



State of Wisconsin
2003 - 2004 LEGISLATURE

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**SENATE SUBSTITUTE AMENDMENT 3,
TO 2003 SENATE BILL 214**

October 23, 2003 – Offered by Senator CARPENTER.

1 **AN ACT** *to renumber and amend* 29.091, 29.621 (4), 941.23 and 941.235 (2); **to**
2 *amend* 23.33 (3) (e), 29.089 (2), 51.20 (13) (cv) 4., 51.20 (16) (gm), 51.30 (3) (a),
3 165.82 (1) (intro.), 165.82 (2), 440.26 (3m), 813.12 (6) (am) 1., 813.12 (6) (am) 2.,
4 813.122 (9) (am) 1., 813.122 (9) (am) 2., 813.125 (5r) (a), 813.125 (5r) (b), 938.396
5 (8) and 941.295 (2) (d); and **to create** 29.091 (2), 29.621 (4) (b), 55.06 (17) (bm),
6 59.25 (3) (u), 167.31 (4) (ar), 175.50, 938.396 (8m), 941.23 (1) (a), 941.23 (1) (b),
7 941.23 (1) (c), 941.23 (2), 941.235 (2) (c), 941.237 (3) (ct), 941.295 (2g), 941.295
8 (2r), 946.32 (3), 948.605 (2) (c) and 948.61 (3m) of the statutes; **relating to:**
9 carrying or going armed with a concealed weapon, requiring the exercise of
10 rule-making authority, and providing penalties.

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

11 **SECTION 1.** 23.33 (3) (e) of the statutes is amended to read:

1 23.33 (3) (e) With any firearm in his or her possession unless it is unloaded and
2 enclosed in a carrying case, ~~or. This paragraph does not apply to the possession of~~
3 a handgun, as defined in s. 175.50 (1) (bm), by a person who holds a valid license to
4 carry a concealed weapon issued under s. 175.50.

5 ~~(em) With~~ any bow unless it is unstrung or enclosed in a carrying case.

6 **SECTION 2.** 29.089 (2) of the statutes is amended to read:

7 29.089 (2) Except as provided in sub. (3), no person may have in his or her
8 possession or under his or her control a firearm on land located in state parks or state
9 fish hatcheries unless the firearm is unloaded and enclosed within a carrying case.
10 This subsection does not apply if the firearm is a handgun, as defined in s. 175.50 (1)
11 (bm), and the person holds a valid license to carry a concealed weapon issued under
12 s. 175.50.

13 **SECTION 3.** 29.091 of the statutes is renumbered 29.091 (1) and amended to
14 read:

15 29.091 (1) No person may hunt or trap within any wildlife refuge established
16 under s. 23.09 (2) (b) or 29.621 (1), ~~or, except as provided in sub. (2),~~ have possession
17 or control of any gun, firearm, bow or crossbow unless the gun or firearm is unloaded,
18 the bow or crossbow is unstrung and the gun, firearm, bow or crossbow is enclosed
19 within a carrying case. The taking of predatory game birds and animals shall be done
20 as the department directs. All state wildlife refuge boundary lines shall be marked
21 by posts placed at intervals of not over 500 feet and bearing signs with the words
22 “Wisconsin Wildlife Refuge”.

23 **SECTION 4.** 29.091 (2) of the statutes is created to read:

24 29.091 (2) The prohibition of the possession or control of a loaded or unencased
25 gun or firearm in sub. (1) does not apply to the possession of a handgun, as defined

1 in s. 175.50 (1) (bm), by a person who holds a valid license to carry a concealed weapon
2 issued under s. 175.50.

3 **SECTION 5.** 29.621 (4) of the statutes is renumbered 29.621 (4) (a) and amended
4 to read:

5 29.621 (4) (a) Except as provided in s. 29.091 (1), no owner of a wildlife refuge,
6 and no other person, may hunt or trap within the boundaries of any wildlife refuge
7 or, except as provided in par. (b), have in his or her possession or under his or her
8 control in the wildlife refuge a gun, firearm, bow or crossbow, unless the gun or
9 firearm is unloaded, the bow or crossbow is unstrung and the gun, firearm, bow or
10 crossbow is enclosed within a carrying case. Nothing in this section may prohibit,
11 prevent or interfere with the department in the destruction of injurious animals.

12 **SECTION 6.** 29.621 (4) (b) of the statutes is created to read:

13 29.621 (4) (b) The prohibition of the possession or control of a loaded or
14 unencased gun or firearm in par. (a) does not apply to the possession of a handgun,
15 as defined in s. 175.50 (1) (bm), by a person who holds a valid license to carry a
16 concealed weapon issued under s. 175.50.

17 **SECTION 7.** 51.20 (13) (cv) 4. of the statutes is amended to read:

18 51.20 (13) (cv) 4. If the court prohibits a subject individual from possessing a
19 firearm under subd. 1. or cancels a prohibition under subd. 2., the court clerk shall
20 notify the department of justice of that fact and provide any information identifying
21 the subject individual that is necessary to permit an accurate involuntary
22 commitment history record search under s. 175.35 (2g) (c) or a background check
23 under s. 175.50 (9g) (b). No other information from the subject individual's court
24 records may be disclosed to the department of justice except by order of the court.
25 The department of justice may disclose information provided under this subdivision

1 only as part of an involuntary commitment history record search under s. 175.35 (2g)
2 (c) or a background check under s. 175.50 (9g) (b) or to a sheriff under s. 175.50 (9g)
3 (b) 3. a. or c. or (e) 1., (9r) (b) 2., or (11) (d) 3.

4 **SECTION 8.** 51.20 (16) (gm) of the statutes is amended to read:

5 51.20 (16) (gm) Upon a request under par. (a), a court may cancel the
6 prohibition under sub. (13) (cv) 1. if the court determines, based on evidence
7 presented on the issue of the subject individual's dangerousness, that there no longer
8 is a substantial probability that the individual may use a firearm to cause physical
9 harm to himself or herself or endanger public safety. If a court cancels a prohibition
10 under sub. (13) (cv) 1. under this paragraph, the court clerk shall notify the
11 department of justice of that fact and provide any information identifying the subject
12 individual that is necessary to permit an accurate involuntary commitment record
13 search under s. 175.35 (2g) (c) or a background check under s. 175.50 (9g) (b). No
14 other information from the subject individual's court records may be disclosed to the
15 department of justice except by order of the court.

16 **SECTION 9.** 51.30 (3) (a) of the statutes is amended to read:

17 51.30 (3) (a) Except as provided in pars. (b) and (c) and s. 175.50 (11) (d) 2. g.
18 and 3., the files and records of the court proceedings under this chapter shall be
19 closed but shall be accessible to any individual who is the subject of a petition filed
20 under this chapter.

21 **SECTION 10.** 55.06 (17) (bm) of the statutes is created to read:

22 55.06 (17) (bm) Paragraph (a) does not apply to a clerk, as defined in s. 175.50
23 (11) (d) 1., providing notice to the department of justice under s. 175.50 (11) (d) 2. h.
24 of a finding of incompetency under ch. 880 or to the department of justice informing
25 a sheriff under s. 175.50 (11) (d) 3. of such a finding made with respect to a licensee.

1 **SECTION 11.** 59.25 (3) (u) of the statutes is created to read:

2 59.25 (3) (u) 1. Subject to the terms of an agreement under s. 175.50 (2) (c),
3 deposit all moneys received under s. 175.50 (7) (bd) and (bp), (13), and (15) (b) 4. a.
4 and c. and (d) 1. in the general fund of the county.

