

Fiscal Estimate - 2017 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 17-2766/1	Introduction Number SB-169
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Description
 going armed with a firearm and electric weapons, licenses for carrying a concealed weapon, trespassing while armed with a firearm, and providing criminal penalties

Fiscal Effect

State:

No State Fiscal Effect
 Indeterminate

<input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs
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Local:

No Local Government Costs
 Indeterminate

1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
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Fund Sources Affected	Affected Ch. 20 Appropriations
<input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS 410	

Agency/Prepared By DOC/ Jokisch Jacob (608) 240-5415	Authorized Signature Donald Friske (608) 240-5056	Date 5/2/2017
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Fiscal Estimate Narratives

DOC 5/2/2017

LRB Number	17-2766/1	Introduction Number	SB-169	Estimate Type	Original
Description going armed with a firearm and electric weapons, licenses for carrying a concealed weapon, trespassing while armed with a firearm, and providing criminal penalties					

Assumptions Used in Arriving at Fiscal Estimate

Current law generally prohibits an individual from carrying a concealed weapon unless the individual has a license to carry a concealed weapon that is issued by the Department of Justice or unless the individual has a law enforcement identification card indicating that he or she is a qualified current or former law enforcement officer. This bill eliminates the general prohibition against going armed with a concealed weapon without regard to licensure status.

This bill also eliminates current law prohibitions against carrying firearms in specified places, but retains the current law that allows certain persons to post buildings and grounds so that individuals who carry a firearm in violation of the posting commit trespass. For instance, this bill eliminates the prohibition on carrying a firearm on school grounds and, for persons without a license to carry a concealed weapon, in a school zone. Instead, this bill allows schools to post their buildings and grounds under the trespassing laws. An individual who violates the trespassing provision is guilty of a Class C misdemeanor if the individual is in a posted school building and a Class B forfeiture if the individual is on the posted grounds of a school.

Likewise, the bill eliminates the general prohibition against carrying a firearm in other buildings, such as a police station, a house of correction, or a secure mental health facility, but allows the appropriate governmental entity to post the buildings against carrying a firearm. This bill also eliminates the prohibitions against carrying a firearm, bow, or crossbow in a wildlife refuge and eliminates the prohibitions against carrying a firearm, bow, or crossbow while engaging in certain activities, such as operating an all-terrain vehicle. In addition, current law prohibits an individual from shining wildlife while the individual is hunting or possessing a firearm, bow and arrow, or crossbow. This bill maintains that the individual may not shine wildlife while hunting but eliminates the prohibition on shining while possessing a firearm, bow and arrow, or crossbow.

This bill makes two modifications to the process to obtain a new license to carry a concealed weapon. First, under this bill, DOJ may issue a license to an applicant who is not a Wisconsin resident; under current law, only a resident may be issued a license. Second, although current law requires proof of completing a training program for a license, under this bill, if an otherwise qualified applicant does not provide proof of completing a training program, DOJ must issue the applicant a license that indicates that the license is a basic license. For in-state purposes, the license and the basic license are indistinguishable, and, under this bill, both are optional. The bill also provides that, if the federal government creates standards that would allow a license to carry a concealed weapon to be recognized by other states and the license issued by DOJ does not comply with the federal standards, DOJ must create an optional enhanced license to carry a concealed weapon that complies with the federal standards.

Finally, current law generally prohibits the possession of electric weapons, commonly known as tasers. This bill eliminates that prohibition except the prohibition is maintained for an individual who is prohibited from possessing a firearm. This bill also changes the definition of "firearm" by specifically excluding antique firearms, as defined under federal law, which excludes firearms manufactured before 1898 and muzzleloading firearms.

This bill removes statutes and penalties for the following offenses: Wis. Stat. 941.23, Carrying a concealed weapon without a license, Class A Misdemeanor; Wis. Stat. 941.235, Carrying a firearm in a public building, Class A Misdemeanor; Wis. Stat. 941.295, Possession of an electric weapon, Class H Felony.

As of 03/31/17, the DOC had 150 people incarcerated who were convicted of these crimes. The breakdown of convictions for inmates in prison is as follows:

- Wis. Stat. 941.23: 135 inmates

- Wis. Stat. 941.235: 1 inmate
- Wis. Stat. 941.295: 14 inmates

Since Wis. Stat. 941.23 and Wis. Stat. 941.235 are misdemeanors, inmates are not in prison solely for these convictions but they did factor into the total sentence. Additionally, inmates convicted of Wis. Stat. 941.295 may also have been convicted of other crimes. Thus, the total reduction in inmates from fewer convictions and/or shorter sentences as a result of this bill is indeterminate.

As of 03/31/17, the DOC had 392 offenders on community supervision who have convictions for the three crimes being repealed. The breakdown of convictions for offenders on community supervision is as follows:

- Wis. Stat. 941.23: 376 active offenses
 - Wis. Stat. 941.235: 2 active offenses
 - Wis. Stat. 941.295: 18 active offenses
- *some offenders have multiple convictions

Most of these offenders are convicted of multiple crimes and all the convictions were accounted for when a judge determined the length of their community supervision. Thus, the total reduction of offenders from fewer convictions and/or shorter sentences as a result of this bill is indeterminate.

The Department is unable to determine the fiscal impact of this bill as it cannot predict the reduction in the number of offenders that will be sentenced or those whose sentence lengths may be reduced. The Department does believe there will be some indeterminate reduction in costs associated with this bill.

State costs could decrease if a decreased number of offenders are sent to prison or if their sentence lengths are decreased. The average FY16 annual cost for an inmate in a DOC institution is approximately \$32,300. However, if the reduction in population is small, the incremental costs (i.e. food, health care and clothing) of housing a small number of inmates is approximately \$5,700 based on FY16 costs. Should the Department reduce its use of contract beds, the rate would be approximately \$18,800 annually per person. State costs could also decrease if a decreased number of offenders are convicted of these crimes and placed on community supervision or if offender sentence lengths are decreased. The average FY16 annual cost to supervise one offender is approximately \$3,000.

The bill would have no impact on the Department of Corrections ban of firearms within its institutions and probation and parole offices. The Department already ensures that each location has a sign notifying anyone entering the premises that no firearms are allowed.

Long-Range Fiscal Implications