



**SENATE SUBSTITUTE AMENDMENT 1,  
TO 1995 SENATE BILL 597**

March 19, 1996 - Offered by Senator DRZEWIECKI.

1     **AN ACT to repeal** 111.335 (1) (cm), 134.59 (title), (1) and (3) and 440.26 (7) (title);  
2             **to renumber and amend** 134.59 (2), 440.26 (1), 440.26 (1m), 440.26 (2) (c),  
3             440.26 (5), 440.26 (6), 440.26 (7) (a) and 440.26 (8); **to amend** 114.103 (1) (c),  
4             subchapter II (title) of chapter 440 [precedes 440.26], 440.26 (2) (a) 1., 440.26  
5             (2) (a) 2., 440.26 (4), 440.26 (5) (title), 940.34 (2) (c) 1. and 941.237 (1) (em); **to**  
6             **repeal and recreate** 440.26 (2) (a) (intro.); and **to create** 111.335 (1) (cg),  
7             440.08 (2) (a) 14c. and 14e., 440.08 (2) (a) 41L. and 41p., 440.08 (2) (a) 60L. and  
8             60p., 440.08 (2) (a) 63g., 440.26 (1) (a) 5. to 10., 440.26 (1) (b), 440.26 (1m) (a)  
9             to (g), 440.26 (2) (a) 3. to 8., 440.26 (2) (c) 3., 440.26 (3m), 440.26 (4e), 440.26  
10            (4m), 440.26 (4s), 440.26 (5m), 440.26 (6) (a) 4., 440.26 (6) (b), 440.26 (7m) and  
11            440.26 (8) (b) of the statutes; **relating to:** the regulation of armored transport  
12            services, armored transport service persons, locksmith agencies, locksmiths,  
13            private alarm contractor agencies and private alarm contractors; the  
14            requirements that a person must satisfy to be eligible for a private detective  
15            license, a private detective agency license, a private security permit or a license  
16            to supply private security personnel; transferring the authority to issue private

1 security permits for private security persons from local law enforcement  
2 authorities to the department of regulation and licensing; granting  
3 rule-making authority; and providing a penalty.

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

4 **SECTION 1.** 111.335 (1) (cg) of the statutes is created to read:

5 111.335 (1) (cg) 1. Notwithstanding s. 111.322, it is not employment  
6 discrimination because of conviction record to deny or refuse to renew a license or  
7 permit under s. 440.26 to a person who has been convicted of a felony during the  
8 10-year period immediately preceding the date of application for the license, permit  
9 or renewal and has not been pardoned for that felony.

10 2. Notwithstanding s. 111.322, it is not employment discrimination because of  
11 conviction record to revoke a license or permit under s. 440.26 (6) (b) if the person  
12 holding the license or permit has been convicted of a felony and has not been  
13 pardoned for that felony.

14 3. Notwithstanding s. 111.322, it is not employment discrimination because of  
15 conviction record to refuse to employ a person in a business licensed under s. 440.26  
16 or as an employe specified in s. 440.26 (5) (b) if the person has been convicted of a  
17 felony during the 10-year period immediately preceding the refusal to employ the  
18 person and has not been pardoned for that felony.

19 **SECTION 2.** 111.335 (1) (cm) of the statutes is repealed.

20 **SECTION 3.** 114.103 (1) (c) of the statutes is amended to read:

21 114.103 (1) (c) "Private security person" has the meaning given in s. 440.26  
22 (1m) (h), but does not include any law enforcement officer.

23 **SECTION 4.** 134.59 (title), (1) and (3) of the statutes are repealed.

1           **SECTION 5.** 134.59 (2) of the statutes is renumbered 440.26 (4e) (c) and amended  
2 to read:

3           440.26 **(4e)** (c) ~~No person engaged in the business of installing burglar alarms~~  
4 private alarm contractor agency, private alarm contractor or employe of a private  
5 alarm contractor agency or private alarm contractor may intentionally allow a felon  
6 who has not been pardoned to have access to individual ~~burglar~~ alarm system  
7 installation records.

