18 enforcement officer with the law enforcement agency in good standing.

19 2. The former federal law enforcement officer served as a law enforcement
20 officer for an aggregate of at least 10 years or the former federal law enforcement
21 officer separated from law enforcement service due to a service-connected disability,
22 as determined by the law enforcement agency from which the former federal law
23 enforcement officer separated, after completing any applicable probationary period.

24 3. a. A qualified medical professional employed by the law enforcement agency
25 from which the former federal law enforcement officer separated has not found the

1 former federal law enforcement officer to be unqualified to be a law enforcement
2 officer for reasons related to the former officer's mental health.

3 b. The former federal law enforcement officer has not entered into an
4 agreement with the law enforcement agency from which he or she separated from
5 service in which the former officer acknowledges that he or she is not qualified to be
6 a law enforcement officer for reasons related to his or her mental health.

7 4. The former federal law enforcement officer is not prohibited under federal
8 law from possessing a firearm as indicated by a search of the transaction information
9 for management of enforcement system and the national crime information center
10 system.

11 5. The former federal law enforcement officer has, during the previous 12
12 months at his or her own expense, been found by the state, or by a certified firearms
13 instructor if such an instructor is qualified to conduct a firearms qualification test
14 for law enforcement officers in the state, to meet the standards for qualification in
15 firearms training for law enforcement officers to carry a firearm of the type under
16 par. (a) 1., that are established by the state or, if the state does not establish
17 standards, by any law enforcement agency in the state.

18 **(4) CERTIFICATION CARDS.** (a) 1. Subject to pars. (b), (c), and (d) and sub. (3) (a),
19 the department shall design a certification card to be issued by the department under
20 sub. (3) (a).

21 2. Subject to pars. (b), (c), and (d) and sub. (2) (a), each law enforcement agency,
22 upon a request, shall design a certification card to be issued by the law enforcement
23 agency under sub. (2) (a).

24 (b) A certification card shall contain on one side all of the following:

1 1. The full name, date of birth, and residence address of the person who holds
2 the certification card.

3 2. A photograph of the certification card holder and a physical description that
4 includes sex, height, and eye color.

5 3. The name of this state.

6 (c) A certification card shall include a statement that the certification card does
7 not confer any law enforcement authority on the certification card holder and does
8 not make the certification card holder an employee or agent of the certifying agency
9 or department.

10 (d) A certification card may not contain the certification card holder's social
11 security number.

12 **(5) RENEWAL OF CERTIFICATION CARDS.** A person who holds a current certification
13 card issued under sub. (2) or (3) may renew the certification card by requesting the
14 law enforcement agency or the department, whichever issued the current
15 certification card, to renew the certification card at the expense of the person holding
16 the card, if, before the date the certification card expires, the law enforcement agency
17 verifies sub. (2) (b) 4. and 5. if the certification card holder is a former law
18 enforcement officer, or the department verifies sub. (3) (b) 4. and 5. if the certification
19 card holder is a former federal law enforcement officer, and the certification card
20 holder provides any information necessary for the verification. The renewal shall
21 state the date on which verification was made and an expiration date that is 12
22 months later than that date.

23 **(5m) FEES.** The department may charge a fee to verify eligibility for a
24 certification card under this section, for the issuance of a certification card under sub.
25 (3), or for the renewal of a certification card under sub. (5), but the fee may not exceed

1 the costs the department incurs in verifying eligibility or for issuing or renewing a
2 certification card. Payments made to the department under this subsection shall be
3 credited to the appropriation account under s. 20.455 (2) (gu).

4 **(6) IMMUNITY.** (a) When acting in good faith under this section, the department
5 and its employees and a law enforcement agency and its employees are immune from
6 civil and criminal liability arising from any act or omission under this section.

7 (b) When acting in good faith under this section, an entity providing firearms
8 training to comply with the requirements under sub. (2) (a) 2., (3) (a) 2., or (5) and
9 its employees are immune from civil and criminal liability arising from any act or
10 omission that is related to that training.

11 **(7) GOING ARMED WITH A FIREARM.** This section does not limit a former officer's
12 right to go armed with a firearm that is not concealed.

13 **SECTION 44.** 175.60 of the statutes is created to read:

14 **175.60 License to carry a concealed weapon. (1) DEFINITIONS.** In this
15 section:

16 (ac) "Background check" means the searches the department conducts under
17 sub. (9g) to determine a person's eligibility for a license to carry a concealed weapon.

18 (ag) "Carry" means to go armed with.

19 (b) "Department" means the department of justice.

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

25 (bv) "Law enforcement agency" does not include the department.

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) “Motor vehicle” has the meaning given in s. 340.01 (35).

5 (f) “Out-of-state license” means a valid permit, license, approval, or other
6 authorization issued by another state if all of the following apply:

7 1. The permit, license, approval, or other authorization is for the carrying of a
8 concealed weapon.

9 2. The state is listed in the rule promulgated by the department under s. 165.25
10 (12) and, if that state does not require a background search for the permit, license,
11 approval, or authorization, the permit, license, approval, or authorization
12 designates that the holder chose to submit to a background search.

13 (g) “Out-of-state licensee” means an individual who is 21 years of age or over,
14 who is not a Wisconsin resident, and who has been issued an out-of-state license.

15 (h) “Photographic identification card” means one of the following:

16 1. An operator’s license issued under ch. 343 or an identification card issued
17 under s. 343.50.

18 2. A license or card issued by a state other than Wisconsin that is substantially
19 equivalent to a license or card under subd. 1.

20 (i) “State identification card number” means the unique identifying driver
21 number assigned to a person by the department of transportation under s. 343.17 (3)
22 (a) 4. or, if the person has no driver number, the number assigned to the person on
23 an identification card issued under s. 343.50.

24 (j) “Weapon” means a handgun, an electric weapon, as defined in s. 941.295 (1c)
25 (a), a knife other than a switchblade knife under s. 941.24, or a billy club.

1 **(2) ISSUANCE AND SCOPE OF LICENSE.** (a) The department shall issue a license
2 to carry a concealed weapon to any individual who is not disqualified under sub. (3)
3 and who completes the application process specified in sub. (7). A license to carry a
4 concealed weapon issued under this section shall meet the requirements specified in
5 sub. (2m).

6 (b) The department may not impose conditions, limitations, or requirements
7 that are not expressly provided for in this section on the issuance, scope, effect, or
8 content of a license.

9 (c) Unless expressly provided in this section, this section does not limit an
10 individual's right to carry a firearm that is not concealed.

11 (d) If a statewide referendum is held on the question of whether the legislature
12 should authorize concealed carry without a license and a majority of the voters voting
13 at the referendum vote to approve the question, the license issued under this section
14 shall be optional and shall convey no additional rights under Wisconsin state law to
15 carry a firearm that is concealed than an individual who does not have a license
16 issued under this section has to carry a firearm that is concealed.

17 **(2g) CARRYING A CONCEALED WEAPON; POSSESSION AND DISPLAY OF LICENSE**
18 **DOCUMENT OR AUTHORIZATION.** (a) A licensee or an out-of-state licensee may carry a
19 concealed weapon anywhere in this state except as provided under subs. (15m) and
20 (16) and ss. 943.13 (1m) (c) and (1n) and 948.605 (2) (b) 1r.