5 2. Forward all moneys received under s. 175.50 (7) (bh) and (15) (b) 4. b. to the
6 state treasurer for deposit in the general fund.

7 4. Subject to the terms of an agreement under s. 175.50 (2) (c), deposit all
8 moneys received from payments made under s. 175.50 (7) (bt) and (15) (b) 4. d. in the
9 law enforcement excellence fund established under s. 175.50 (20) and make
10 payments from the fund for the purposes of s. 175.50 (20) (b).

11 **SECTION 12.** 165.82 (1) (intro.) of the statutes, as affected by 2003 Wisconsin
12 Act 33, is amended to read:

13 165.82 (1) (intro.) Notwithstanding s. 19.35 (3), the department of justice shall
14 impose the following fees, plus any surcharge required under sub. (1m), for criminal
15 history searches for purposes unrelated to criminal justice or to s. 175.35 or 175.50:

16 **SECTION 13.** 165.82 (2) of the statutes is amended to read:

17 165.82 (2) Except as provided in s. ss. 175.35 and 175.50, the department of
18 justice shall not impose fees for criminal history searches for purposes related to
19 criminal justice.

20 **SECTION 14.** 167.31 (4) (ar) of the statutes is created to read:

21 167.31 (4) (ar) Subsections (2) (a), (b), and (c) and (3) (a) and (b) do not apply
22 to the placement, possession, transportation, or loading of a handgun, as defined in
23 s. 175.50 (1) (bm), by a person who holds a valid license to carry a concealed weapon
24 issued under s. 175.50.

25 **SECTION 15.** 175.50 of the statutes is created to read:

1 **175.50 License to carry a concealed weapon. (1) DEFINITIONS.** In this
2 section:

3 (ac) “Background check” means a search of department records, along with any
4 follow-up undertaken by the department under sub. (9g) (b) 3. c., to determine
5 whether a person is ineligible under sub. (3) (c), (d), (f), (g) 2. or 3., (k), (L), (m), (n),
6 (o), or (r) for a license to carry a concealed weapon.

7 (ag) Except in subs. (2g) (b) and (11) (c) 2., “carry” means to go armed with.

8 (aj) “Department” means the department of justice.

9 (am) “Drunk driving offense” means any of the following:

10 1. A violation of s. 346.63 or a local ordinance in conformity with that section.

11 2. A violation of a law of a federally recognized American Indian tribe or band
12 in this state in conformity with s. 346.63.

13 3. A violation of the law of another jurisdiction, as defined in s. 340.01 (41m),
14 that prohibits use of a motor vehicle while intoxicated, while under the influence of
15 a controlled substance, a controlled substance analog, or a combination thereof, with
16 an excess or specified range of alcohol concentration, or while under the influence of
17 any drug to a degree that renders the person incapable of safely driving, as those or
18 substantially similar terms are used in that jurisdiction’s laws.

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

24 (c) “Law enforcement officer” has the meaning given in s. 165.85 (2) (c).

1 (d) "Licensee" means an individual holding a valid license to carry a concealed
2 weapon issued under this section.

3 (e) "Misdemeanor crime of violence" means any of the following:

4 1. A misdemeanor violation of chs. 940, 941, or 948 or of s. 947.013 or a violation
5 of s. 947.01.

6 2. A crime under federal law or the law of another state that is comparable to
7 a crime described in subd. 1.

8 (eg) "Misdemeanor delinquency adjudication" means a finding that a juvenile
9 is delinquent for an act that would be a misdemeanor if committed by an adult.

10 (h) "Private property" has the meaning given in s. 943.13 (1e) (e).

11 (i) "Proprietor" means a person to whom a Class "B" or "Class B" license or
12 permit has been issued under ch. 125.

13 (j) "Weapon" means a handgun, an electric weapon, as defined in s. 941.295 (4),
14 a tear gas gun, a knife other than a switchblade knife under s. 941.24, or a billy club.

15 **(2) ISSUANCE OF LICENSE.** (a) Except as provided in pars. (am), (b) 1., and (c),
16 each county, through its sheriff, shall issue licenses to carry a concealed weapon to
17 an individual who meets the qualifications specified in sub. (3) and who completes
18 the application process specified in sub. (7). A license to carry a concealed weapon
19 issued under this section shall meet the requirements specified in sub. (2m).

20 (am) A county may choose not to issue licenses to carry a concealed weapon
21 under this section if all of the following occur:

22 1. One of the following occurs:

23 a. A petition conforming to the requirements of s. 8.40 is filed as provided in
24 s. 8.37 with the clerk of the county and the petition has been signed by at least 10
25 percent of the electors of the county requesting that the question of banning the

1 carrying of concealed weapons in that county be submitted to the electors in a county
2 referendum.

3 b. A majority of the county board votes to submit the question of banning the
4 carrying of concealed weapons in that county to the electors in a county referendum.

5 2. The applicable question under subd. 1. is submitted to the electors at any
6 general or regular county election that is held not less than 42 days nor more than
7 47 days from the date of the filing of the petition. If no general election or regular
8 county election is to be held within the stated period, the governing body of the county
9 shall order the holding of a special election, to be held not less than 42 days from the
10 date of filing of the petition, for the purpose of submitting the question to the electors.

11 3. A majority of voters in the county voting at the referendum election vote to
12 ban the carrying of concealed weapons in the county.

13 (b) 1. Except as provided in par. (am), a sheriff may, but is not required to, issue
14 licenses to carry a concealed weapon under this section if, before the first day of the
15 4th month beginning after the effective date of this subdivision [revisor inserts
16 date], all of the following occur:

17 a. The sheriff requests the county board of the sheriff's county to authorize him
18 or her to decline to issue licenses to carry a concealed weapon under this section.

19 b. After receiving a request from the sheriff under subd. 1. a., the county board
20 of the sheriff's county grants the sheriff's request by a two-thirds vote of all the
21 members of the board.

22 2. At any time the county board of the sheriff's county may rescind the
23 authorization it grants under subd. 1. by a two-thirds vote of all members of the
24 county board.

1 (c) Any 2 or more sheriffs may by agreement jointly exercise powers granted
2 to them and discharge duties imposed on them under this section. An agreement for
3 joint issuance of licenses to carry a concealed weapon under this section may be
4 entered into at any time and shall satisfy all of the following criteria:

5 1. The agreement shall be in writing.

6 2. The agreement shall be approved by the county board of the county of each
7 sheriff who is a party to the agreement.

8 2m. The agreement shall specify how the powers and duties that are the subject
9 of the agreement are to be allocated among the sheriffs that are parties to the
10 agreement.

11 3. The agreement shall specify how costs incurred and moneys received under
12 this section shall be apportioned among the sheriffs who are a party to the agreement
13 and their respective counties.

14 4. The agreement shall designate one county to be identified as the county of
15 issuance.

16 5. If a sheriff who is party to an agreement has issued licenses under this
17 section before entering into the agreement, the agreement shall provide for the
18 renewal of any licenses that were issued by that sheriff before he or she entered into
19 the agreement.

20 **(2g) CARRYING A CONCEALED WEAPON; CARRYING AND DISPLAY OF LICENSE DOCUMENT**
21 **OR AUTHORIZATION.** (a) A licensee may carry a concealed weapon anywhere in this
22 state except as provided under sub. (16) or s. 941.20 (1) (b).