8           **SECTION 6.** 440.08 (2) (a) 14c. and 14e. of the statutes are created to read:

9           440.08 **(2)** (a) 14c. Armored transport service: September 1 of each  
10 even-numbered year; \$41.

11           14e. Armored transport service person: September 1 of each even-numbered  
12 year; \$41.

13           **SECTION 7.** 440.08 (2) (a) 41L. and 41p. of the statutes are created to read:

14           440.08 **(2)** (a) 41L. Locksmith: September 1 of each even-numbered year; \$41.

15           41p. Locksmith agency: September 1 of each even-numbered year; \$41.

16           **SECTION 8.** 440.08 (2) (a) 60L. and 60p. of the statutes are created to read:

17           440.08 **(2)** (a) 60L. Private alarm contractor: September 1 of each  
18 even-numbered year; \$41.

19           60p. Private alarm contractor agency: September 1 of each even-numbered  
20 year; \$41.

21           **SECTION 9.** 440.08 (2) (a) 63g. of the statutes is created to read:

22           440.08 **(2)** (a) 63g. Private security person: September 1 of each  
23 even-numbered year; \$41.

24           **SECTION 10.** Subchapter II (title) of chapter 440 [precedes 440.26] of the  
25 statutes is amended to read:

**CHAPTER 440**

**SUBCHAPTER II**

**PRIVATE DETECTIVES,**

**PRIVATE SECURITY PERSONS,**

**ARMORED TRANSPORT SERVICE**

**PERSONS, LOCKSMITHS AND**

**PRIVATE ALARM CONTRACTORS**

**SECTION 11.** 440.26 (1) of the statutes is renumbered 440.26 (1) (a) (intro.) and amended to read:

440.26 (1) (a) (intro.) No person may advertise do any of the following unless he or she has a license or permit issued under this section:

1. Advertise, solicit or engage in the business of operating a private detective agency, ~~or act.~~

2. Act as a private detective, investigator, special investigator or private security person, ~~or act.~~

3. Act as a supplier of private security personnel, ~~or solicit.~~

4. Solicit business or perform any other type of service or investigation as a private detective or private security person, ~~or receive.~~

~~11. Receive any fees or compensation for acting as such, without first filing an application and the necessary bond or liability policy with the department and being issued a license or a permit under this section. No person may be so licensed unless the person is over 18 years of age~~ any person, engaging in any business or performing any service specified in subds. 1. to 10.

**SECTION 12.** 440.26 (1) (a) 5. to 10. of the statutes are created to read:

1           440.26 (1) (a) 5. Advertise, solicit or engage in the business of operating an  
2 armored transport service.

3           6. Act as an armored transport service person.

4           7. Advertise, solicit or engage in the business of operating a locksmith agency.

5           8. Act as a locksmith.

6           9. Advertise, solicit or engage in the business of operating a private alarm  
7 contractor agency.

8           10. Act as a private alarm contractor.

9           **SECTION 13.** 440.26 (1) (b) of the statutes is created to read:

10           440.26 (1) (b) The department may promulgate rules specifying activities in  
11 which a person may engage without obtaining a license or permit under this section.

12           **SECTION 14.** 440.26 (1m) of the statutes is renumbered 440.26 (1m) (intro.) and  
13 amended to read:

14           440.26 (1m) (title) ~~DEFINITION~~ DEFINITIONS. (intro.) In this section, ~~“private:~~  
15           (h) “Private security person” or “private security personnel” means any private  
16 police, guard or any person who stands watch for security purposes.

17           **SECTION 15.** 440.26 (1m) (a) to (g) of the statutes are created to read:

18           440.26 (1m) (a) “Armored transport service” means an individual, partnership  
19 or corporation that acts as or employs an armored transport service person.

20           (b) “Armored transport service person” means a person engaged in the business  
21 of transporting valuables, including currency, documents, papers, maps, negotiable  
22 instruments, securities, jewelry or works of art, in a manner that provides or that is  
23 primarily intended or designed to provide a high degree of security to the valuables  
24 being transported.