21 (b) Unless the licensee or out-of-state licensee is carrying a concealed weapon
22 in a manner described under s. 941.23 (2) (e), a licensee shall have with him or her
23 his or her license document and photographic identification card and an out-of-state
24 licensee shall have with him or her his or her out-of-state license and photographic

1 identification card at all times during which he or she is carrying a concealed
2 weapon.

3 (c) Unless the licensee or out-of-state licensee is carrying a concealed weapon
4 in a manner described under s. 941.23 (2) (e), a licensee who is carrying a concealed
5 weapon shall display his or her license document and photographic identification
6 card and an out-of-state licensee who is carrying a concealed weapon shall display
7 his or her out-of-state license and photographic identification card to a law
8 enforcement officer upon the request of the law enforcement officer.

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

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

- 16 1. The full name, date of birth, and residence address of the licensee.
- 17 2. A physical description of the licensee, including sex, height, hair color, and
18 eye color.
- 19 3. The date on which the license was issued.
- 20 4. The date on which the license expires.
- 21 5. The name of this state.
- 22 6. A unique identification number for each licensee.

23 (bm) The reverse side of a license document issued under this section shall
24 contain the requirement under sub. (11) (b) that the licensee shall inform the

1 department of any address change no later than 30 days after his or her address
2 changes and the penalty for a violation of the requirement.

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

4 (d) 1. The contents of the license document shall be included in the document
5 in substantially the same way that the contents of an operator's license document
6 issued under s. 343.17 are included in that document.

7 2. The license document issued under this section shall be tamper proof in
8 substantially the same way that the operator's license is tamper proof under s.
9 343.17 (2).

10 (e) The department of justice may contract with the department of
11 transportation to produce and issue license documents under this section. Neither
12 the department of transportation nor any employee of the department of
13 transportation may store, maintain, or access the information provided by the
14 department of justice for the production or issuance of license documents other than
15 to the extent necessary to produce or issue the license documents.

16 **(3) RESTRICTIONS ON ISSUING A LICENSE.** The department shall issue a license
17 under this section to an individual who submits an application under sub. (7) unless
18 any of the following applies:

19 (a) The individual is less than 21 years of age.

20 (b) The individual is prohibited under federal law from possessing a firearm
21 that has been transported in interstate or foreign commerce.

22 (c) The individual is prohibited from possessing a firearm under s. 941.29.

23 (d) The individual is not a Wisconsin resident.

24 **(5) APPLICATION AND RENEWAL FORMS.** (a) The department shall design an
25 application form for use by individuals who apply for a license under this section and

1 a renewal form for use by individuals applying for renewal of a license under sub.
2 (15). The department shall complete the design of the application form no later than
3 the first day of the 2nd month beginning after the effective date of this paragraph
4 [LRB inserts date], and shall complete the design of the renewal form no later than
5 the first day of the 36th month beginning after the effective date of this paragraph
6 [LRB inserts date]. The forms shall require the applicant to provide only his or
7 her name, address, date of birth, state identification card number, race, sex, height,
8 hair color, and eye color and shall include all of the following:

9 1. A statement that the applicant is ineligible for a license if sub. (3) (a), (b), (c),
10 or (d) applies to the applicant.

11 2. A statement explaining self–defense and defense of others under s. 939.48,
12 with a place for the applicant to sign his or her name to indicate that he or she has
13 read and understands the statement.

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

16 4. A statement that an applicant may be prosecuted if he or she intentionally
17 gives a false answer to any question on the application or intentionally submits a
18 falsified document with the application.

19 5. A statement of the penalties for intentionally giving a false answer to any
20 question on the application or intentionally submitting a falsified document with the
21 application.

22 6. A statement of the places under sub. (16) where a licensee is prohibited from
23 carrying a weapon, as well as an explanation of the provisions under sub. (15m) and
24 ss. 943.13 (1m) (c) and (1n) and 948.605 (2) (b) 1r. that could limit the places where

1 the licensee may carry a weapon, with a place for the applicant to sign his or her name
2 to indicate that he or she has read and understands the statement.

3 (b) The department shall make the forms described in this subsection available
4 on the Internet and, upon request, by mail.

5 **(7) SUBMISSION OF APPLICATION.** An individual may apply for a license under this
6 section with the department by submitting, by mail or other means made available
7 by the department, to the department all of the following:

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

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

12 (c) A license fee in an amount, as determined by the department by rule, that
13 is equal to the cost of issuing the license but does not exceed \$52. The department
14 shall determine the costs of issuing a license by using a 5–year planning period.

15 (d) A fee for a background check that is equal to the fee charged under s. 175.35
16 (2i).

17 (e) Proof that the applicant completed a training course that is at least 2 hours
18 long and that is conducted by an instructor certified by a national or state
19 organization that certifies firearms training instructors.

20 **(9) PROCESSING OF APPLICATION.** (a) Upon receiving an application submitted
21 under sub. (7), the department shall conduct a background check.

22 (b) Within 21 days after receiving a complete application under sub. (7), the
23 department shall do one of the following:

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

1 2. Deny the application, but only if sub. (3) (a), (b), (c), or (d) applies to the
2 applicant. If the department denies the application, the department shall inform the
3 applicant in writing, stating the reason and factual basis for the denial.

4 **(9g) BACKGROUND CHECKS.** (a) The department shall conduct a background
5 check regarding an applicant for a license using the following procedure:

6 1. The department shall create a confirmation number associated with the
7 applicant.

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

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

11 a. If the background check indicates sub. (3) (b) or (c) applies to the applicant,
12 create a unique nonapproval number for the applicant.

13 b. If the completed background check does not indicate that sub. (3) (b) or (c)
14 applies to the applicant, create a unique approval number for the applicant.

15 (b) The department shall maintain a record of all completed application forms
16 and a record of all approval or nonapproval numbers regarding background checks
17 under this subsection.

18 **(9r) EMERGENCY LICENSE.** (a) An individual who requires an immediate license
19 may petition the court in the county in which he or she resides for such a license.
20 Unless the court knows that the individual is ineligible for a license under sub. (3),
21 a court may issue a temporary license to an individual if the court determines that
22 immediate licensure is warranted to protect the individual from death or great bodily
23 harm, as defined in s. 939.22 (14).

24 (b) An emergency license issued under this subsection is valid for 30 days
25 unless it is void under par. (c).

1 (c) If the holder of an emergency license issued under par. (a) applies for a
2 license under sub. (7) and is determined to be ineligible under sub. (3) for a license,
3 the emergency license is void.

4 **(11) UPDATED INFORMATION.** (a) 1. In this paragraph:

5 a. “Clerk” means the clerk of the circuit court or, if it has enacted a law or an
6 ordinance in conformity with s. 346.63, the clerk of the court for a federally
7 recognized American Indian tribe or band in this state, a city, a village, or a town.

8 b. “Court automated information systems” means the systems under s. 758.19
9 (4).

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

15 a. The individual is found by a court to have committed a felony or any other
16 crime that would disqualify the individual from having a license under this section.

17 b. The individual is found incompetent under s. 971.14.

18 c. The individual is found not guilty of any crime by reason of mental disease
19 or mental defect under s. 971.17.

20 d. The individual is involuntarily committed for treatment under s. 51.20 or
21 51.45.

22 e. The individual is found incompetent under ch. 54.

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

1 g. A court has prohibited the individual from possessing a dangerous weapon
2 under s. 969.02 (3) (c).

3 h. A court has ordered the individual not to possess a firearm under s. 51.20
4 (13) (cv) 1., 51.45 (13) (i) 1., 54.10 (3) (f) 1., or 55.12 (10) (a).

