



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRBa1613/1  
MGD/CMH/RLR:all:jf

**SENATE AMENDMENT 1,  
TO SENATE SUBSTITUTE AMENDMENT 1,  
TO 2005 SENATE BILL 403**

December 5, 2005 – Offered by JOINT COMMITTEE ON FINANCE.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 2, line 4: after “weapon,” insert “licenses authorizing persons to carry  
3 concealed weapons,”.

4 **2.** Page 7, line 2: delete “(d)” and substitute “(a)”.

5 **3.** Page 7, line 22: after that line insert:

6 “**SECTION 26m.** 165.60 of the statutes is amended to read:

7 **165.60 Law enforcement.** The department of justice is authorized to enforce  
8 ss. 101.123 (2), (5), and (8), 175.50 (17) (c), (d), and (e), 944.30, 944.31, 944.33, 944.34,  
9 945.02 (2), 945.03 (1m), and 945.04 (1m) and is invested with the powers conferred  
10 by law upon sheriffs and municipal police officers in the performance of those duties.  
11 This section does not deprive or relieve sheriffs, constables, and other local police

1 officers of the power and duty to enforce those sections, and those officers shall  
2 likewise enforce those sections.”.

3 **4.** Page 10, line 19: after “**cards.**” insert “**(1)** In this section, “Wisconsin law  
4 enforcement agency” has the meaning given in s. 175.46 (1) (f).

5 **(2)**”.

6 **5.** Page 10, line 20: delete “, as defined in s. 175.46 (1) (f),”.

7 **6.** Page 10, line 23: delete “**(1)**” and substitute “(a)”.

8 **7.** Page 10, line 24: delete “**(2)**” and substitute “(b)”.

9 **8.** Page 11, line 1: delete “**(3)**” and substitute “(c)”.

10 **9.** Page 11, line 2: delete “subsection” and substitute “paragraph”.

11 **10.** Page 11, line 6: delete “**(4)**” and substitute “(d)”.

12 **11.** Page 11, line 7: after that line insert:

13 “**(3)** Unless sub. (2) (a), (b), (c), or (d) applies, if a Wisconsin law enforcement  
14 agency does not issue photographic identification cards to its officers, it shall issue  
15 such a card to an officer formerly employed by that agency upon the former officer’s  
16 request and at his or her expense.”.

17 **12.** Page 14, line 5: delete “(11) (c) 1. b.” and substitute “(12g) (a) 2.”.

18 **13.** Page 14, line 25: after that line insert:

19 “(bv) “Law enforcement agency” does not include the department.”.

20 **14.** Page 15, line 6: after “(cm)” insert “1”.

21 **15.** Page 15, line 10: after that line insert:

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

23 **16.** Page 17, line 8: on lines 8 and 12, after “(cm)” insert “1.”.

- 1           **17.** Page 18, line 5: on lines 5, 9 and 24, after “(cm)” insert “1.”
- 2           **18.** Page 18, line 18: after “(cm)” insert “1.”
- 3           **19.** Page 19, line 22: after “(cm)” insert “1.”
- 4           **20.** Page 20, line 12: on lines 12 and 18, after “(cm)” insert “1.”
- 5           **21.** Page 21, line 10: after “(cm)” insert “1.”
- 6           **22.** Page 21, line 23: on lines 23 and 25, after “(cm)” insert “1.”
- 7           **23.** Page 25, line 25: after that line insert:
- 8           “(mm) The individual has not been convicted of a misdemeanor violation of s.
- 9           940.32, 1999 stats., or a misdemeanor violation of a federal law or a law of another
- 10          state that is comparable to s. 940.32.”
- 11          **24.** Page 28, line 3: after “color” insert “and the registration number for each
- 12          motor vehicle registered in the applicant’s name”.
- 13          **25.** Page 30, line 17: after “(m),” insert “(mm),”.
- 14          **26.** Page 30, line 20: after “(m),” insert “(mm),”.
- 15          **27.** Page 31, line 7: delete “confirmation numbers and corresponding”.
- 16          **28.** Page 31, line 9: delete the material beginning with “under” and ending
- 17          with “this subsection” on line 11.
- 18          **29.** Page 31, line 11: delete “previously”.
- 19          **30.** Page 31, line 12: delete the material beginning with “and nothing” and
- 20          ending with “or (r)” on line 14.
- 21          **31.** Page 31, line 16: delete the material beginning with “If the” and ending
- 22          with “license.” on line 20.

1           **32.** Page 31, line 23: delete “requests for”.

2           **33.** Page 31, line 24: delete “confirmation numbers and”.

3           **34.** Page 32, line 20: after “(m),” insert “(mm),”.

4           **35.** Page 33, line 15: delete lines 15 to 25.

5           **36.** Page 34, line 1: delete lines 1 to 13.

6           **37.** Page 34, line 14: delete “(d)” and substitute “**(11)** UPDATED INFORMATION.

7           (a)”.

8           **38.** Page 35, line 23: delete “par. (a)” and substitute “sub. (12) (a)”.

