



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRBs0389/1  
CMH/MGD/RLR:all:jf

**SENATE SUBSTITUTE AMENDMENT 3,  
TO 2005 SENATE BILL 403**

December 6, 2005 – Offered by Senator CARPENTER.

1     **AN ACT** *to renumber and amend* 23.33 (3) (e), 29.089 (2), 29.091, 29.621 (4),  
2           440.26 (3m), 941.23, 941.235 (2) and 941.295 (2) (d); *to amend* 51.20 (13) (cv),  
3           4., 51.20 (16) (gm), 51.30 (3) (a), 165.60, 165.82 (1) (intro.), 165.82 (2), 175.35  
4           (1) (at), 175.35 (2) (d), 175.35 (2g) (c) 4. a. and b., 175.35 (2k) (ar) 2., 813.12 (6)  
5           (am) 1., 813.122 (9) (am) 1., 813.125 (5r) (a), 885.235 (1g) (intro.) and 938.396  
6           (8); and *to create* 23.33 (3) (e) 1., 23.33 (3) (e) 2., 23.33 (3) (e) 3., 23.33 (3) (e)  
7           4., 23.33 (3) (em), 29.089 (2) (a), 29.089 (2) (b), 29.089 (2) (c), 29.089 (2) (d),  
8           29.091 (2), 29.621 (4) (a), 29.621 (4) (b), 29.621 (4) (c), 29.621 (4) (d), 29.621 (6),  
9           55.06 (17) (d), 59.25 (3) (u), 165.25 (11), 167.31 (4) (ar), 175.35 (1) (am), 175.48,  
10          175.49, 175.50, 341.175, 440.26 (3m) (a), 440.26 (3m) (b), 440.26 (3m) (c), 440.26  
11          (3m) (d), 885.235 (1g) (e), 938.396 (8m), 941.23 (1), 941.23 (2) (a), 941.23 (2) (b),  
12          941.23 (2) (c), 941.23 (2) (d), 941.23 (2) (e), 941.23 (3), 941.235 (2) (c), 941.237  
13          (3) (cr), 941.237 (3) (ct), 941.237 (3) (cx), 941.29 (11), 941.295 (2) (d) 2., 941.295

1 (2g), 941.295 (2r), 946.32 (3), 948.605 (2) (c) and 948.61 (3m) of the statutes;  
2 **relating to:** carrying a concealed weapon, licenses authorizing persons to carry  
3 concealed weapons, possessing or transporting a firearm under certain  
4 circumstances, background checks for handgun purchases, photographic  
5 identification cards for retired law enforcement officers, requiring the exercise  
6 of rule-making authority, providing an exemption from rule-making authority,  
7 and providing penalties.

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

8 **SECTION 1.** 23.33 (3) (e) of the statutes is renumbered 23.33 (3) (e) (intro.) and  
9 amended to read:

10 23.33 (3) (e) (intro.) With any firearm in his or her possession unless it is  
11 unloaded and enclosed in a carrying case, ~~or any bow unless it is unstrung or enclosed~~  
12 ~~in a carrying case.~~ This paragraph does not apply to any of the following:

13 **SECTION 2.** 23.33 (3) (e) 1. of the statutes is created to read:

14 23.33 (3) (e) 1. A person who is employed in this state by a public agency as a  
15 law enforcement officer and to whom s. 941.23 (1) (e) 2. to 5. and (2) (b) 1. to 3. applies.

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

17 23.33 (3) (e) 2. A qualified out-of-state law enforcement officer, as defined in  
18 s. 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

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

20 23.33 (3) (e) 3. A retired law enforcement officer, as defined in s. 941.23 (1) (f),  
21 to whom s. 941.23 (2) (c) 1. to 7. applies.

22 **SECTION 5.** 23.33 (3) (e) 4. of the statutes is created to read:

1           23.33 (3) (e) 4. A licensee, as defined in s. 175.50 (1) (d), who possesses a  
2 handgun, as defined in s. 175.50 (1) (bm).

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

4           23.33 (3) (em) With any bow unless it is unstrung or enclosed in a carrying case.

5           **SECTION 7.** 29.089 (2) of the statutes is renumbered 29.089 (2) (intro.) and  
6 amended to read:

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

11           **SECTION 8.** 29.089 (2) (a) of the statutes is created to read:

12           29.089 (2) (a) A person who is employed in this state by a public agency as a  
13 law enforcement officer and to whom s. 941.23 (1) (e) 2. to 5. and (2) (b) 1. to 3. applies.