5 3. Upon receiving a notice under subd. 2., the department shall immediately
6 determine if the individual who is the subject of the notice is a licensee, using the list
7 maintained under sub. (12) (a).

8 (b) 1. No later than 30 days after changing his or her address, a licensee shall
9 inform the department of the new address. The department shall include the
10 individual's new address in the list under sub. (12) (a).

11 2. Except as provided in subd. 3., for a first violation of subd. 1., the department
12 must issue the licensee a warning.

13 3. If an individual is in violation of subd. 1. and his or her license has been
14 suspended or revoked under sub. (14), the individual is subject to the penalty under
15 sub. (17) (ac).

16 4. A licensee may not be charged with a violation of subd. 1. if the department
17 learns of the violation when the licensee informs the department of the address
18 change.

19 **(12) MAINTENANCE, USE, AND PUBLICATION OF RECORDS BY THE DEPARTMENT.** (a) The
20 department shall maintain a computerized record listing the names and the
21 information specified in sub. (2m) (b) of all individuals who have been issued a license
22 under this section. Subject to par. (b) 1. b., neither the department nor any employee
23 of the department may store, maintain, format, sort, or access the information in any
24 way other than by the names, dates of birth, or sex of licensees or by the identification
25 numbers assigned to licensees under sub. (2m) (b) 6.

1 (b) 1. A law enforcement officer may not request or be provided information
2 under par. (a) concerning a specific licensee except for one of the following purposes:

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

5 b. If an individual is carrying a concealed weapon and claims to hold a valid
6 license issued under this section but does not have his or her license document, to
7 confirm that the individual holds a valid license under this section.

8 c. To investigate whether an individual submitted an intentionally false
9 statement under sub. (7) (b) or (15) (b) 2.

10 d. To investigate whether an individual complied with sub. (14) (b) 3.

11 2. A person who is a law enforcement officer in a state other than Wisconsin
12 may request and be provided information under subd. 1. a. and b.

13 (c) Notwithstanding s. 19.35, the department of justice, the department of
14 transportation, or any employee of either department may not make information
15 obtained under this section available to the public except in the context of a
16 prosecution for an offense in which the person's status as a licensee is relevant or
17 through a report created under sub. (19).

18 **(12g) PROVIDING LICENSEE INFORMATION TO LAW ENFORCEMENT AGENCIES.** (a) The
19 department shall provide information concerning a specific licensee to a law
20 enforcement agency, but only if the law enforcement agency is requesting the
21 information for any of the following purposes:

22 1. To confirm that a license produced by an individual at the request of a law
23 enforcement officer is valid.

1 2. If an individual is carrying a concealed weapon and claims to hold a valid
2 license issued under this section but does not have his or her license document, to
3 confirm that an individual holds a valid license under this section.

4 3. If the law enforcement agency is a Wisconsin law enforcement agency, to
5 investigate whether an individual submitted an intentionally false statement under
6 sub. (7) (b) or (15) (b) 2.

7 (b) 1. Notwithstanding s. 19.35, neither a law enforcement agency nor any of
8 its employees may make information regarding an individual that was obtained from
9 the department under this subsection available to the public except in the context
10 of a prosecution for an offense in which the person's status as a licensee is relevant.

11 2. Neither a law enforcement agency nor any of its employees may store or
12 maintain information regarding an individual that was obtained from the
13 department under this subsection based on the individual's status as a licensee.

14 3. Neither a law enforcement agency nor any of its employees may sort or access
15 information regarding vehicle stops, investigations, civil or criminal offenses, or
16 other activities involving the agency based on the status as licensees of any
17 individuals involved.

18 **(13) LOST OR DESTROYED LICENSE.** If a license document is lost, a licensee no
19 longer has possession of his or her license, or a license document is destroyed,
20 unreadable, or unusable, a licensee may submit to the department a statement
21 requesting a replacement license document, the license document or any portions of
22 the license document if available, and a \$15 replacement fee. The department shall
23 issue a replacement license document to the licensee within 14 days of receiving the
24 statement and fee. If the licensee does not submit the original license document to
25 the department, the department shall terminate the unique approval number of the

1 original request and issue a new unique approval number for the replacement
2 request.

3 **(14) LICENSE REVOCATION AND SUSPENSION.** (a) The department shall revoke a
4 license issued under this section if the department determines that sub. (3) (b), (c),
5 or (d) applies to the licensee.

6 (am) The department shall suspend a license issued under this section if a court
7 has prohibited the licensee from possessing a dangerous weapon under s. 969.02 (3)
8 (c). If the individual whose license was suspended is no longer subject to the
9 prohibition under s. 969.02 (3) (c), sub. (3) (b), (c), or (d) does not apply to the
10 individual, and the suspended license would not have expired under sub. (15) (a) had
11 it not been suspended, the department shall restore the license within 5 business
12 days of notification that the licensee is no longer subject to the prohibition.

13 (b) 1. If the department suspends or revokes a license issued under this section,
14 the department shall send the individual whose license has been suspended or
15 revoked notice of the suspension or revocation by certified mail within one day after
16 the suspension or revocation.

17 2. If the department suspends or revokes a license under this section, the
18 suspension or revocation takes effect when the individual whose license has been
19 suspended or revoked receives the notice under subd. 1.

20 3. Within 7 days after receiving the notice, the individual whose license has
21 been suspended or revoked shall do one of the following:

22 a. Deliver the license document personally or by certified mail to the
23 department.

1 b. Mail a signed statement to the department stating that he or she no longer
2 has possession of his or her license document and stating the reasons why he or she
3 no longer has possession.

4 **(14g)** DEPARTMENTAL REVIEW. The department shall promulgate rules providing
5 for the review of any action by the department denying an application for, or
6 suspending or revoking, a license under this section.

7 **(14m)** APPEALS TO THE CIRCUIT COURT. (a) An individual aggrieved by any action
8 by the department denying an application for, or suspending or revoking, a license
9 under this section, may appeal directly to the circuit court of the county in which the
10 individual resides without regard to whether the individual has sought review under
11 the process established in sub. (14g).

12 (b) To begin an appeal under this subsection, the aggrieved individual shall file
13 a petition for review with the clerk of the applicable circuit court within 30 days of
14 receiving notice of denial of an application for a license or of suspension or revocation
15 of a license. The petition shall state the substance of the department's action from
16 which the individual is appealing and the grounds upon which the individual
17 believes the department's action to be improper. The petition may include a copy of
18 any records or documents that are relevant to the grounds upon which the individual
19 believes the department's action to be improper.

20 (c) A copy of the petition shall be served upon the department either personally
21 or by registered or certified mail within 5 days after the individual files his or her
22 petition under par. (b).

23 (d) The department shall file an answer within 15 days after being served with
24 the petition under par. (c). The answer shall include a brief statement of the actions

1 taken by the department. The department shall include with the answer when filed
2 a copy of any documents or records on which the department based its action.

3 (e) The court shall review the petition, the answer, and any records or
4 documents submitted with the petition or the answer. The review under this
5 paragraph shall be conducted by the court without a jury but the court may schedule
6 a hearing and take testimony.

7 (f) The court shall reverse the department's action if the court finds any of the
8 following:

9 1. That the department failed to follow any procedure, or take any action,
10 prescribed under this section.