23 (b) A licensee shall carry his or her license document at all times during which
24 he or she is going armed with a concealed weapon.

1 (c) If he or she is carrying a concealed weapon, a licensee shall display his or
2 her license document to a law enforcement officer upon the request of the law
3 enforcement officer.

4 **(2m)** LICENSE DOCUMENT; CONTENT OF LICENSE. (a) Subject to pars. (b), (c), and
5 (d), the department shall design a single license document for licenses issued and
6 renewed under this section. The department shall complete the design of the license
7 document no later than the first day of the 4th month beginning after the effective
8 date of this paragraph [revisor inserts date], and shall distribute the design for
9 the license document to any sheriff who issues licenses under sub. (2) (a) or (c) for the
10 sheriff to use for licenses that he or she issues under this section.

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

- 13 1. The full name, date of birth, and residence address of the licensee.
- 14 2. A color photograph of the licensee.
- 15 3. A physical description of the licensee, including gender, height, weight, and
16 hair and eye color.
- 17 4. The date on which the license was issued.
- 18 5. The date on which the license expires.
- 19 6. The name of this state.
- 20 7. The name of the county that issues the license.
- 21 8. A unique identification number for each licensee that begins with a unique
22 code number, which the department shall establish, for the county listed in subd. 7.

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

24 (d) A license document issued under this section shall be, to the maximum
25 extent possible, tamper proof. The contents of the license document shall be included

1 in the document in substantially the same way that the contents of an operator's
2 license document issued under s. 343.17 are included on that document.

3 **(3) QUALIFICATIONS FOR OBTAINING A LICENSE.** An individual is eligible for a
4 license under this section if all of the following apply:

5 (a) The individual is at least 21 years of age.

6 (b) The individual does not have a physical disability that prevents him or her
7 from safely handling a weapon.

8 (c) The individual is not prohibited under federal law from possessing a firearm
9 that has been transported in interstate or foreign commerce.

10 (d) The individual is not prohibited from possessing a firearm under s. 941.29.

11 (e) During the preceding 5 years, the individual has not been civilly committed
12 under s. 51.20 for being drug dependent.

13 (f) During the preceding 5 years, the individual has not been convicted for any
14 violation, or for the solicitation, conspiracy, or attempt to commit any violation, of ch.
15 961 or of a federal law or a law of another state that is comparable to any provision
16 of ch. 961.

17 (g) The individual does not chronically and habitually use alcohol beverages or
18 other substances to the extent that his or her normal faculties are impaired. A person
19 is presumed chronically and habitually to use alcohol beverages or other substances
20 to the extent that his or her normal faculties are impaired if, within the preceding
21 5 years, any of the following applies:

22 1. The individual has been committed for involuntary treatment under s. 51.45
23 (13).

24 2. The individual has been convicted of a violation of s. 941.20 (1) (b).

1 3. In 2 or more cases arising out of separate incidents, a court has found the
2 individual to have committed a drunk driving offense.

3 (h) The individual has done one of the following:

4 2. Successfully completed a National Rifle Association firearm training or
5 firearm safety course or class.

6 3. Successfully completed a firearm training or firearm safety course or class
7 conducted by an instructor certified by the state in which the course or class was
8 conducted, by the National Rifle Association, or by another national or state
9 organization that certifies firearms instructors.

10 4. Successfully completed a firearm safety or firearm training course or class
11 that is available to the general public and that is offered by a law enforcement agency,
12 a private or public school, institution, or organization, or a firearm training school,
13 if the course or class uses instructors certified by the National Rifle Association, by
14 another national or state organization that certifies firearms instructors, or by the
15 department or if the curriculum meets the minimum requirements of the law
16 enforcement standards board.

17 5. Successfully completed a firearm safety or firearm training course or class
18 offered for law enforcement officers, correctional officers, special deputies, private
19 detectives licensed under s. 440.26, or other security or law enforcement personnel.

20 6. Participated in organized shooting competitions or military training that
21 gave the applicant experience with firearms that the sheriff determines is
22 substantially equivalent to any course or class specified in subds. 2. to 5.

23 (i) The individual has not been found incompetent under ch. 880 or, if the
24 individual has been found incompetent under ch. 880, he or she was subsequently

1 found to be competent and at least 5 years have elapsed from the date that he or she
2 was found to be competent.

3 (im) The individual was not the subject of a protective placement under s. 55.06
4 as a minor unless at least 5 years have elapsed from the date on which his or her
5 protective placement ended.

6 (j) The individual has not been involuntarily committed for treatment under
7 s. 51.20 due to mental illness or a developmental disability or, if the individual has
8 been involuntarily committed for treatment under s. 51.20 due to mental illness or
9 a developmental disability, he or she shows, through evidence from a psychiatrist
10 licensed in this state, that he or she has not been disabled due to mental illness or
11 a developmental disability for at least 5 years.

12 (k) The individual has not been found incompetent under s. 971.14 or, if the
13 individual has been found incompetent under s. 971.14, one of the following applies:

14 1. He or she was subsequently found to be competent and at least 5 years have
15 elapsed from the date that he or she was found to be competent.

16 2. He or she was not subsequently found to be competent and he or she shows,
17 through evidence from a psychiatrist licensed in this state, that he or she has not
18 been disabled due to mental illness or a developmental disability for at least 5 years.

19 (L) The individual has not been found not guilty by reason of mental disease
20 or defect under s. 971.17 or, if the individual has been found not guilty by reason of
21 mental disease or defect under s. 971.17, he or she presents evidence from a
22 psychiatrist licensed in this state that he or she has not been disabled due to mental
23 illness or a developmental disability for at least 5 years.

24 (m) Within the preceding 5 years, the individual was not convicted of a
25 misdemeanor crime of violence or was not serving a sentence, on probation, or subject

1 to a dispositional order under ch. 938 for committing a misdemeanor crime of
2 violence.

3 (n) The individual has not been charged with a felony or a misdemeanor crime
4 of violence for which the prosecution was suspended under a deferred prosecution
5 agreement unless 5 years have elapsed since the date of the agreement.

6 (o) The individual is not the subject of any pending civil or criminal case, the
7 disposition of which could disqualify him or her from having a license under this
8 subsection.

9 (p) The individual has not previously submitted an application for a license
10 under this section to any county and had the application denied, unless each reason
11 for the denial is no longer applicable because of changed circumstances or, if the
12 denial was based on a restriction under sub. (3) that applies for a specified period of
13 time, because that time period has run.

14 (q) The individual has not had a license that was issued under this section
15 revoked, unless each reason for the revocation is no longer applicable because of
16 changed circumstances or, if the revocation was based on a restriction under sub. (3)
17 that applies for a specified period of time, because that time period has run.

18 (r) The individual has not been convicted under sub. (17) (c), (d), or (e).

19 (s) The individual is a Wisconsin resident.

20 **(5) APPLICATION AND RENEWAL FORMS.** The department shall design an
21 application form for use by individuals who apply for a license under this section and
22 a renewal form for use by individuals applying for renewal of a license under sub.
23 (15). The department shall complete the design of the application form no later than
24 the first day of the 4th month beginning after the effective date of this subsection
25 [revisor inserts date], and shall complete the design of the renewal form no later than

1 the first day of the 54th month beginning after the effective date of this subsection
2 [revisor inserts date]. The department shall distribute the designs for both forms
3 to any sheriff who issues licenses under sub. (2) (a) or (c) for use in making the
4 application forms and the license renewal forms described in this section. The forms
5 designed by the department under this subsection shall only require the applicant
6 to provide his or her name, address, date of birth, race, gender, height, weight, hair
7 and eye color, and fingerprints and shall include all of the following:

8 (e) A statement that the applicant is eligible for a license if the requirements
9 specified in sub. (3) are met.