9           **39.** Page 36, line 1: delete “**(12)** UPDATED INFORMATION. (a)” and substitute “(b)  
10           1.”.

11           **40.** Page 36, line 4: delete “(b)” and substitute “2.”.

12           **41.** Page 36, line 6: delete “(11) (a)” and substitute “(12) (a)”.

13           **42.** Page 36, line 6: after that line insert:

14           “**(12)** MAINTENANCE, USE, AND PUBLICATION OF RECORDS BY THE DEPARTMENT. (a)

15           The department shall maintain a computerized record listing the names and the  
16           information specified in sub. (2m) (b) of all individuals who have been issued a license  
17           under this section. Except as provided in par. (b) 1. and subject to par. (b) 2., neither  
18           the department nor any employee of the department may store, maintain, format,  
19           sort, or access the information in any way other than by the names, dates of birth,  
20           or sex of licensees or by the identification numbers assigned to licensees under sub.  
21           (2m) (b) 6.

1 (b) 1. A law enforcement officer who is employed by the department may obtain  
2 information regarding a licensee from the department of transportation under s.  
3 341.175 (4).

4 2. A law enforcement officer who is employed by the department may not  
5 request or be provided information maintained by the department under par. (a)  
6 concerning a specific licensee except for one of the following purposes:

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

9 b. To confirm that an individual holds a valid license under this section, if the  
10 individual is going armed with a concealed weapon but is not carrying his or her  
11 license document and claims to hold a valid license issued under this section.

12 c. To investigate whether an individual submitted an intentionally false  
13 notarized statement under sub. (7) (b) or (15) (b) 2., intentionally violated sub. (11)  
14 (b) 1., or intentionally made a false statement to the department in connection with  
15 the individual's request for an emergency license under sub. (9r).

16 d. To investigate whether an individual complied with sub. (11) (b) 1. or (14) (b)  
17 2.

18 (c) Notwithstanding s. 19.35, neither the department nor any department  
19 employee may make information obtained under this section available to the public  
20 except in the context of a prosecution for an offense in which the person's status as  
21 a licensee is relevant or through a report created under sub. (19).

22 **(12g) PROVIDING LICENSEE INFORMATION TO LAW ENFORCEMENT AGENCIES.** (a) The  
23 department shall provide information concerning a specific licensee to a law  
24 enforcement agency, but only if the law enforcement agency is requesting the  
25 information for any of the following purposes:

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

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

6           3. To investigate whether an individual submitted an intentionally false  
7 notarized statement under sub. (7) (b) or (15) (b) 2., intentionally violated sub. (11)  
8 (b) 1., or intentionally made a false statement to the department in connection with  
9 the individual's request for an emergency license under sub. (9r).

10           (b) 1. Notwithstanding s. 19.35, neither a law enforcement agency nor any of  
11 its employees may make information regarding an individual that was obtained from  
12 the department under this subsection or from the department of transportation  
13 under s. 341.175 available to the public except in the context of a prosecution for an  
14 offense in which the person's status as a licensee is relevant.

15           2. Neither a law enforcement agency nor any of its employees may store or  
16 maintain information regarding an individual that was obtained from the  
17 department under this subsection or from the department of transportation under  
18 s. 341.175 based on the individual's status as a licensee.

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

23           **(12r)** PROVIDING LICENSEE INFORMATION TO THE DEPARTMENT OF TRANSPORTATION.  
24 If any of the following happens with respect to a person, the department shall notify  
25 the department of transportation of the person's name, date of birth, and sex, the

1 date on which the person was last issued a license under this section, and any vehicle  
2 registration number provided by the person on his or her application for that license:

- 3 (a) The person is issued a license.  
4 (b) The person’s license is renewed.  
5 (c) The person’s license expires and is not renewed.  
6 (d) The person’s license is suspended or revoked.  
7 (e) The person’s suspended license is reinstated.”.

8 **43.** Page 41, line 3: after that line insert:

9 “5m. A place at which an organized youth sporting event is taking place.”.

10 **44.** Page 41, line 17: after that line insert:

11 “11. A child care center licensed under s. 48.65. This subdivision does not apply  
12 to the owner of the child care center or, if the child care center is located in a residence,  
13 to a person who resides in that residence.

14 12. A building or part of a building that is used for a domestic violence victim  
15 services program or by an organization that provides a safe haven for victims of  
16 domestic violence.

17 13. A building or part of a building that is used for religious worship or another  
18 religious purpose, except that the owner of the building or an authorized  
19 representative of the owner may permit a licensee or out-of-state licensee to carry  
20 a concealed weapon in the building or a part of the building.

21 14. A health care facility, as defined in s. 150.84 (2); an adult family home, as  
22 defined in s. 50.01 (1); a residential care apartment complex, as defined in s. 50.01  
23 (1d); a facility, as defined in s. 50.01 (1m); or a home health agency, as defined in s.  
24 50.49 (1) (a), except that the director of any facility listed in this subdivision, or his

1 or her authorized representative, may permit a licensee or out-of-state licensee to  
2 carry a concealed weapon in the facility.