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

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

15 4. a. If the appeal is regarding a denial, that the denial was based on factors
16 other than the factors under sub. (3).

17 b. If the appeal is regarding a suspension or revocation, that the suspension or
18 revocation was based on criteria other than those under sub. (14) (a) or (am).

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

21 2. If the court reverses the department's action, the court may order the
22 department to pay the aggrieved individual all court costs and reasonable attorney
23 fees.

24 **(15) LICENSE EXPIRATION AND RENEWAL.** (a) Except as provided in par. (e) and
25 sub. (9r) (b), a license issued under this section is valid for a period of 5 years from

1 the date on which the license is issued unless the license is suspended or revoked
2 under sub. (14).

3 (b) The department shall design a notice of expiration form. At least 90 days
4 before the expiration date of a license issued under this section, the department shall
5 mail to the licensee a notice of expiration form and a form for renewing the license.
6 The department shall renew the license if, no later than 90 days after the expiration
7 date of the license, the licensee does all of the following:

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

9 2. Submits a statement reporting that the information provided under subd.
10 1. is true and complete to the best of his or her knowledge and that he or she is not
11 disqualified under sub. (3).

12 4. Pays all of the following:

13 a. A renewal fee in an amount, as determined by the department by rule, that
14 is equal to the cost of renewing the license but does not exceed \$27. The department
15 shall determine the costs of renewing a license by using a 5–year planning period.

16 b. A fee for a background check that is equal to the fee charged under s. 175.35
17 (2i).

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

20 (d) The department shall issue a renewal license by 1st class mail within 21
21 days of receiving a renewal application, statement, and fees under par. (b).

22 (e) The license of a member of the U.S. armed forces, a reserve unit of the armed
23 forces, or the national guard who is deployed overseas while on active duty may not
24 expire until at least 90 days after the end of the licensee’s overseas deployment
25 unless the license is suspended or revoked under sub. (14).

1 **(15m) EMPLOYER RESTRICTIONS.** (a) Except as provided in par. (b), an employer
2 may prohibit a licensee or an out-of-state licensee that it employs from carrying a
3 concealed weapon or a particular type of concealed weapon in the course of the
4 licensee's or out-of-state licensee's employment or during any part of the licensee's
5 or out-of-state licensee's course of employment.

6 (b) An employer may not prohibit a licensee or an out-of-state licensee, as a
7 condition of employment, from carrying a concealed weapon, a particular type of
8 concealed weapon, or ammunition or from storing a weapon, a particular type of
9 weapon, or ammunition in the licensee's or out-of-state licensee's own motor vehicle,
10 regardless of whether the motor vehicle is used in the course of employment or
11 whether the motor vehicle is driven or parked on property used by the employer.

12 **(16) PROHIBITED ACTIVITY.** (a) Except as provided in par. (am) and s. 943.13 (1m)
13 and (1n), a licensee or an out-of-state licensee may carry a concealed weapon or a
14 weapon that is not concealed anywhere on publicly owned property and in publicly
15 owned buildings in this state.

16 (am) 1. Except as provided in subd. 2., neither a licensee nor an out-of-state
17 licensee may knowingly carry a concealed weapon, a weapon that is not concealed,
18 or a firearm that is not a weapon in any portion of a building that is a police station,
19 sheriff's office, or state patrol station; a prison, jail, house of correction, or secured
20 correctional facility; a county, state, or federal courthouse; or a place beyond a
21 security checkpoint in an airport.

22 2. The prohibitions under subd. 1. do not apply to any of the following:

23 a. A weapon in a vehicle driven or parked in a parking facility located in a
24 building that is used as, or any portion of which is used as, a location under subd. 1.

1 b. A weapon in a courthouse if a judge who is a licensee is carrying the weapon
2 or if another licensee or out-of-state licensee, whom a judge has permitted in writing
3 to carry a weapon, is carrying the weapon.

4 c. A weapon in a courthouse if a district attorney, or an assistant district
5 attorney, who is a licensee is carrying the weapon.

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

8 (ac) Except as provided in sub. (11) (b) 2., any person who violates sub. (11) (b)
9 1. may be required to forfeit \$50.

10 (ag) Any person who violates sub. (2m) (e), (12), or (12g) may be fined not more
11 than \$500 or sentenced to a term of imprisonment of not more than 30 days or both.

12 (ar) Any law enforcement officer who uses excessive force based solely on an
13 individual's status as a licensee may be fined not more than \$500 or sentenced to a
14 term of imprisonment of not more than 30 days or both. The application of the
15 criminal penalty under this paragraph does not preclude the application of any other
16 civil or criminal remedy.

17 (b) Any person who violates sub. (16) (am) may be fined not more than \$500 or
18 imprisoned for not more than 30 days or both.

19 (e) Any person required under sub. (14) (b) 3. to relinquish or deliver a license
20 document to the department who intentionally violates the requirements of that
21 subdivision shall be fined not more than \$500 and may be imprisoned for not more
22 than 30 days or both.

23 **(18) RECIPROCITY AGREEMENTS.** The department may enter into reciprocity
24 agreements with other states as to matters relating to licenses or other authorization
25 to carry concealed weapons.

1 **(19) STATISTICAL REPORT.** By March 1 of each year, the department shall submit
2 a statistical report to the legislature under s. 13.172 (2) and to the governor that
3 indicates the number of licenses applied for, issued, denied, suspended, and revoked
4 under this section during the previous calendar year. For the licenses denied, the
5 report shall indicate the reasons for the denials and the part of the application
6 process in which the reasons for denial were discovered. For the licenses suspended
7 or revoked, the report shall indicate the reasons for the suspensions and revocations.
8 The department may not include in the report any information that may be used to
9 identify an applicant or a licensee, including, but not limited to, a name, address,
10 birth date, or social security number.

11 **(21) IMMUNITY.** (a) The department of justice, the department of
12 transportation, and the employees of each department; clerks, as defined in sub. (11)
13 (a) 1. a., and their staff; and court automated information systems, as defined under
14 sub. (11) (a) 1. b., and their employees are immune from liability arising from any act
15 or omission under this section, if done so in good faith.

16 (b) A person that does not prohibit an individual from carrying a concealed
17 weapon on property that the person owns or occupies is immune from any liability
18 arising from its decision.

19 (c) An employer that does not prohibit one or more employees from carrying a
20 concealed weapon under sub. (15m) is immune from any liability arising from its
21 decision.

22 (d) A person providing a firearms training course in good faith is immune from
23 liability arising from any act or omission related to the course if the course is one
24 described in sub. (7) (e).

1 **SECTION 45.** 440.26 (3m) of the statutes is renumbered 440.26 (3m) (intro.) and
2 amended to read:

3 **440.26 (3m) RULES CONCERNING DANGEROUS WEAPONS.** (intro.) The department
4 shall promulgate rules relating to the carrying of dangerous weapons by a person
5 who holds a license or permit issued under this section or who is employed by a
6 person licensed under this section. The rules shall meet the minimum requirements
7 specified in 15 USC 5902 (b). and shall allow all of the following:

8 **SECTION 46.** 440.26 (3m) (a) of the statutes is created to read:

9 **440.26 (3m) (a)** A person who is employed in this state by a public agency as
10 a law enforcement officer to carry a concealed firearm if s. 941.23 (1) (g) 2. to 5. and
11 (2) (b) 1. to 3. applies.