1 (c) "Burglar alarm system" means a system, including an electronic access  
2 system or other electronic security system, that activates an audible, visible or  
3 remote signal that requires a response and that is designed for the prevention or  
4 detection of intrusion, entry, theft, vandalism or trespass.

5 (d) "Locksmith" means a person engaged in the business of servicing,  
6 installing, originating first keys, recoding, recombining, manipulating or  
7 bypassing any of the following:

8 1. A mechanical or electronic security device that is used to control access to  
9 or exit from premises, motor vehicles, safes, vaults, safe deposit boxes, automatic  
10 teller machines or other areas to which access is intended to be limited.

11 2. A detection device, including burglar and motor vehicle alarms and closed  
12 circuit television.

13 (e) "Locksmith agency" means an individual, partnership or corporation that  
14 acts as or employs a locksmith.

15 (f) "Private alarm contractor" means a person engaged in the business of  
16 selling, installing, monitoring, maintaining, altering, repairing, replacing, servicing  
17 or responding to security alarm systems, including burglar alarm systems, that are  
18 installed at a premises protected on an emergency basis. "Private alarm contractor"  
19 does not include a person engaged solely in the manufacture or sale of security alarm  
20 systems at his or her place of business or a person engaged solely in supplying private  
21 security personnel to patrol a protected premises.

22 (g) "Private alarm contractor agency" means an individual, partnership or  
23 corporation that acts as or employs a private alarm contractor.

24 **SECTION 16.** 440.26 (2) (a) (intro.) of the statutes is repealed and recreated to  
25 read:

1           440.26 (2) (a) *Types of licenses.* (intro.) The department may do any of the  
2 following:

3           **SECTION 17.** 440.26 (2) (a) 1. of the statutes is amended to read:

4           440.26 (2) (a) 1. ~~A Issue a private detective agency license may be issued to~~  
5 ~~an individual, partnership, limited liability company or corporation. An that meets~~  
6 ~~the qualifications specified under par. (c) if the individual, the members of a the~~  
7 ~~partnership or limited liability company and or the officers or directors of a the~~  
8 ~~corporation, having have a private detective agency license, are not required to have~~  
9 ~~a private detective license unless actually engaged in the work of a private detective.~~

10          **SECTION 18.** 440.26 (2) (a) 2. of the statutes is amended to read:

11          440.26 (2) (a) 2. ~~A Issue a private detective license may only be issued to an~~  
12 ~~individual who meets the qualifications specified under par. (c) if the individual is~~  
13 ~~an owner, coowner or employe of a licensed private detective agency.~~

14          **SECTION 19.** 440.26 (2) (a) 3. to 8. of the statutes are created to read:

15          440.26 (2) (a) 3. Issue an armored transport service license to an individual,  
16 partnership, limited liability company or corporation that meets the qualifications  
17 specified under par. (c) if the individual, the members of the partnership or limited  
18 liability company or the officers or directors of the corporation have an armored  
19 transport service person license.

20          4. Issue an armored transport service person license to an individual who meets  
21 the qualifications specified under par. (c) if the individual is an owner, coowner or  
22 employe of a licensed armored transport service.

23          5. Issue a locksmith agency license to an individual, partnership, limited  
24 liability company or corporation that meets the qualifications specified under par. (c)

1 if the individual, the members of the partnership or limited liability company or the  
2 officers or directors of the corporation have a locksmith license.

3 6. Issue a locksmith license to an individual who meets the qualifications  
4 specified under par. (c) if the individual is an owner, coowner or employe of a licensed  
5 locksmith agency.

6 7. Issue a private alarm contractor agency license to an individual,  
7 partnership, limited liability company or corporation that meets the qualifications  
8 specified under par. (c) if the individual, the members of the partnership or limited  
9 liability company or the officers or directors of the corporation have a private alarm  
10 contractor license.