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

15           29.089 (2) (b) A qualified out-of-state law enforcement officer, as defined in s.  
16 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

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

18           29.089 (2) (c) A retired law enforcement officer, as defined in s. 941.23 (1) (f),  
19 firearm to whom s. 941.23 (2) (c) 1. to 7. applies.

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

21           29.089 (2) (d) A licensee, as defined in s. 175.50 (1) (d), if the firearm is a  
22 handgun, as defined in s. 175.50 (1) (bm).

23           **SECTION 12.** 29.091 of the statutes is renumbered 29.091 (1) and amended to  
24 read:

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

9           **SECTION 13.** 29.091 (2) of the statutes is created to read:

10           29.091 (2) The prohibition in sub. (1), as it relates to the possession or control  
11 of a loaded or unencased gun or firearm within a game refuge established under s.  
12 23.09 (2) (b), does not apply to any of the following:

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

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

17           (c) A retired law enforcement officer, as defined in s. 941.23 (1) (f), to whom s.  
18 941.23 (2) (c) 1. to 7. applies.

19           (d) A licensee, as defined in s. 175.50 (1) (d), if the gun or firearm is a handgun,  
20 as defined in s. 175.50 (1) (bm).

21           **SECTION 14.** 29.621 (4) of the statutes is renumbered 29.621 (4) (intro.) and  
22 amended to read:

23           29.621 (4) PROTECTION. (intro.) Except as provided in s. 29.091 (1), no owner  
24 of a wildlife refuge, and no other person, may hunt or trap within the boundaries of  
25 any wildlife refuge or have in his or her possession or under his or her control in the

1 wildlife refuge a gun, firearm, bow or crossbow, unless the gun or firearm is unloaded,  
2 the bow or crossbow is unstrung and the gun, firearm, bow or crossbow is enclosed  
3 within a carrying case. ~~Nothing in this section may prohibit, prevent or interfere~~  
4 ~~with the department in the destruction of injurious animals. This subsection, as it~~  
5 ~~relates to the possession or control of a loaded or unencased firearm, does not apply~~  
6 ~~to any of the following:~~

7 **SECTION 15.** 29.621 (4) (a) of the statutes is created to read:

8 29.621 (4) (a) A person who is employed in this state by a public agency as a  
9 law enforcement officer and to whom s. 941.23 (1) (e) 2. to 5. and (2) (b) 1. to 3. applies.

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

11 29.621 (4) (b) A qualified out-of-state law enforcement officer, as defined in s.  
12 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

13 **SECTION 17.** 29.621 (4) (c) of the statutes is created to read:

14 29.621 (4) (c) A retired law enforcement officer, as defined in s. 941.23 (1) (f),  
15 to whom s. 941.23 (2) (c) 1. to 7. applies.

16 **SECTION 18.** 29.621 (4) (d) of the statutes is created to read:

17 29.621 (4) (d) A licensee, as defined in s. 175.50 (1) (d), if the gun or firearm is  
18 a handgun, as defined in s. 175.50 (1) (bm).

19 **SECTION 19.** 29.621 (6) of the statutes is created to read:

20 29.621 (6) INJURIOUS ANIMALS. Nothing in this section may prohibit, prevent,  
21 or interfere with the department in the destruction of injurious animals.

22 **SECTION 20.** 51.20 (13) (cv) 4. of the statutes is amended to read:

23 51.20 (13) (cv) 4. If the court prohibits a subject individual from possessing a  
24 firearm under subd. 1. or cancels a prohibition under subd. 2., the court clerk shall  
25 notify the department of justice of that fact and provide any information identifying

1 the subject individual that is necessary to permit an accurate involuntary  
2 commitment history record search under s. 175.35 (2g) (c) or a background check  
3 under s. 175.50 (9g) (b). No other information from the subject individual's court  
4 records may be disclosed to the department of justice except by order of the court.  
5 The department of justice may disclose information provided under this subdivision  
6 only as part of an involuntary commitment history record search under s. 175.35 (2g)  
7 (c).