10 (f) A statement explaining the privilege of self-defense and defense of others
11 under s. 939.48, with a place for the applicant to sign his or her name to indicate that
12 he or she has read and understands the statement.

13 (g) A statement that the applicant has received a copy of this section, with a
14 place for the applicant to sign his or her name to indicate that he or she has read and
15 understands the requirements of this section.

16 (h) A statement that the application is being made under oath and that an
17 applicant may be prosecuted if he or she gives a false answer to any question on the
18 application or submits a falsified document with the application.

19 (i) A statement of the penalties for giving a false answer to any question on the
20 application or submitting a falsified document with the application.

21 **(6) OATH.** An applicant shall swear under oath that the information that he or
22 she provides in an application submitted under sub. (7) and any document submitted
23 with the application is true and complete to the best of his or her knowledge.

1 **(7) SUBMISSION OF APPLICATION.** An individual may apply for a license under this
2 section with any sheriff. An applicant shall submit all of the following to the sheriff
3 through whom he or she is applying for a license:

4 (a) An application in the form prescribed under sub. (5) that has been sworn
5 to as required under sub. (6).

6 (bd) A license fee set by the sheriff issuing the license that does not exceed
7 either the cost to the sheriff of issuing a license to an individual under this section,
8 including the cost of equipment purchase or rental, or \$75, whichever is less.

9 (bh) The fee for a background check specified in sub. (9g) (c).

10 (bp) A shooting range improvement fee of \$15.

11 (bt) A law enforcement excellence fund fee of \$15.

12 (d) A photocopy of a certificate or other evidence showing the applicant's
13 qualifications under sub. (3) (h).

14 (e) A full-face photograph of the applicant taken within the 30-day period
15 immediately preceding the date of the applicant's application.

16 **(9) PROCESSING OF APPLICATION.** (a) Upon receiving an application submitted
17 under sub. (7), a sheriff shall request that the department conduct a background
18 check, as provided under sub. (9g).

19 (b) Subject to par. (c), a sheriff shall process the application in a reasonable time
20 period and shall do one of the following:

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

23 2. Deny the application, but only if the applicant fails to qualify under the
24 criteria specified in sub. (3). If the sheriff denies the application, he or she shall

1 inform the applicant in writing, stating the reason and factual basis for the denial
2 to the extent permitted under federal law.

3 (c) Except as provided in sub. (9r), a sheriff may not issue a license until 7 days,
4 subject to extension under sub. (9g) (b) 3. c., have elapsed from the time that the
5 sheriff has received a confirmation number regarding the background check under
6 sub. (9g) (b) 1. from the department, unless the department has notified the sheriff
7 that the background check does not indicate that the applicant is disqualified for a
8 license under sub. (3) (c), (d), (f), (g) 2. or 3., (k), (L), (m), (n), (o), or (r).

9 **(9g) BACKGROUND CHECKS.** (a) A sheriff shall request that the department
10 conduct a background check by calling the department, using a toll-free telephone
11 number provided by the department, and providing the department with the name,
12 date of birth, gender, and race of the applicant.

13 (b) Upon receiving a request under par. (a), the department shall conduct a
14 background check using the following procedure:

15 1. The department shall provide the sheriff with a confirmation number
16 confirming the receipt of the information under par. (a).

17 2. The department shall conduct the background check regarding an applicant
18 for a license under this section. In conducting a background check under this
19 subdivision, the department shall use the transaction information for management
20 of enforcement system and the national crime information center system.

21 3. The department shall notify the sheriff, either during the initial telephone
22 call or as soon thereafter as practicable, of the results of the background check as
23 follows:

24 a. If the background check indicates that the applicant does not qualify for a
25 license under sub. (3) (c), (d), (f), (g) 2. or 3., (k), (L), (m), (n), (o), or (r), the department

1 shall provide the sheriff with a unique nonapproval number. The department shall
2 disclose to the sheriff the reason the applicant does not qualify for a license under
3 sub. (3) (c), (d), (f), (g) 2. or 3., (k), (L), (m), (n), (o), or (r).

4 b. If the completed background check does not indicate that the applicant is
5 disqualified for a license under sub. (3) (c), (d), (f), (g) 2. or 3., (k), (L), (m), (n), (o), or
6 (r), the department shall provide the sheriff with a unique approval number.

7 c. If the background check indicates that the applicant was the subject of a
8 relevant criminal charge for which there is no recorded disposition or if, in the case
9 of a misdemeanor delinquency adjudication, the background check does not indicate
10 how long the resultant dispositional order was in effect, and the 7-day time period
11 described in sub. (9) (c) has not yet run, that time period is extended by 72 hours.
12 The department shall notify the sheriff of the extension as soon as practicable.
13 During the extended period, the department shall make all reasonable efforts to
14 obtain the missing information and shall notify the sheriff of the results of its efforts
15 as soon as practicable.

16 (bm) The department shall conduct the background check under par. (b)
17 immediately if, when requesting it under par. (a), the sheriff informs the department
18 that the background check is for an applicant for an emergency license under sub.
19 (9r).

20 (c) The department shall charge a sheriff a fee of \$8 for each background check
21 that the sheriff requests under par. (a), except that the department shall waive the
22 fee if, when requesting the background check, the sheriff informs the department
23 that the fee is being waived under sub. (9r) (c). The sheriff shall collect the fee from
24 the applicant unless the fee is waived under sub. (9r) (c).

1 (d) A sheriff shall maintain the original record of all completed application
2 forms and a record of all confirmation numbers and corresponding approval or
3 nonapproval numbers that he or she receives regarding background checks under
4 this subsection. The sheriff shall mail a duplicate copy of each completed application
5 form to the department.

6 (e) 1. The department shall check each duplicate application form received
7 under par. (d) against the information recorded by the department regarding the
8 corresponding request for a background check under this subsection. If the
9 department previously provided a unique approval number regarding the request
10 and nothing in the duplicate completed application form indicates that the applicant
11 is not qualified for a license under sub. (3) (c), (d), (f), (g) 2. or 3., (k), (L), (m), (n), (o),
12 or (r), the department shall, except as provided in subd. 2., destroy all records
13 regarding that background check within 30 days after receiving the duplicate form.
14 If the department previously provided a unique approval number regarding the
15 request and the duplicate completed application form indicates that the applicant is
16 not qualified for a license under sub. (3) (c), (d), (f), (g) 2. or 3., (k), (L), (m), (n), (o),
17 or (r), the department shall immediately notify the sheriff who issued the license, and
18 the sheriff shall revoke the license.

19 2. The department may maintain records necessary to administer this
20 subsection and, for a period of not more than 3 years after the department issues a
21 unique approval number, a log of dates of requests for background checks under this
22 subsection together with confirmation numbers and unique approval and
23 nonapproval numbers corresponding to those dates.