11 8. Issue a private alarm contractor license to an individual who meets the  
12 qualifications specified under par. (c) if the individual is an owner, coowner or  
13 employe of a licensed private alarm contractor agency.

14 **SECTION 20.** 440.26 (2) (c) of the statutes is renumbered 440.26 (2) (c) 1. and  
15 amended to read:

16 440.26 (2) (c) 1. The Subject to subs. 2. and 3., the department shall prescribe,  
17 by rule, such qualifications as it deems appropriate, with due regard to investigative  
18 experience, special professional education and training and other factors bearing on  
19 professional competence. ~~Subject to ss. 111.321, 111.322 and 111.335, no person~~

20 2. If an individual has been convicted in this state or elsewhere of a felony  
21 within the 10-year period immediately preceding the date of application for a license  
22 under this section and has not been pardoned for that felony, the individual is not  
23 eligible for a license for 5 years thereafter under this section. Subject to ss. 111.321,  
24 111.322 and 111.335, if an individual has been convicted in this state or elsewhere  
25 of a felony prior to the 10-year period immediately preceding the date of application



1 for a license under this section and has not been pardoned for that felony, the  
2 individual is not eligible for a license under this section.

3 4. The department, in considering applicants for license, shall seek the advice  
4 of the appropriate local law enforcement agency or governmental official, and  
5 conduct such further investigation, as it deems proper to determine the competence  
6 of the applicant.

7 **SECTION 21.** 440.26 (2) (c) 3. of the statutes is created to read:

8 440.26 (2) (c) 3. The department may not issue a license under this section to  
9 an individual unless the individual is over 18 years of age.

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

11 440.26 (3m) RULES CONCERNING DANGEROUS WEAPONS. The department shall  
12 promulgate rules relating to the carrying of dangerous weapons by a person who  
13 holds a license or permit issued under this section or who is employed by a person  
14 licensed under this section. The rules shall meet the minimum requirements  
15 specified in 15 USC 5902 (b).

16 **SECTION 23.** 440.26 (4) of the statutes is amended to read:

17 440.26 (4) BONDS OR LIABILITY POLICIES REQUIRED. No license may be issued  
18 under this section until a bond or liability policy, approved by the department, in the  
19 amount of \$10,000 if the applicant for the license is ~~an agency~~ a private detective  
20 agency, an armored transport service, a locksmith agency or a private alarm  
21 contractor agency and includes all principals, partners, members or corporate  
22 officers, or in the amount of \$2,000 if the applicant is a private detective, an armored  
23 transport service person, a locksmith or a private alarm contractor, has been  
24 executed and filed with the department. Such bonds or liability policies shall be

1 furnished by an insurer authorized to do a surety business in this state in a form  
2 approved by the department.

3 **SECTION 24.** 440.26 (4e) of the statutes is created to read:

4 440.26 (4e) RESTRICTIONS CONCERNING UNPARDONED FELONS. (a) No person who  
5 holds a license issued under this section may employ a person who has been convicted  
6 in this state or elsewhere of a felony within the preceding 10 years and who has not  
7 been pardoned for that felony.

8 (am) No partnership, limited liability company or corporation may have its  
9 business in this state managed by a person who has been convicted in this state or  
10 elsewhere of a felony within the preceding 10 years and who has not been pardoned  
11 for that felony.

12 (b) No person may employ another person as an employe specified in sub. (5)  
13 (b) if the other person has been convicted in this state or elsewhere of a felony within  
14 the preceding 10 years and has not been pardoned for that felony.

15 **SECTION 25.** 440.26 (4m) of the statutes is created to read:

16 440.26 (4m) REPORTING VIOLATIONS OF LAW. (a) *Definition.* In this subsection,  
17 “violation” means a violation of any state or local law that is punishable by a  
18 forfeiture.