12 **SECTION 47.** 440.26 (3m) (b) of the statutes is created to read:

13 **440.26 (3m) (b)** A qualified out-of-state law enforcement officer, as defined in
14 s. 941.23 (1) (g), to carry a concealed firearm if s. 941.23 (2) (b) 1. to 3. applies.

15 **SECTION 48.** 440.26 (3m) (c) of the statutes is created to read:

16 **440.26 (3m) (c)** A former officer, as defined in s. 941.23 (1) (c), to carry a
17 concealed firearm if s. 941.23 (2) (c) 1. to 7. applies.

18 **SECTION 49.** 440.26 (3m) (d) of the statutes is created to read:

19 **440.26 (3m) (d)** A licensee, as defined in s. 175.60 (1) (d), or an out-of-state
20 licensee, as defined in s. 175.60 (1) (g), to carry a concealed weapon as permitted
21 under s. 175.60.

22 **SECTION 50.** 440.26 (3m) (e) of the statutes is created to read:

23 **440.26 (3m) (e)** Any person who is not prohibited from possessing a firearm
24 under s. 941.29 or under federal law to carry a concealed weapon where carrying a
25 weapon is legal if a statewide referendum is held on the question of whether the

1 legislature should authorize concealed carry without a license and a majority of the
2 voters voting at the referendum vote to approve the question.

3 **SECTION 51.** 813.12 (6) (am) 1. of the statutes is amended to read:

4 813.12 **(6)** (am) 1. If an injunction is issued or extended under sub. (4) or if a
5 tribal injunction is filed under s. 806.247 (3), the clerk of the circuit court shall notify
6 the department of justice of the injunction and shall provide the department of
7 justice with information concerning the period during which the injunction is in
8 effect and information necessary to identify the respondent for purposes of a firearms
9 restrictions record search under s. 175.35 (2g) (c) or a background check under s.
10 175.60 (9g) (a).

11 **SECTION 52.** 813.122 (9) (am) 1. of the statutes is amended to read:

12 813.122 **(9)** (am) 1. If an injunction is issued or extended under sub. (5), the
13 clerk of the circuit court shall notify the department of justice of the injunction and
14 shall provide the department of justice with information concerning the period
15 during which the injunction is in effect and information necessary to identify the
16 respondent for purposes of a firearms restrictions record search under s. 175.35 (2g)
17 (c) or a background check under s. 175.60 (9g) (a).

18 **SECTION 53.** 813.125 (5r) (a) of the statutes is amended to read:

19 813.125 **(5r)** (a) If an order prohibiting a respondent from possessing a firearm
20 is issued under sub. (4m), the clerk of the circuit court shall notify the department
21 of justice of the existence of the order prohibiting a respondent from possessing a
22 firearm and shall provide the department of justice with information concerning the
23 period during which the order is in effect and information necessary to identify the
24 respondent for purposes of a firearms restrictions record search under s. 175.35 (2g)
25 (c) or a background check under s. 175.60 (9g) (a).

1 **SECTION 54.** 895.527 (5) (a) of the statutes is amended to read:

2 895.527 **(5)** (a) Section 167.30 (1), 941.20 (1) (d) or 948.605 or any rule
3 promulgated under those sections regulating or prohibiting the discharge of
4 firearms.

5 **SECTION 55.** 938.396 (2g) (n) of the statutes is amended to read:

6 938.396 **(2g)** (n) *Firearms restriction record search or background check*. If a
7 juvenile is adjudged delinquent for an act that would be a felony if committed by an
8 adult, the court clerk shall notify the department of justice of that fact. No other
9 information from the juvenile's court records may be disclosed to the department of
10 justice except by order of the court. The department of justice may disclose any
11 information provided under this subsection only as part of a firearms restrictions
12 record search under s. 175.35 (2g) (c) or a background check under s. 175.60 (9g) (a).

13 **SECTION 56.** 939.22 (10) of the statutes is amended to read:

14 939.22 **(10)** “Dangerous weapon” means any firearm, whether loaded or
15 unloaded; any device designed as a weapon and capable of producing death or great
16 bodily harm; any ligature or other instrumentality used on the throat, neck, nose, or
17 mouth of another person to impede, partially or completely, breathing or circulation
18 of blood; any electric weapon, as defined in s. 941.295 (4) (1c) (a); or any other device
19 or instrumentality which, in the manner it is used or intended to be used, is
20 calculated or likely to produce death or great bodily harm.

21 **SECTION 57.** 941.23 of the statutes is renumbered 941.23 (2) (intro.) and
22 amended to read:

23 941.23 **(2)** (intro.) Any person ~~except a peace officer, other than one of the~~
24 following, who ~~goes armed with~~ carries a concealed and dangerous weapon is guilty
25 of a Class A misdemeanor. ~~Notwithstanding:~~

1 (a) A peace officer, but notwithstanding s. 939.22, for purposes of this section
2 paragraph, peace officer does not include a commission warden who is not a
3 state-certified commission warden.

4 **SECTION 58.** 941.23 (1) of the statutes is created to read:

5 **941.23 (1)** In this section:

6 (ag) “Carry” has the meaning given in s. 175.60 (1) (ag).

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

8 (b) “Firearm silencer” has the meaning given in s. 941.298 (1).

9 (c) “Former officer” means a person who served as a law enforcement officer
10 with a law enforcement agency before separating from law enforcement service.

11 (d) “Law enforcement agency” has the meaning given in s. 175.49 (1) (f).

12 (e) “Law enforcement officer” has the meaning given in s. 175.49 (1) (g).

13 (f) “Machine gun” has the meaning given in s. 941.27 (1).

14 (g) “Qualified out-of-state law enforcement officer” means a law enforcement
15 officer to whom all of the following apply:

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

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

19 3. The person is not the subject of any disciplinary action by the agency that
20 could result in the suspension or loss of the person’s law enforcement authority.

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

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

24 **SECTION 59.** 941.23 (2) (b) of the statutes is created to read:

1 941.23 (2) (b) A qualified out-of-state law enforcement officer. This paragraph
2 applies only if all of the following apply:

- 3 1. The weapon is a firearm but is not a machine gun or a destructive device.
- 4 2. The officer is not carrying a firearm silencer.
- 5 3. The officer is not under the influence of an intoxicant.

6 **SECTION 60.** 941.23 (2) (c) of the statutes is created to read:

7 941.23 (2) (c) A former officer. This paragraph applies only if all of the following
8 apply:

9 1. The former officer has been issued a photographic identification document
10 described in sub. (3) (b) 1. or both of the following:

- 11 a. A photographic identification document described in sub. (3) (b) 2. (intro.).
- 12 b. An identification card described in sub. (3) (b) 2. a., if the former officer
13 resides in this state, or a certification described in sub. (3) (b) 2. b., if the former officer
14 resides in another state.

15 2. The weapon is a firearm that is of the type described in a photographic
16 identification document described in subd. 1. (intro.) or a card or certification
17 described in subd. 1. b.

18 3. Within the preceding 12 months, the former officer met the standards of the
19 state in which he or she resides for training and qualification for active duty law
20 enforcement officers to carry firearms.

21 4. The weapon is not a machine gun or a destructive device.

22 5. The former officer is not carrying a firearm silencer.

23 6. The former officer is not under the influence of an intoxicant.

24 7. The former officer is not prohibited under federal law from possessing a
25 firearm.