24 **(9r) EMERGENCY LICENSE.** (a) Unless the sheriff knows that the person is not
25 qualified for a license under sub. (3) (a) to (g) or (i) to (s), a sheriff may issue a license

1 under this section to an individual who does not satisfy the requirements under sub.
2 (3) (h) without regard for the waiting period under sub. (9) (c) if the sheriff determines
3 that immediate licensure is warranted to protect the individual from death or great
4 bodily harm, as defined in s. 939.22 (14). A sheriff who issues a license under this
5 paragraph shall notify the department and request an immediate background check
6 under sub. (9g).

7 (b) 1. Except as provided in subd. 2. and par. (d), a license issued under par. (a)
8 is valid for 120 days from the date on which it is issued and may not be renewed.

9 2. If the department notifies the sheriff that an individual to whom the sheriff
10 has issued a license under par. (a) does not qualify for a license under sub. (3) (c), (d),
11 (f), (g) 2. or 3., (k), (L), (m), (n), (o), or (r), the sheriff shall revoke the license.

12 (c) A sheriff may waive the fees that would otherwise be required under subs.
13 (7) (bd), (bh), (bp), and (bt) and (9g) (c) for an individual who is applying for a license
14 under par. (a) if requiring the individual to pay the fees would create a hardship for
15 the individual.

16 (d) A person who has been issued a license under par. (a) may obtain a license
17 under sub. (2) if he or she meets the qualifications specified under sub. (3) and
18 completes the application process specified in sub. (7). A license issued to a person
19 under par. (a) is void if the person is issued a license under sub. (2).

20 **(10) EXEMPTION FROM BACKGROUND CHECK.** Notwithstanding subs. (9) (a) and
21 (15) (c), a sheriff shall issue or renew a license under this section to any of the
22 following individuals without requesting a background check:

23 (a) A law enforcement officer.

24 (b) A correctional officer.

25 (c) A probation, parole, and extended supervision agent.

1 (d) A person who holds a current certification from the law enforcement
2 standards board under s. 165.85 (3) (c).

3 **(11) LICENSEE INFORMATION.** (a) A sheriff who issues licenses to carry a
4 concealed weapon under this section shall, within 5 days after issuing a license,
5 notify the department that he or she has issued a license under this section and
6 provide the department with the information specified in sub. (2m) (b) concerning the
7 individual to whom the license was issued.

8 (am) The department shall maintain a computerized record listing the names
9 of all individuals who have been issued a license under this section along with the
10 information concerning each individual that is provided to the department by a
11 sheriff under par. (a). After entering the information that it receives under par. (a),
12 the department may not store, maintain, format, sort, or access the information in
13 any way other than by the name of the licensee or the identification number assigned
14 to the licensee under sub. (2m) (b) 8.

15 (b) A law enforcement agency or a court may access the computerized record
16 listing under par. (am).

17 (c) The department and any sheriff issuing licenses under this section shall
18 provide information in addition to the information under par. (b) concerning a
19 specific licensee to a law enforcement agency, but only if the law enforcement agency
20 is requesting the information for any of the following purposes:

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

23 2. To confirm that the individual holds a valid license under this section, if the
24 individual is going armed with a concealed weapon but is not carrying his or her
25 license document and claims to hold a valid license issued under this section.

1 3. To investigate whether an individual intentionally falsely swore under sub.
2 (6) or (15) (b) 2., intentionally violated sub. (12) (a), or intentionally made a false
3 statement to a sheriff in connection with the individual’s request for an emergency
4 license under sub. (9r).

5 (d) 1. In this paragraph, “clerk” means the clerk of the circuit court or, if it has
6 enacted a law or an ordinance in conformity with s. 346.63, the clerk of the court for
7 a federally recognized American Indian tribe or band in this state, a city, a village,
8 or a town.

9 2. The clerk shall immediately notify the department of the name of any
10 individual with respect to whom any of the following occurs and the specific reason
11 for the notification:

12 a. The individual is charged with a felony, a misdemeanor crime of violence, a
13 violation of ch. 961, the solicitation, conspiracy, or attempt to commit any violation
14 of ch. 961, a violation of s. 941.20 (1) (b), a violation of sub. (17) (c), (d), or (e), or any
15 other crime that, upon conviction, would disqualify the individual from having a
16 license under this section.

17 b. The individual is charged with a drunk driving offense.

18 c. The individual is found by a court to have committed any offense described
19 in subd. 2. a. or b.

20 d. Prosecution of a felony or a misdemeanor crime of violence for which the
21 individual is charged is suspended under a deferred prosecution agreement.

22 e. The individual is found incompetent under s. 971.14.

23 f. The individual is found not guilty of any crime by reason of mental disease
24 or mental defect under s. 971.17.

1 g. The individual is involuntarily committed for treatment under s. 51.20 or
2 51.45.

3 h. The individual is found incompetent under ch. 880.

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

6 j. A court has prohibited the individual from possessing a dangerous weapon
7 under s. 969.02 (3) (c).

8 3. Upon receiving a notice under subd. 2., the department shall immediately
9 determine if the individual who is the subject of the notice is a licensee, using the list
10 maintained under par. (am). If the department determines that the individual is a
11 licensee, the department shall immediately inform the sheriff of the county that
12 issued the license of the individual's name and the basis for the notice under subd.
13 2.

14 **(12) UPDATED INFORMATION.** (a) Within 10 days after being charged under
15 federal law or the law of another state with any crime or any drunk driving offense,
16 a licensee shall notify the sheriff of the county that issued his or her license of the
17 charge.

18 (b) No later than 30 days after changing his or her address, a licensee shall
19 inform the sheriff of the county that issued the license of his or her new address. The
20 sheriff shall provide the individual's new address to the department for inclusion in
21 the list under sub. (11) (am).

22 **(13) LOST OR DESTROYED LICENSE.** No later than 30 days after losing his or her
23 license document or after his or her license document is destroyed, a licensee shall
24 submit to the sheriff of the county that issued the license a notarized statement that
25 his or her license document has been lost or destroyed. The sheriff shall issue a

1 replacement license document upon receiving the notarized statement and a
2 replacement license fee of \$15.

3 **(14)** LICENSE REVOCATION AND SUSPENSION. (a) A sheriff shall revoke a license
4 that his or her county issued under this section if the licensee no longer meets all of
5 the criteria specified in sub. (3) (b) to (g), (i) to (n), or (p) to (s).

6 (am) 1. If any of the following occurs with respect to a licensee, the sheriff of
7 the county that issued the license shall suspend the licensee's license:

8 a. The licensee is the subject of a pending civil or criminal case, the disposition
9 of which could require revocation of his or her license under par. (a).

10 b. A court has prohibited the licensee from possessing a dangerous weapon
11 under s. 969.02 (3) (c).

12 2. If the sheriff suspends a license under subd. 1., he or she shall restore the
13 license if, upon disposition of the case, the person to whom the license was issued
14 meets all of the criteria specified in sub. (3).

15 (b) 1. If a sheriff revokes or suspends a license under this section, the revocation
16 or suspension shall take effect immediately.

17 2. A sheriff who suspends or revokes a license issued under this section shall
18 send the individual whose license has been suspended or revoked notice of the
19 suspension or revocation by certified mail within one day after the suspension or
20 revocation. Within 7 days after receiving the notice, the individual whose license has
21 been suspended or revoked shall deliver the license document personally or by
22 certified mail to the sheriff.

23 **(14m)** APPEALS. (a) A person aggrieved by any action by a sheriff denying an
24 application for a license or suspending or revoking a license under this section may

1 appeal directly to the circuit court of the sheriff's county or, if applicable, to the circuit
2 court of the county of issuance designated under sub. (2) (c).