19 (b) *Reporting requirement.* A person who holds a license or permit issued under  
20 this section and who is convicted of a felony or misdemeanor, or is found to have  
21 committed a violation, in this state or elsewhere, shall notify the department in  
22 writing of the date, place and nature of the conviction or finding within 30 days after  
23 the entry of the judgment of conviction or the judgment finding that the person  
24 committed the violation. The written notice to the department under this paragraph  
25 shall include a copy of the complaint, citation or other information that describes the

1 nature of the crime or violation and a copy of the judgment of conviction or the  
2 judgment finding that the person committed the violation.

3 **SECTION 26.** 440.26 (4s) of the statutes is created to read:

4 440.26 (4s) LOCKSMITH TOOLS AND EQUIPMENT. (a) No person may own or  
5 possess, or attempt to own or possess, locksmithing tools specifically designed to  
6 compromise or bypass locks, safe-opening tools or code books unless he or she is  
7 licensed as a locksmith under this section or is exempt from the locksmith license  
8 requirement under rules promulgated by the department under sub. (1) (b).

9 (b) This subsection does not apply to tools designed exclusively to open motor  
10 vehicle locks and that are owned or possessed by a towing service, a motor club or a  
11 person authorized to repossess motor vehicles or, if he or she is acting within the  
12 scope of his or her employment, by an employe of a towing service, motor club or  
13 person authorized to repossess motor vehicles.

14 **SECTION 27.** 440.26 (5) (title) of the statutes is amended to read:

15 440.26 (5) (title) ~~EXEMPTIONS; PRIVATE SECURITY PERMIT.~~

16 **SECTION 28.** 440.26 (5) of the statutes is renumbered 440.26 (5) (b) and  
17 amended to read:

18 440.26 (5) (b) This Subject to sub. (4e) (b), the license requirements of this  
19 section does do not apply to any person employed, directly or indirectly by the state  
20 or by a municipality, as defined in s. 345.05 (1) (c), or to any employe of a railroad  
21 company under s. 192.47, or employes to any employe of a commercial  
22 establishments, who operate exclusively on their establishment, while the person is  
23 acting within the scope of his or her employment and whether or not he or she is on  
24 the employer's premises.

1           (c) An employe of any licensed agency that is licensed as a private detective  
2 agency under this section and that is doing business in this state as a supplier of  
3 uniformed private security personnel to patrol exclusively on the private property of  
4 industrial plants, business establishments, schools, colleges, hospitals, sports  
5 stadiums, exhibits and similar activities are is exempt from the license requirements  
6 of this section while engaged in such employment, if ~~the person~~ all of the following  
7 apply:

8           1. The employe obtains a private security permit under this section sub. (5m).

9           2. The private detective agency shall ~~furnish upon request~~ furnishes an  
10 up-to-date written record of its employes to the ~~chief of police or other local law~~  
11 ~~enforcement official designated by the department for the municipality wherein such~~  
12 ~~activities take place. Such.~~ The record shall include the name, residence address,  
13 date of birth and a physical description of each such employe together with a recent  
14 photograph and 2 fingerprint cards bearing a complete set of fingerprints of the each  
15 employe, and, subject to ss. 111.321, 111.322 and 111.335, no person shall be eligible  
16 for a private security permit who has been convicted in this state or elsewhere of a  
17 felony within 5 years preceding application.

18           3. The private detective agency shall notify notifies the chief of police or other  
19 ~~designated official~~ department in writing within 5 days of any change of the  
20 residence address or of the termination of employment of such person. A private  
21 security permit shall be issued or denied within 48 hours of application by the chief  
22 of police or other designated official. ~~The permit shall remain valid unless for just~~  
23 ~~cause revoked by the chief of police or other designated official issuing the permit for~~  
24 ~~just cause. Upon denial or revocation of a permit, appeal may be taken to the~~  
25 ~~department. The chief of police or other designated official may charge the agency~~

1 a fee of not more than \$10 for issuing the permit in the information under subd. 2.  
2 regarding its employes, including the termination of employment of any person.

3 **SECTION 29.** 440.26 (5m) of the statutes is created to read:

4 440.26 **(5m)** PRIVATE SECURITY PERMIT. (a) The department shall issue a private  
5 security permit to an individual if all of the following apply:

6 1. The individual submits an application for a private security permit to the  
7 department on a form provided by the department.