1 **SECTION 61.** 941.23 (2) (d) of the statutes is created to read:

2 941.23 **(2)** (d) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state
3 licensee, as defined in s. 175.60 (1) (g), if the dangerous weapon is a weapon, as
4 defined under s. 175.60 (1) (j). An individual formerly licensed under s. 175.60 whose
5 license has been suspended or revoked under s. 175.60 (14) may not assert his or her
6 refusal to accept a notice of revocation or suspension mailed under s. 175.60 (14) (b)
7 1. as a defense to prosecution under this subsection, regardless of whether the person
8 has complied with s. 175.60 (11) (b) 1.

9 **SECTION 62.** 941.23 (2) (dp) of the statutes is created to read:

10 941.23 **(2)** (dp) Any individual who is not prohibited from possessing a firearm
11 under s. 941.29 or under federal law if a statewide referendum is held on the question
12 of whether the legislature should authorize concealed carry without a license and a
13 majority of the voters voting at the referendum vote to approve the question and if
14 the dangerous weapon is a firearm.

15 **SECTION 63.** 941.23 (2) (e) of the statutes is created to read:

16 941.23 **(2)** (e) An individual who carries a concealed and dangerous weapon,
17 as defined in s. 175.60 (1) (j), in his or her own dwelling or place of business or on land
18 that he or she owns, leases, or legally occupies.

19 **SECTION 64.** 941.23 (3) of the statutes is created to read:

20 941.23 **(3)** (a) A qualified out-of-state law enforcement officer shall, while
21 carrying a concealed firearm, also have with him or her an identification card that
22 contains his or her photograph and that was issued by the law enforcement agency
23 by which he or she is employed.

24 (b) A former officer shall, while carrying a concealed firearm, also have with
25 him or her one of the following:

1 1. A photographic identification document issued by the law enforcement
2 agency from which the former officer separated that indicates that, within the 12
3 months preceding the date on which the former officer is carrying the concealed
4 firearm, he or she was tested or otherwise found by that law enforcement agency to
5 meet the standards for qualification in firearms training that that law enforcement
6 agency sets for active duty law enforcement officers to carry a firearm of the same
7 type as the firearm that the former officer is carrying.

8 2. A photographic identification document issued by the law enforcement
9 agency from which the former officer separated and one of the following:

10 a. A certification card issued under s. 175.49 (2), if the former officer resides
11 in this state.

12 b. A certification issued by the state in which the former officer resides, if the
13 former officer resides in another state, that indicates that, within the 12 months
14 preceding the date on which the former officer is carrying the concealed firearm, he
15 or she has been found by the state in which he or she resides, or by a certified firearms
16 instructor if such an instructor is qualified to conduct a firearms qualification test
17 for law enforcement officers in that state, to meet the standards for qualification in
18 firearms training for law enforcement officers to carry a firearm of the type he or she
19 is carrying, that are established by his or her state of residence or, if that state does
20 not establish standards, by any law enforcement agency in his or her state of
21 residence.

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

24 (d) This subsection does not apply to a licensee, as defined in s. 175.60 (1) (d),
25 or an out-of-state licensee, as defined in s. 175.60 (1) (g).

1 **SECTION 65.** 941.232 of the statutes is created to read:

2 **941.232 Carrying a weapon at certain locations. (1)** In this section:

3 (a) “Carry” means to go armed with.

4 (b) “Weapon” means a handgun, an electric weapon, a knife other than a
5 switchblade knife under s. 941.24, or a billy club.

6 **(2)** (a) Except as provided in par. (b), any person other than a law enforcement
7 officer who knowingly carries a weapon or a firearm that is not a weapon into any
8 of the following places is guilty of a Class C misdemeanor:

9 1. Any portion of a building that is a police station, sheriff’s office, or state
10 patrol station.

11 2. A prison, jail, house of correction, or secured correctional facility.

12 3. A county, state, or federal courthouse.

13 4. A place beyond a security checkpoint in an airport.

14 (b) The prohibitions under par. (a) do not apply to any of the following:

15 1. A weapon in a vehicle driven or parked in a parking facility located in a
16 building that is used as, or any portion of which is used as, a location under par. (a).

17 2. A weapon in a courthouse if a judge is carrying the weapon or if another
18 individual, whom a judge has permitted in writing to carry a weapon, is carrying the
19 weapon.

20 3. A weapon in a courthouse if a district attorney, or an assistant district
21 attorney, is carrying the weapon.

22 **(3)** (a) Except as provided in par. (b), an employer may prohibit an employee
23 from carrying a concealed weapon or a particular type of concealed weapon in the
24 course of the employee’s employment or during any part of the course of the
25 employee’s employment.

1 (b) An employer may not prohibit an employee, as a condition of employment,
2 from carrying a concealed weapon, a particular type of concealed weapon, or
3 ammunition or from storing a weapon, a particular type of weapon, or ammunition
4 in the employee's own motor vehicle, regardless of whether the motor vehicle is used
5 in the course of employment or whether the motor vehicle is driven or parked on
6 property used by the employer.

7 (c) An employer that does not prohibit one or more employees from carrying a
8 concealed weapon under par. (a) is immune from any liability arising from its
9 decision.

10 **SECTION 66.** 941.235 (2) of the statutes is renumbered 941.235 (2) (intro.) and
11 amended to read:

12 941.235 (2) (intro.) This section does not apply to peace any of the following:

13 (a) Peace officers or armed forces or military personnel who go armed in the line
14 of duty or to any person duly authorized by the chief of police of any city, village or
15 town, the chief of the capitol police, or the sheriff of any county to possess a firearm
16 in any building under sub. (1). Notwithstanding s. 939.22 (22), for purposes of this
17 subsection paragraph, peace officer does not include a commission warden who is not
18 a state-certified commission warden.

19 **SECTION 67.** 941.235 (2) (c) of the statutes is created to read:

20 941.235 (2) (c) A qualified out-of-state law enforcement officer, as defined in
21 s. 941.23 (1) (g), to whom s. 941.23 (2) (b) 1. to 3. applies.

22 **SECTION 68.** 941.235 (2) (d) of the statutes is created to read:

23 941.235 (2) (d) A former officer, as defined in s. 941.23 (1) (c), to whom s. 941.23
24 (2) (c) 1. to 7. applies.

25 **SECTION 69.** 941.235 (2) (e) of the statutes is created to read:

1 941.235 **(2)** (e) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state
2 licensee, as defined in s. 175.60 (1) (g).

3 **SECTION 70.** 941.235 (2) (f) of the statutes is created to read:

4 941.235 **(2)** (f) Any individual who is not prohibited from possessing a firearm
5 under s. 941.29 or under federal law if a statewide referendum is held on the question
6 of whether the legislature should authorize concealed carry without a license and a
7 majority of the voters voting at the referendum vote to approve the question.

8 **SECTION 71.** 941.237 (3) (cr) of the statutes is created to read:

9 941.237 **(3)** (cr) A qualified out-of-state law enforcement officer, as defined in
10 s. 941.23 (1) (g), to whom s. 941.23 (2) (b) 1. to 3. applies.

11 **SECTION 72.** 941.237 (3) (ct) of the statutes is created to read:

12 941.237 **(3)** (ct) A former officer, as defined in s. 941.23 (1) (c), to whom s. 941.23
13 (2) (c) 1. to 7. applies.

14 **SECTION 73.** 941.237 (3) (cx) of the statutes is created to read:

15 941.237 **(3)** (cx) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state
16 licensee, as defined in s. 175.60 (1) (g), if the licensee or out-of-state licensee is not
17 consuming alcohol on the premises.