3 (b) To begin an appeal under this subsection, the aggrieved person shall file a
4 petition for review with the clerk of the applicable circuit court within 30 days after
5 the date of the sheriff's action or, if applicable, within 30 days after the date of the
6 notice provided to the person under sub. (9) (b) 2. The petition shall state the
7 substance of the sheriff's action that the person is appealing from and the grounds
8 upon which the person believes the sheriff's action to be improper. The petition may
9 include a copy of any records or documents that are relevant to the grounds upon
10 which the person believes the sheriff's action to be improper.

11 (c) A copy of the petition shall be served upon the sheriff either personally or
12 by registered or certified mail within 5 days after the person files his or her petition
13 under par. (b).

14 (d) The sheriff shall file an answer within 15 days after being served with the
15 petition under par. (c). The answer shall include a brief statement of the actions
16 taken by the sheriff, and a copy of any documents or records on which the sheriff
17 based his or her action shall be included with the answer when filed.

18 (e) The court shall review the petition, the answer, and any records or
19 documents submitted with the petition or the answer. The review under this
20 paragraph shall be conducted by the court without a jury and shall be confined to the
21 petition, the answer, and any records or documents submitted with the petition or
22 the answer, except that in cases of alleged irregularities in procedure by the sheriff
23 the court may take testimony that the court determines is appropriate.

24 (f) The court shall affirm the sheriff's action unless the court finds any of the
25 following:

1 1. That the sheriff failed to follow procedure prescribed under this section.

2 2. That the sheriff erroneously interpreted a provision of law and a correct
3 interpretation compels a different action.

4 3. That the sheriff's action depends on a finding of fact that is not supported
5 by substantial evidence in the record.

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

8 **(15) LICENSE EXPIRATION AND RENEWAL.** (a) Except as provided in sub. (9r) (b)
9 1. or (22s), a license issued under this section is valid for a period of 5 years from the
10 date on which the license is issued unless the license is suspended or revoked under
11 sub. (9g) (e) 1. or (14).

12 (b) The department shall design a form notice of expiration and shall distribute
13 the form to any sheriff who issues licenses under sub. (2) (a) or (c) for use under this
14 paragraph. At least 90 days before the expiration date of a license issued under this
15 section, the sheriff who issued the license shall mail to the licensee a notice of
16 expiration and a form for renewing the license. Except as provided in sub. (22s), the
17 sheriff shall renew the license if, before the date the license expires, the licensee does
18 all of the following:

19 1. Submits a renewal application on the form provided by the sheriff.

20 2. Submits a notarized affidavit swearing under oath that the information
21 provided under subd. 1. is true and complete to the best of his or her knowledge and
22 that he or she is qualified under sub. (3).

23 4. Pays all of the following:

1 a. A fee set by the sheriff that does not exceed either the cost to the sheriff of
2 renewing a license issued under this section, including the cost of equipment
3 purchase or rental, or \$75, whichever is less.

4 b. The fee for a background check specified in sub. (9g) (c).

5 c. A shooting range improvement fee of \$15.

6 d. A law enforcement excellence fund fee of \$15.

7 (c) The sheriff shall request that the department conduct a background check
8 of a licensee as provided under sub. (9g) before renewing the licensee's license under
9 par. (b).

10 (d) 1. Except as provided in subd. 2., if an individual submits an application
11 under par. (b) to renew an expired license he or she shall be assessed a late fee of \$15.

12 2. If an individual whose license has expired does not submit a renewal
13 application under par. (b) before 6 months after the expiration date, the license shall
14 permanently expire. An individual whose license has permanently expired may be
15 issued a new license if he or she applies for a license under sub. (7).

16 **(16) PROHIBITED ACTIVITY.** (a) A licensee may not knowingly carry a concealed
17 weapon in any of the following places:

18 1. A place that has been declared a nuisance under ch. 823.

19 2. A police station, sheriff's office, or state patrol station. This subdivision does
20 not prohibit a peace officer who is acting within the scope of his or her employment
21 from carrying a concealed weapon in a police station, sheriff's office, or state patrol
22 station.

23 3. A prison, jail, house of correction, or secured correctional facility.

24 4. A courthouse.

1 5. A place at which a school, college, or professional athletic event is taking
2 place, unless the event is related to firearms and the licensee is a participant in the
3 event.

4 6. A school administration building.

5 7. Any premises for which a Class “B” or “Class B” license or permit has been
6 issued under ch. 125, unless one of the following applies:

7 a. The licensee is a person described in s. 941.237 (3) (a), (b), (c), (cm), or (d).

8 b. If the licensee is carrying a handgun, his or her possession of the handgun
9 is described in s. 941.237 (3) (e), (f), (g), (h), (i), or (j).

10 8. An airport, unless the weapon is encased for shipment as baggage to be
11 transported by aircraft.

12 9. A place in which carrying the weapon is prohibited by federal law.

13 10. A building or part of a building that is used primarily for religious worship
14 or another religious purpose.

15 11. A building or part of a building that is used primarily to provide child care
16 services.

17 12. A health care facility, as defined in s. 150.84 (2).

18 13. A building or part of a building that is used for domestic violence victim’s
19 services or for a safe haven for victims of domestic violence.

20 14. A building or part of a building that is used to provide services for victims
21 of sexual assault.

22 15. A financial institution, as defined in s. 214.01 (1) (jn).

23 16. A building owned by a university or college or owned by the state and used
24 by a university or college.

25 17. An amusement park.

- 1 18. A public building, as defined in s. 101.01 (12).
- 2 19. A building owned or leased by the state or any political subdivision of the
3 state.
- 4 20. A theater or stadium if any of the following applies:
- 5 a. Alcohol is served or sold in the theater or stadium.
- 6 b. The minimum seating capacity is 500 people.
- 7 21. A polling place, as defined in s. 5.02 (15).
- 8 22. An indoor shopping mall.
- 9 23. A workplace in which the employer prohibits carrying concealed weapons.
- 10 24. A place of business at which the owner has posted a sign prohibiting patrons
11 from carrying concealed weapons into the place of business if the sign is located in
12 a prominent place near the primary entrance to the business.
- 13 25. A place that the department specifies by rule under sub. (22m).
- 14 (b) A licensee may not knowingly carry a handgun in a school zone, as defined
15 in s. 948.605 (1) (c), unless he or she is not in or on the grounds of a school, as defined
16 in s. 948.61 (1) (b), and one of the following applies:
- 17 1. The individual is in a motor vehicle or on a snowmobile or bicycle.
- 18 2. The individual has exited a motor vehicle and is encasing the handgun or
19 storing it in the motor vehicle.
- 20 3. The individual is traveling directly to any person's private property from his
21 or her place of employment or business, from any person's private property, or from
22 a place outside of the school zone.
- 23 4. The individual is traveling directly to his or her place of employment or
24 business from another place of his or her employment or business, from any person's
25 private property, or from a place outside of the school zone.

1 5. The individual is traveling directly to a place outside of the school zone from
2 another place outside of the school zone, from any individual's private property, or
3 from his or her place of employment or business.

4 6. The individual's possession of the handgun is described in s. 948.605 (2) (b).

5 (c) A licensee may not carry a weapon other than a handgun on school premises,
6 as defined in s. 948.61 (1) (c), unless he or she is a person described in or a person
7 whose conduct is described in s. 948.61 (3).