3 15. A building located on the campus of a private or public university, college,  
4 or technical college, except that the president of a private university or college; the  
5 chancellor of an institution, as defined in s. 36.05 (9), except the chancellor of the  
6 University of Wisconsin Colleges, as defined in s. 36.05 (14); the dean of a college  
7 campus, as defined in s. 36.05 (6m); or the director of a technical college district may  
8 permit a licensee or out-of-state licensee to carry a concealed weapon in a building  
9 under his or her jurisdiction.”.

10 **45.** Page 43, line 1: delete lines 1 and 2 and substitute:

11 “(cm) 1. A person may not carry a concealed weapon if any of the following  
12 applies:

13 a. The person’s alcohol concentration exceeds 0.08.

14 b. The person is under the influence of an intoxicant to a degree which  
15 materially impairs his or her ability to handle the weapon.

16 2. A person may be charged with and a prosecutor may proceed upon a  
17 complaint based upon a violation of subd. 1. a. or b. or both for acts arising out of the  
18 same incident or occurrence. If the person is charged with violating both subd. 1. a.  
19 and b., the offenses shall be joined. Subdivision 1. a. and b. each requires proof of a  
20 fact for conviction which the other does not require.”.

21 **46.** Page 43, line 6: after that line insert:

22 “(ag) Any person who violates sub. (12) or (12g) may be fined not more than  
23 \$500 or sentenced to a term of imprisonment of not more than 30 days or both.



1 (ar) Any law enforcement officer who uses excessive force based solely on an  
2 individual's status as a licensee may be fined not more than \$500 or sentenced to a  
3 term of imprisonment of not more than 30 days or both.”.

4 **47.** Page 43, line 9: after “(cm)” insert “1.”.

5 **48.** Page 43, line 16: delete “(12) (a)” and substitute “(11) (b) 1.”.

6 **49.** Page 43, line 22: delete lines 22 to 24.

7 **50.** Page 44, line 1: delete the material beginning with “(a) By” and ending  
8 with “(b)” on line 8.

9 **51.** Page 44, line 9: delete the material beginning with “that is” and ending  
10 with “(a) and” on line 10.

11 **52.** Page 45, line 10: delete “(d)” and substitute “(a)”.

12 **53.** Page 45, line 11: delete “(d)” and substitute “(a)”.

13 **54.** Page 45, line 21: after that line insert:

14 “**SECTION 37m.** 341.175 of the statutes is created to read:

15 **341.175 Department to maintain records. (1)** In this section, “licensee” has  
16 the meaning given in s. 175.50 (1) (d).

17 **(2)** Using the information provided under s. 175.50 (12r) and obtained through  
18 rules promulgated under sub. (3), the department shall maintain a record of each  
19 owner who is a licensee. If its records indicate that an owner of a vehicle is a licensee,  
20 the department shall, in its registration records for that vehicle, include a  
21 confidential entry that informs a law enforcement officer who requests information  
22 regarding that vehicle that the owner is a licensee.

1           (3) The department, in consultation with the department of justice, shall  
2 promulgate rules specifying how it shall obtain the vehicle registration number for  
3 a licensee, as defined in s. 175.50 (1) (d), if there was no motor vehicle registered to  
4 the person when he or she became a licensee.

5           (4) A law enforcement officer may request information maintained by the  
6 department under sub. (2) only if he or she is conducting a vehicle stop that meets  
7 the requirements of s. 349.02 (2) (a).

8           (5) (a) Notwithstanding s. 19.35, neither the department nor any of its  
9 employees may make information maintained under sub. (2) available to the public.

10           (b) Neither the department nor any of its employees may store, maintain,  
11 format, sort, or access information regarding licensees based on their status as  
12 licensees.

13           (6) A person who violates sub. (4) or (5) may be fined not more than \$500 or  
14 sentenced to a term of imprisonment of not more than 30 days or both.”.

15           **55.** Page 48, line 7: after “(cm)” insert “1. a. or b.”.

16           **56.** Page 48, line 9: after “the person” insert “was intoxicated or”.

17           **57.** Page 48, line 11: after “(cm)” insert “1. a.”.

18           **58.** Page 51, line 23: delete “(12)” and substitute “(11) (b)”.

19           **59.** Page 54, line 17: delete lines 17 to 23 and substitute:

20           “**SECTION 66m.** 941.295 (2) (d) of the statutes is renumbered 941.295 (2) (d)  
21 (intro.) and amended to read:

22           941.295 (2) (d) (intro.) Any manufacturer or seller whose of electric weapons  
23 are used in this state solely by persons, unless the manufacturer or seller engages

1 in the conduct described in sub. (1) with the intent to provide an electric weapon to  
2 someone other than one of the following:

3 1. A person specified in pars. (a) to (c) or sub. (2g) (a).

4 **SECTION 66r.** 941.295 (2) (d) 2. of the statutes is created to read:

5 941.295 **(2)** (d) 2. A person for use in his or her dwelling or place of business  
6 or on land that he or she owns, leases, or legally occupies.”

7 **(END)**