8 2. Except as provided in par. (am) and subject to ss. 111.321, 111.322 and  
9 111.335, the individual has not been convicted in this state or elsewhere of a felony,  
10 unless he or she has been pardoned for that felony.

11 3. The individual provides evidence satisfactory to the department that he or  
12 she is an employe of a private detective agency described in sub. (5) (c).

13 4. The individual pays to the department the fee specified in s. 440.05 (1).

14 (am) No private security permit may be issued under this subsection to an  
15 individual who has been convicted in this state or elsewhere of a felony within the  
16 10-year period immediately preceding the date of application for a permit under  
17 subd. 1., unless he or she has been pardoned for that felony.

18 (b) The renewal dates for permits issued under this subsection are specified  
19 under s. 440.08 (2) (a). Renewal applications shall be submitted to the department  
20 on a form provided by the department and shall include the renewal fee specified in  
21 s. 440.08 (2) (a).

22 (c) A private security permit issued under this subsection authorizes the holder  
23 of the permit to engage in private security activities described in sub. (5) (c) for an  
24 employer described in sub. (5) (c) anywhere in this state.

1 (d) The department shall maintain a record pertaining to each applicant for a  
2 permit under this subsection and each holder of a permit issued under this  
3 subsection. The record shall include all information received by the department that  
4 is relevant to the approval or denial of the application, the issuance of the permit and  
5 any limitations, suspensions or revocations of the permit.

6 **SECTION 30.** 440.26 (6) of the statutes is renumbered 440.26 (6) (a) (intro.) and  
7 amended to read:

8 440.26 (6) (a) (intro.) Subject to the rules adopted under s. 440.03 (1), the  
9 department may reprimand the holder of a license or permit issued under this  
10 section or revoke, suspend or limit the license or permit of any person who has been  
11 done any of the following:

12 1. Been convicted of a crime misdemeanor or found to have violated any state  
13 or local law that is punishable by a forfeiture, subject to ss. 111.321, 111.322 and  
14 111.335,or has engaged.

15 2. Engaged in conduct reflecting adversely on his or her professional  
16 qualification,or has made.

17 3. Made a false statement in connection with any application for a license or  
18 permit under this section.

19 **SECTION 31.** 440.26 (6) (a) 4. of the statutes is created to read:

20 440.26 (6) (a) 4. Violated this section or any rule promulgated or order issued  
21 under this section.

22 **SECTION 32.** 440.26 (6) (b) of the statutes is created to read:

23 440.26 (6) (b) Subject to the rules promulgated under s. 440.03 (1), the  
24 department shall revoke the license or permit of any person who has been convicted  
25 of a felony in this state or elsewhere and who has not been pardoned for that felony.

1 A person whose license or permit is revoked under this paragraph is eligible to apply  
2 for a license or permit under this section 10 years after the date of conviction for the  
3 felony.

4 **SECTION 33.** 440.26 (7) (title) of the statutes is repealed.

5 **SECTION 34.** 440.26 (7) (a) of the statutes is renumbered 440.26 (5) (a) and  
6 amended to read:

7 440.26 (5) (a) ~~“Private detective” does not include~~ The requirement that a  
8 person acting as a private detective, investigator or special investigator be licensed  
9 under this section does not apply to attorneys, law students or law school graduates  
10 employed by an attorney or persons directly employed by an attorney or firm of  
11 attorneys whose work as private detective, investigator or special investigator is  
12 limited to such attorney or firm or to persons directly employed by an insurer or a  
13 retail credit rating establishment. A person who accepts employment with more  
14 than one law firm shall be subject to the licensing provisions of this section.

15 **SECTION 35.** 440.26 (7m) of the statutes is created to read:

16 440.26 (7m) IDENTIFICATION CARD. (a) The department shall issue an  
17 identification card to every individual who is issued a license or permit under this  
18 subchapter.