8 (d) This subsection does not apply to a peace officer, as defined in s. 939.22 (22).

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

11 (b) Any person who violates sub. (16) may be fined not more than \$1,000 or
12 imprisoned for not more than 90 days or both.

13 (c) Any person who intentionally falsely swears under sub. (6) or (15) (b) 2. or
14 who intentionally makes a false statement to a sheriff in requesting or in connection
15 with the issuance of an emergency license under sub. (9r) shall be fined not less than
16 \$500 nor more than \$10,000 and may be imprisoned for not more than 9 months.

17 (d) Any person who intentionally violates sub. (12) (a) shall be fined not less
18 than \$500 nor more than \$10,000 and may be imprisoned for not more than 9 months.

19 (e) Any person required under sub. (14) (b) 2. to relinquish or deliver a license
20 document to a sheriff who intentionally violates the requirements of that subdivision
21 shall be fined not less than \$500 nor more than \$10,000 and may be imprisoned for
22 not more than 9 months.

23 **(18) ACCESS TO RECORDS.** Records created or kept under this section by the
24 department or a sheriff, other than reports created under sub. (19) or records created
25 under sub. (20), are not subject to access under s. 19.35.

1 **(19) STATISTICAL REPORT.** (a) By February 1 of each year, a sheriff who is issuing
2 or renewing licenses under this section shall submit a statistical report to the
3 department indicating the number of licenses applied for, issued, denied, suspended,
4 and revoked under this section during the previous calendar year. For the licenses
5 denied, the report shall indicate the reasons for the denials and the part of the
6 application process during which the reasons for denial were discovered. For the
7 licenses suspended or revoked, the report shall indicate the reasons for the
8 suspensions and revocations.

9 (b) By March 1 of each year, the department shall submit a statistical report
10 to the legislature under s. 13.172 (2) and to the governor that is compiled from the
11 reports submitted under par. (a) and that indicates the number of licenses applied
12 for, issued, denied, suspended, and revoked under this section during the previous
13 calendar year. For the licenses denied, the report shall indicate the reasons for the
14 denials and the part of the application process in which the reasons for denial were
15 discovered. For the licenses suspended or revoked, the report shall indicate the
16 reasons for the suspensions and revocations.

17 **(20) LAW ENFORCEMENT EXCELLENCE FUND.** (a) If a county's sheriff issues licenses
18 under sub. (2) (a) or is party to an agreement under sub. (2) (c), the county board shall
19 establish a law enforcement excellence fund. All money received by a sheriff from
20 payments made under subs. (7) (bt) and (15) (b) 4. d. shall be deposited in accordance
21 with s. 59.25 (3) (u) 4. in the law enforcement excellence fund established under this
22 subsection.

23 (b) A law enforcement excellence fund established under this subsection shall
24 be used to improve law enforcement services in the county and may not be used to
25 supplant or replace other funds otherwise available to the sheriff.

1 **(20m)** GRANTS FOR SHOOTING RANGES. (a) Using the fees collected under sub.
2 (7) (bp) and (15) (b) 4. c., a sheriff issuing licenses under this section shall award
3 grants to persons for construction or improvement of shooting ranges.

4 (b) A grant awarded under this subsection may be for up to 50% of the cost of
5 the construction or improvement of the shooting range. A grant awarded under this
6 subsection may not be used to pay for any of the following:

7 1. The construction of clubhouses and facilities that are not essential to the
8 operation of the shooting range.

9 2. The operation and maintenance of the shooting range.

10 (c) In order to receive a grant under this subsection, the person creating or
11 improving a shooting range shall agree to provide, for a fee of not more than \$20, a
12 firearm safety course or class that will qualify an individual to satisfy the
13 requirements under sub. (3) (h) for a license to carry a concealed weapon.

14 (d) In determining whether to make a grant under this subsection to a
15 particular applicant, the sheriff shall consider the potential of the project to meet the
16 needs of firearm safety courses or classes in the area served by the shooting range
17 relative to the proposed cost of the construction or improvement.

18 **(21)** IMMUNITY. (a) The department and its employees and sheriffs and their
19 employees are immune from liability arising from any act or omission under this
20 section, if done in good faith.

21 (b) A person providing a firearm safety or firearm training course or class in
22 good faith to a licensee is immune from liability arising from any act or omission
23 related to the course or class.

24 **(22m)** RULES. The department shall promulgate rules specifying any location
25 where individuals are prohibited from carrying concealed weapons.

1 **(22s)** APPLICABILITY. No license may be issued on or after the first day of the
2 49th month beginning after the effective date of this subsection [revisor inserts
3 date]. All licenses issued under this section expire on the first day of the 49th month
4 beginning after the effective date of this subsection [revisor inserts date].

5 **SECTION 16.** 440.26 (3m) of the statutes is amended to read:

6 440.26 **(3m)** RULES CONCERNING DANGEROUS WEAPONS. The department shall
7 promulgate rules relating to the carrying of dangerous weapons by a person who
8 holds a license or permit issued under this section or who is employed by a person
9 licensed under this section. The rules shall allow the person to go armed with a
10 concealed weapon as permitted under s. 175.50 if the person is licensed under that
11 section and shall meet the minimum requirements specified in 15 USC 5902 (b).

12 **SECTION 17.** 813.12 (6) (am) 1. of the statutes is amended to read:

13 813.12 **(6)** (am) 1. If an injunction is issued or extended under sub. (4) or if a
14 tribal injunction is filed under s. 806.247 (3), the clerk of the circuit court shall notify
15 the department of justice of the injunction and shall provide the department of
16 justice with information concerning the period during which the injunction is in
17 effect and information necessary to identify the respondent for purposes of a firearms
18 restrictions record search under s. 175.35 (2g) (c) or a background check under s.
19 175.50 (9g) (b).

20 **SECTION 18.** 813.12 (6) (am) 2. of the statutes is amended to read:

21 813.12 **(6)** (am) 2. Except as provided in subd. 3., the department of justice may
22 disclose information that it receives under subd. 1. only as part of a firearms
23 restrictions record search under s. 175.35 (2g) (c) or a background check under s.
24 175.50 (9g) (b) or to a sheriff under s. 175.50 (9g) (b) 3. a. or c. or (e) 1., (9r) (b) 2., or
25 (11) (d) 3.

1 **SECTION 19.** 813.122 (9) (am) 1. of the statutes is amended to read:

2 813.122 **(9)** (am) 1. If an injunction is issued or extended under sub. (5), the
3 clerk of the circuit court shall notify the department of justice of the injunction and
4 shall provide the department of justice with information concerning the period
5 during which the injunction is in effect and information necessary to identify the
6 respondent for purposes of a firearms restrictions record search under s. 175.35 (2g)
7 (c) or a background check under s. 175.50 (9g) (b).

8 **SECTION 20.** 813.122 (9) (am) 2. of the statutes is amended to read:

9 813.122 **(9)** (am) 2. Except as provided in subd. 3., the department of justice
10 may disclose information that it receives under subd. 1. only as part of a firearms
11 restrictions record search under s. 175.35 (2g) (c) or a background check under s.
12 175.50 (9g) (b) or to a sheriff under s. 175.50 (9g) (b) 3. a. or c. or (e) 1., (9r) (b) 2., or
13 (11) (d) 3.