18 **SECTION 74.** 941.237 (3) (cy) of the statutes is created to read:

19 941.237 **(3)** (cy) Any individual who is not prohibited from possessing a firearm
20 under s. 941.29 or under federal law if a statewide referendum is held on the question
21 of whether the legislature should authorize concealed carry without a license and a
22 majority of the voters voting at the referendum vote to approve the question and if
23 the individual is not consuming alcohol on the premises.

24 **SECTION 75.** 941.237 (4) of the statutes is repealed.

25 **SECTION 76.** 941.295 (1) of the statutes is renumbered 941.295 (1m).

1 **SECTION 77.** 941.295 (1c) (b) and (c) of the statutes are created to read:

2 941.295 **(1c)** (b) “Licensee” has the meaning given in s. 175.60 (1) (d).

3 (c) “Out-of-state licensee” has the meaning given in s. 175.60 (1) (g).

4 **SECTION 78.** 941.295 (2) (intro.) of the statutes is amended to read:

5 941.295 **(2)** (intro.) Subsection ~~(1)~~ (1m) does not apply to any of the following:

6 **SECTION 79.** 941.295 (2) (d) of the statutes is renumbered 941.295 (2) (d) (intro.)

7 and amended to read:

8 941.295 **(2)** (d) (intro.) Any manufacturer or seller whose of electric weapons
9 ~~are used in this state solely by persons, unless the manufacturer or seller engages~~
10 ~~in the conduct described in sub. (1m) with the intent to provide an electric weapon~~
11 ~~to someone other than one of the following:~~

12 1. A person specified in pars. (a) to (c), a licensee, or an out-of-state licensee.

13 **SECTION 80.** 941.295 (2) (d) 2. and 3. of the statutes are created to read:

14 941.295 **(2)** (d) 2. A person for use in his or her dwelling or place of business
15 or on land that he or she owns, leases, or legally occupies.

16 3. Any person who is not prohibited from possessing a firearm under s. 941.29
17 or under federal law if a statewide referendum is held on the question of whether the
18 legislature should authorize concealed carry without a license and a majority of the
19 voters voting at the referendum vote to approve the question.

20 **SECTION 81.** 941.295 (2g) of the statutes is created to read:

21 941.295 **(2g)** The prohibition in sub. (1m) on possessing or going armed with
22 an electric weapon does not apply to any of the following:

23 (a) A licensee or an out-of-state licensee.

24 (am) Any person who is not prohibited from possessing a firearm under s.
25 941.29 or under federal law if a statewide referendum is held on the question of

1 whether the legislature should authorize concealed carry without a license and a
2 majority of the voters voting at the referendum vote to approve the question.

3 (b) An individual who goes armed with an electric weapon in his or her own
4 dwelling or place of business or on land that he or she owns, leases, or legally
5 occupies.

6 **SECTION 82.** 941.295 (2r) of the statutes is created to read:

7 941.295 (2r) The prohibition in sub. (1m) on transporting an electric weapon
8 does not apply to any of the following:

9 (a) A licensee or an out-of-state licensee.

10 (am) Any person who is not prohibited from possessing a firearm under s.
11 941.29 or under federal law if a statewide referendum is held on the question of
12 whether the legislature should authorize concealed carry without a license and a
13 majority of the voters voting at the referendum vote to approve the question.

14 (b) An individual who is not a licensee or an out-of-state licensee who
15 transports an electric weapon if the electric weapon is enclosed within a carrying
16 case.

17 **SECTION 83.** 941.295 (4) of the statutes is renumbered 941.295 (1c) (intro.) and
18 amended to read:

19 941.295 (1c) (intro.) In this section, ~~“electric;~~

20 (a) “Electric weapon” means any device which is designed, redesigned, used or
21 intended to be used, offensively or defensively, to immobilize or incapacitate persons
22 by the use of electric current.

23 **SECTION 84.** 943.13 (1e) (a) of the statutes is renumbered 943.13 (1e) (ar).

24 **SECTION 85.** 943.13 (1e) (aL) of the statutes is created to read:

25 943.13 (1e) (aL) “Carry” has the meaning given in s. 175.60 (1) (ag).

1 **SECTION 86.** 943.13 (1e) (cm) of the statutes is created to read:

2 943.13 **(1e)** (cm) “Nonresidential building” includes any privately or publicly
3 owned building on the grounds of a university or college.

4 **SECTION 87.** 943.13 (1m) (b) of the statutes is amended to read:

5 943.13 **(1m)** (b) Enters or remains on any land of another after having been
6 notified by the owner or occupant not to enter or remain on the premises. This
7 paragraph does not apply to a person if the owner’s or occupant’s intent is to prevent
8 the person from carrying a firearm on the owner’s or occupant’s land.

9 **SECTION 88.** 943.13 (1m) (c) of the statutes is created to read:

10 943.13 **(1m)** (c) 1. While carrying a firearm, enters or remains at a residence
11 that the actor does not own or occupy after the owner of the residence, if he or she
12 has not leased it to another person, or the occupant of the residence has notified the
13 actor not to enter or remain at the residence while carrying a firearm or with that
14 type of firearm. In this subdivision, “residence,” with respect to a single–family
15 residence, includes the residence building and the parcel of land upon which the
16 residence building is located, and “residence,” with respect to a residence that is not
17 a single–family residence, does not include any common area of the building in which
18 the residence is located or any common areas of the rest of the parcel of land upon
19 which the residence building is located.

20 2. While carrying a firearm, enters or remains in any part of a nonresidential
21 building that the actor does not own or occupy after the owner of the building, if that
22 part of the building has not been leased to another person, or the occupant of that
23 part of the building has notified the actor not to enter or remain in that part of the
24 building while carrying a firearm or with that type of firearm. This subdivision does
25 not apply to a part of a building occupied by the state or by a local governmental unit

1 or, if the firearm is in a vehicle driven or parked in the parking facility, to any part
2 of a building used as a parking facility.

3 **SECTION 89.** 943.13 (1n) of the statutes is created to read:

4 943.13 (1n) A person is guilty of a Class C misdemeanor if he or she, while
5 carrying a firearm, enters or remains in any part of a building that is owned,
6 occupied, or controlled by the state or any local governmental unit, excluding any
7 building or portion of a building under s. 175.60 (16) (am) 1. or 941.232 (2) (a), if the
8 state or local governmental unit has notified the actor not to enter or remain in the
9 building while carrying a firearm or with that type of firearm. This subsection does
10 not apply to a person who leases residential or business premises in the building or,
11 if the firearm is in a vehicle driven or parked in the parking facility, to any part of
12 the building used as a parking facility.

13 **SECTION 90.** 943.13 (2) of the statutes is renumbered 943.13 (2) (am), and
14 943.13 (2) (am) (intro.) and 1., as renumbered, are amended to read:

15 943.13 (2) (am) (intro.) A person has received notice from the owner or occupant
16 within the meaning of sub. (1m) (b), (e) or (f) if he or she has been notified personally,
17 either orally or in writing, or if the land is posted. Land is considered to be posted
18 under this subsection paragraph under either of the following procedures:

19 1. If a sign at least 11 inches square is placed in at least 2 conspicuous places
20 for every 40 acres to be protected. The sign must ~~carry~~ provide an appropriate notice
21 and the name of the person giving the notice followed by the word “owner” if the
22 person giving the notice is the holder of legal title to the land and by the word
23 “occupant” if the person giving the notice is not the holder of legal title but is a lawful
24 occupant of the land. Proof that appropriate signs as provided in this paragraph
25 subdivision were erected or in existence upon the premises to be protected prior to

1 the event complained of shall be prima facie proof that the premises to be protected
2 were posted as provided in this paragraph subdivision.