19 (b) An identification card issued under par. (a) shall contain all of the following:

- 20 1. The individual's name.
- 21 2. Identification information of the individual, including height, weight and  
22 hair and eye color.
- 23 3. A recent photograph of the individual.
- 24 4. The signature of the individual.

1           5. The name and license number of the private detective agency, armored  
2 transport service, locksmith agency or private alarm contractor agency employing  
3 the individual, if applicable.

4           6. The number of the identification card.

5           (c) An individual who terminates his or her employment with a private  
6 detective agency, armored transport service, locksmith agency or private alarm  
7 contractor agency shall notify the department and return his or her identification  
8 card to the department.

9           (d) The department may charge a fee for issuing or reissuing an identification  
10 card under this subsection.

11           (e) The department may promulgate any rules necessary to administer this  
12 subsection.

13           **SECTION 36.** 440.26 (8) of the statutes is renumbered 440.26 (8) (a) and  
14 amended to read:

15           440.26 (8) (a) Any person, acting as a private alarm contractor, locksmith,  
16 armored transport service person, private detective, investigator or private security  
17 person, or who employs any person who solicits, advertises or performs services in  
18 this state as a private alarm contractor, locksmith, armored transport service person,  
19 private detective or private security person, or investigator or special investigator,  
20 without having procured the license or permit required by this section, may be fined  
21 not less than \$100 nor more than \$500 or imprisoned not less than 3 months nor more  
22 than 6 months or both. Any agency or service having an employe, owner, officer or  
23 agent convicted of the above offense may have its agency or service license revoked  
24 or suspended by the department. Any person convicted of the above offense shall be  
25 ineligible for a license for one year.



1           **SECTION 37.** 440.26 (8) (b) of the statutes is created to read:

2           440.26 (8) (b) Any person who violates sub. (4s) may be required to forfeit not  
3           less than \$100 nor more than \$500 or imprisoned for not less than 3 months nor more  
4           than 6 months or both.

5           **SECTION 38.** 940.34 (2) (c) 1. of the statutes is amended to read:

6           940.34 (2) (c) 1. In this paragraph, “unlicensed private security person” means  
7           a private security person, as defined in s. 440.26 (1m) (h), who is exempt from the  
8           permit and licensure requirements of s. 440.26.

9           **SECTION 39.** 941.237 (1) (em) of the statutes is amended to read:

10          941.237 (1) (em) “Private security person” has the meaning given in s. 440.26  
11          (1m) (h).

12          **SECTION 40. Nonstatutory provisions.**

13          (1) No later than the first day of the 2nd month beginning after the effective  
14          date of this subsection, the chiefs of police or other designated officials who issued  
15          private security permits under section 440.26 (5) of the statutes shall transfer to the  
16          department of regulation and licensing copies of all records pertaining to private  
17          security permits. Permits issued by chiefs of police or other designated officials prior  
18          to the effective date of this subsection shall be treated as if they were issued by the  
19          department of regulation and licensing under section 440.26 (5m) of the statutes, as  
20          created by this act, on the effective date of this subsection. Any permit denial or  
21          revocation proceeding pending on the effective date of this subsection is transferred  
22          to the department of regulation and licensing on the effective date of this subsection.

23          **SECTION 41. Initial applicability.**

24          (1) The treatment of section 440.26 (2) (a) 1. and 2. and (c), (5) and (5m) of the  
25          statutes first applies to applications for an initial license or permit under section

1 440.26 of the statutes, as affected by this act, that are submitted on the effective date  
2 of this subsection.

3 (2) The treatment of section 440.26 (4e) of the statutes first applies to a person  
4 who is offered employment or management authority on the effective date of this  
5 subsection.

6 (3) The treatment of section 440.26 (4m) of the statutes first applies to  
7 judgments of conviction or judgments finding that a person committed a violation  
8 that are entered on the effective date of this subsection.

9 (4) The treatment of section 440.26 (6) (b) of the statutes first applies to a person  
10 holding a license or permit under section 440.26 of the statutes who is convicted of  
11 a felony on the effective date of this subsection.

12 (END)