14 **SECTION 21.** 813.125 (5r) (a) of the statutes is amended to read:

15 813.125 **(5r)** (a) If an order prohibiting a respondent from possessing a firearm
16 is issued under sub. (4m), the clerk of the circuit court shall notify the department
17 of justice of the existence of the order prohibiting a respondent from possessing a
18 firearm and shall provide the department of justice with information concerning the
19 period during which the order is in effect and information necessary to identify the
20 respondent for purposes of a firearms restrictions record search under s. 175.35 (2g)
21 (c) or a background check under s. 175.50 (9g) (b).

22 **SECTION 22.** 813.125 (5r) (b) of the statutes is amended to read:

23 813.125 **(5r)** (b) Except as provided in par. (c), the department of justice may
24 disclose information that it receives under par. (a) only as part of a firearms
25 restrictions record search under s. 175.35 (2g) (c) or a background check under s.

1 175.50 (9g) (b) or to a sheriff under s. 175.50 (9g) (b) 3. a. or c. or (e) 1., (9r) (b) 2., or
2 (11) (d) 3.

3 **SECTION 23.** 938.396 (8) of the statutes is amended to read:

4 938.396 (8) Notwithstanding sub. (2), if a juvenile is adjudged delinquent for
5 an act that would be a felony if committed by an adult, the court clerk shall notify
6 the department of justice of that fact. No other information from the juvenile's court
7 records may be disclosed to the department of justice except by order of the court.
8 The department of justice may disclose any information provided under this
9 subsection only as part of a firearms restrictions record search under s. 175.35 (2g)
10 (c) or a background check under s. 175.50 (9g) (b) or to a sheriff under s. 175.50 (9g)
11 (b) 3. a. or c. or (e) 1., (9r) (b) 2., or (11) (d) 3.

12 **SECTION 24.** 938.396 (8m) of the statutes is created to read:

13 938.396 (8m) (a) Notwithstanding sub. (2), if a juvenile is adjudged delinquent
14 for an act that would be a misdemeanor crime of violence, as defined in s. 175.50 (1)
15 (e), if committed by an adult, the court clerk shall notify the department of justice
16 of that fact. Except as provided in par. (b), no other information from the juvenile's
17 court records may be disclosed to the department of justice except by order of the
18 court.

19 (b) If an applicant for a license to carry a concealed weapon under s. 175.50 was
20 adjudicated delinquent as a juvenile in a case covered by par. (a), the department of
21 justice may request permission to review court records relating to the case for the
22 purpose of determining whether the applicant meets the requirement under s.
23 175.50 (3) (m). Upon receiving such a request, the court shall open for inspection by
24 authorized representatives of the department of justice the records of the court
25 relating to that case.

1 (c) The department of justice may disclose information provided or obtained
2 under this subsection only as part of a background check under s. 175.50 (9g) (b) or
3 to a sheriff under s. 175.50 (9g) (b) 3. a. or c. or (e) 1., (9r) (b) 2., or (11) (d) 3.

4 **SECTION 25.** 941.23 of the statutes is renumbered 941.23 (1) (intro.) and
5 amended to read:

6 941.23 (1) (intro.) Any person ~~except a peace officer, other than one of the~~
7 following, who goes armed with a concealed and dangerous weapon is guilty of a
8 Class A misdemeanor.:

9 **SECTION 26.** 941.23 (1) (a) of the statutes is created to read:

10 941.23 (1) (a) A peace officer.

11 **SECTION 27.** 941.23 (1) (b) of the statutes is created to read:

12 941.23 (1) (b) An individual holding a valid license under s. 175.50, if the
13 dangerous weapon is a weapon, as defined under s. 175.50 (1) (j).

14 **SECTION 28.** 941.23 (1) (c) of the statutes is created to read:

15 941.23 (1) (c) An individual who goes armed with a concealed and dangerous
16 weapon, as defined in s. 175.50 (1) (j), in his or her own dwelling or place of business
17 or on land that he or she owns, leases, or legally occupies, unless he or she is
18 prohibited under federal or state law from possessing that weapon.

19 **SECTION 29.** 941.23 (2) of the statutes is created to read:

20 941.23 (2) An individual formerly licensed under s. 175.50 whose license has
21 been suspended or revoked under s. 175.50 (14) may not assert his or her refusal to
22 accept or failure to receive a notice of revocation or suspension mailed under s. 175.50
23 (14) (b) 2. as a defense to prosecution under sub. (1), regardless of whether the person
24 has complied with s. 175.50 (12).

1 **SECTION 30.** 941.235 (2) of the statutes is renumbered 941.235 (2) (intro.) and
2 amended to read:

3 941.235 (2) (intro.) This section does not apply to ~~peace~~ any of the following:

4 (a) Peace officers or armed forces or military personnel who go armed in the line
5 of duty or to any.

6 (b) A person duly authorized by the chief of police of any city, village or town,
7 the chief of the capitol police or the sheriff of any county to possess a firearm in any
8 building under sub. (1).

9 **SECTION 31.** 941.235 (2) (c) of the statutes is created to read:

10 941.235 (2) (c) An individual holding a valid license under s. 175.50, if the
11 firearm is a handgun, as defined in s. 175.50 (1) (bm).

12 **SECTION 32.** 941.237 (3) (ct) of the statutes is created to read:

13 941.237 (3) (ct) An individual holding a valid license under s. 175.50.

14 **SECTION 33.** 941.295 (2) (d) of the statutes is amended to read:

15 941.295 (2) (d) Any manufacturer or seller ~~whose~~ of electric weapons ~~are used~~
16 in this state solely by persons, unless the manufacturer or seller engages in the
17 conduct described in sub. (1) with the intent to provide an electric weapon to someone
18 other than a person specified in pars. (a) to (c) or sub. (2g) (a) or to a person for use
19 in his or her dwelling or place of business or on land that he or she owns, leases, or
20 legally occupies.

21 **SECTION 34.** 941.295 (2g) of the statutes is created to read:

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

24 (a) An individual holding a valid license under s. 175.50.

1 (b) An individual who goes armed with an electric weapon in his or her own
2 dwelling or place of business or on land that he or she owns, leases, or legally
3 occupies, unless he or she is prohibited under federal or state law from possessing
4 that weapon.

5 **SECTION 35.** 941.295 (2r) of the statutes is created to read:

6 941.295 (2r) The prohibition in sub. (1) on transporting an electric weapon does
7 not apply to any of the following:

8 (a) An individual holding a valid license under s. 175.50.

9 (b) An individual who transports an electric weapon from any of the following
10 places to any of the following places:

11 1. His or her dwelling.

12 2. His or her own place of business.

13 3. Land that he or she owns, leases, or legally occupies.

14 **SECTION 36.** 946.32 (3) of the statutes is created to read:

15 946.32 (3) This section does not apply to offenses that may be prosecuted under
16 s. 175.50 (17) (c).

17 **SECTION 37.** 948.605 (2) (c) of the statutes is created to read:

18 948.605 (2) (c) Paragraph (a) does not apply to the possession of a handgun, as
19 defined in s. 175.50 (1) (bm), by an individual holding a valid license under s. 175.50
20 who is going armed with a concealed handgun as permitted under s. 175.50.

21 **SECTION 38.** 948.61 (3m) of the statutes is created to read:

22 948.61 (3m) This section does not apply to the possession of a weapon, as
23 defined in s. 175.50 (1) (j), other than a handgun, as defined in s. 175.50 (1) (bm), by
24 an individual holding a valid license under s. 175.50 who is going armed with a
25 concealed weapon as permitted under s. 175.50.