3 **SECTION 91.** 943.13 (2) (bm) of the statutes is created to read:

4 943.13 (2) (bm) 1. In this paragraph, “sign” means a sign that states a
5 restriction imposed under subd. 2. that is at least 8.5 inches by 11 inches and colored
6 orange as described in s. 29.301 (2).

7 2. For the purposes of subs. (1m) (c) 2. and (1n), an owner or occupant of a part
8 of a nonresidential building or the state or a local governmental unit has notified an
9 individual not to enter or remain in that part of the building while carrying a firearm
10 or with a particular type of firearm if the owner, occupant, state, or local
11 governmental unit has posted a sign that is located in a prominent place near all of
12 the entrances to the part of the building to which the restriction applies and any
13 individual entering the building can be reasonably expected to see the sign.

14 **SECTION 92.** 943.13 (3) of the statutes is amended to read:

15 943.13 (3) Whoever erects on the land of another signs which are the same as
16 or similar to those described in sub. (2) (am) without obtaining the express consent
17 of the lawful occupant of or holder of legal title to such land is subject to a Class C
18 forfeiture.

19 **SECTION 93.** 946.71 of the statutes is created to read:

20 **946.71 Unlawful use of license for carrying concealed weapons. (1)** In
21 this section, “license” means a license issued under s. 175.60 (2) or (9r).

22 **(2)** Whoever does any of the following is guilty of a Class A misdemeanor:

23 (a) Intentionally represents as valid any revoked, suspended, fictitious, or
24 fraudulently altered license.

1 (b) If the actor holds a license, intentionally sells or lends the license to any
2 other individual or knowingly permits another individual to use the license.

3 (c) Intentionally represents as one's own any license not issued to him or her.

4 (d) If the actor holds a license, intentionally permits any unlawful use of that
5 license.

6 (e) Intentionally reproduces by any means a copy of a license for a purpose that
7 is prohibited under this subsection.

8 (f) Intentionally defaces or intentionally alters a license.

9 **SECTION 94.** 947.01 of the statutes is renumbered 947.01 (1).

10 **SECTION 95.** 947.01 (2) of the statutes is created to read:

11 947.01 (2) A person is not in violation of, and may not be charged with a
12 violation of, sub. (1) for loading, carrying, or going armed with a firearm, without
13 regard to whether the firearm is loaded or is concealed or openly carried.

14 **SECTION 96.** 947.011 (2) (a) 1. of the statutes is amended to read:

15 947.011 (2) (a) 1. Engage in conduct that is prohibited under s. 947.01 (1) within
16 500 feet of any entrance to a facility being used for the service with the intent to
17 disrupt the service.

18 **SECTION 97.** 947.011 (2) (c) 1. of the statutes is amended to read:

19 947.011 (2) (c) 1. Engage in conduct that is prohibited under s. 947.01 (1) within
20 500 feet of any entrance to a facility being used for the service.

21 **SECTION 98.** 947.011 (2) (d) of the statutes is amended to read:

22 947.011 (2) (d) No person may impede vehicles that are part of a funeral
23 procession if the person's conduct violates s. 947.01 (1).

24 **SECTION 99.** 948.60 (1) of the statutes is amended to read:

1 **948.60 (1)** In this section, “dangerous weapon” means any firearm, loaded or
2 unloaded; any electric weapon, as defined in s. 941.295 ~~(4) (1c) (a)~~; metallic knuckles
3 or knuckles of any substance which could be put to the same use with the same or
4 similar effect as metallic knuckles; a nunchaku or any similar weapon consisting of
5 2 sticks of wood, plastic or metal connected at one end by a length of rope, chain, wire
6 or leather; a cestus or similar material weighted with metal or other substance and
7 worn on the hand; a shuriken or any similar pointed star-like object intended to
8 injure a person when thrown; or a manrikigusari or similar length of chain having
9 weighted ends.

10 **SECTION 100.** 948.605 (1) (a) and (am) of the statutes are repealed.

11 **SECTION 101.** 948.605 (2) (b) (intro.) of the statutes is amended to read:

12 **948.605 (2) (b) (intro.)** Paragraph (a) does not apply to the possession of a
13 firearm by any of the following:

14 **SECTION 102.** 948.605 (2) (b) 1. to 5. and 7. of the statutes are repealed.

15 **SECTION 103.** 948.605 (2) (b) 1m. and 1r. of the statutes are created to read:

16 **948.605 (2) (b) 1m.** A person who possesses the firearm in accordance with 18
17 USC 922 (q) (2) (B) (i), (iii), (iv), (v), (vi), or (vii).

18 1r. Except if the person is in or on the grounds of a school, a person who
19 possesses the firearm in accordance with 18 USC 922 (q) (2) (B) (ii). For purposes of
20 18 USC 922 (q) (2) (B) (ii), an out-of-state licensee, as defined in s. 175.60 (1) (g), is
21 fully licensed under the laws of this state.

22 **SECTION 104.** 948.605 (2) (b) 6. of the statutes is renumbered 948.605 (2) (b) 2m.
23 and amended to read:

24 **948.605 (2) (b) 2m.** ~~By a law enforcement officer or~~ A state-certified
25 commission warden acting in his or her official capacity; ~~or~~.

1 **SECTION 105.** 948.605 (2) (b) 8. of the statutes is renumbered 948.605 (2) (b) 3m.
2 and amended to read:

3 948.605 **(2)** (b) 3m. ~~By a~~ A person who is legally hunting in a school forest if
4 the school board has decided that hunting may be allowed in the school forest under
5 s. 120.13 (38).

6 **SECTION 106.** 968.255 (1) (a) 2. of the statutes is amended to read:

7 968.255 **(1)** (a) 2. Arrested for any misdemeanor under s. 167.30 (1), 940.19,
8 941.20 (1), 941.23, 941.237, 941.24, 948.60, or 948.61.

9 **SECTION 107.** 971.37 (1m) (a) 2. of the statutes is amended to read:

10 971.37 **(1m)** (a) 2. An adult accused of or charged with a criminal violation of
11 s. 940.19, 940.20 (1m), 940.201, 940.225, 940.23, 940.285, 940.30, 940.42, 940.43,
12 940.44, 940.45, 940.48, 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49,
13 947.01 (1), 947.012 or 947.0125 and the conduct constituting the violation involved
14 an act by the adult person against his or her spouse or former spouse, against an
15 adult with whom the adult person resides or formerly resided or against an adult
16 with whom the adult person has created a child.

17 **SECTION 108.** 973.016 of the statutes is created to read:

18 **973.016 Expungement for carrying concealed weapons.** If a statewide
19 referendum is held on the question of whether the legislature should authorize
20 concealed carry without a license and a majority of the voters voting at the
21 referendum vote to approve the question and if an individual who was convicted of
22 a violation of s. 941.23 that occurred on or after the effective date of this section ...
23 [LRB inserts date], would have been eligible for a license under s. 175.60 at the time
24 of the violation, the court shall expunge the individual's record of conviction of the
25 violation of s. 941.23.