8 **SECTION 21.** 51.20 (16) (gm) of the statutes is amended to read:

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

20 **SECTION 22.** 51.30 (3) (a) of the statutes is amended to read:

21 51.30 **(3)** (a) Except as provided in pars. (b) and (c) and s. 175.50 (11) (a) 2. g.  
22 and 3. and under rules that the department of justice promulgates under s. 175.35  
23 (2g) (c) 3. or 175.50 (9g) (f), the files and records of the court proceedings under this  
24 chapter shall be closed but shall be accessible to any individual who is the subject of  
25 a petition filed under this chapter.

1           **SECTION 23.** 55.06 (17) (d) of the statutes is created to read:

2           55.06 (17) (d) Notwithstanding par. (a), information from records described in  
3 par. (a) may be disclosed under rules that the department of justice promulgates  
4 under s. 175.35 (2g) (c) 3. or 175.50 (9g) (f).

5           **SECTION 24.** 59.25 (3) (u) of the statutes is created to read:

6           59.25 (3) (u) 1. Establish a segregated fund, the proceeds of which may be used  
7 by the county to award shooting range grants under s. 175.50 (20m).

8           2. Deposit into the segregated fund created under subd. 1. all moneys received  
9 under s. 175.50 (7) (bp).

10          3. Make payments from the fund established under subd. 1. as directed by the  
11 county.

12          **SECTION 25.** 165.25 (11) of the statutes is created to read:

13          165.25 (11) RULES REGARDING CONCEALED WEAPONS LICENSES. Promulgate rules  
14 providing a procedure by which the department may file a petition under s. 175.50  
15 (10m) and a license may be revoked under s. 175.50 (14) with respect to a person who  
16 is issued a license under s. 175.50 (9r) and who, as a result of being licensed, poses  
17 a substantial risk to others.

18          **SECTION 26.** 165.60 of the statutes is amended to read:

19          **165.60 Law enforcement.** The department of justice is authorized to enforce  
20 ss. 101.123 (2), (5), and (8), 175.50 (17) (c), (d), and (e), 944.30, 944.31, 944.33, 944.34,  
21 945.02 (2), 945.03 (1m), and 945.04 (1m) and is invested with the powers conferred  
22 by law upon sheriffs and municipal police officers in the performance of those duties.  
23 This section does not deprive or relieve sheriffs, constables, and other local police  
24 officers of the power and duty to enforce those sections, and those officers shall  
25 likewise enforce those sections.

1           **SECTION 27.** 165.82 (1) (intro.) of the statutes is amended to read:

2           165.82 (1) (intro.) Notwithstanding s. 19.35 (3), the department of justice shall  
3 impose the following fees, plus any surcharge required under sub. (1m), for criminal  
4 history searches for purposes unrelated to criminal justice or to s. 175.35, 175.49, or  
5 175.50:

6           **SECTION 28.** 165.82 (2) of the statutes is amended to read:

7           165.82 (2) ~~Except as provided in s. 175.35, the~~ The department of justice shall  
8 not impose fees for criminal history searches for purposes related to criminal justice.

9           **SECTION 29.** 167.31 (4) (ar) of the statutes is created to read:

10           167.31 (4) (ar) Subsections (2) (a), (b), and (c) and (3) (a) and (b) do not apply  
11 to the placement, possession, transportation, or loading of a firearm by any of the  
12 following:

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

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

17           3. A retired law enforcement officer, as defined in s. 941.23 (1) (f), to whom s.  
18 941.23 (2) (c) 1. to 7. applies.

19           4. A licensee, as defined in s. 175.50 (1) (d), if the firearm is handgun, as defined  
20 in s. 175.50 (1) (bm).

21           **SECTION 30.** 175.35 (1) (am) of the statutes is created to read:

22           175.35 (1) (am) “Disqualifying mental health adjudication” means one of the  
23 following events if it occurs in a proceeding that was not commenced by the person  
24 who is the subject of the proceeding and if it is based on the person having markedly



1 subnormal intelligence or the person's mental illness, incompetency, condition, or  
2 disease:

3 1. An order entered by a court in this state that commits a person for treatment  
4 in an inpatient mental health facility.

5 2. A determination by a court in this state that a person is a danger to himself  
6 or herself or others under s. 51.20 (1) (a) 2. or lacks the mental capacity to contract  
7 or manage his or her own affairs.

8 **SECTION 31.** 175.35 (1) (at) of the statutes is amended to read:

9 175.35 (1) (at) "Firearms restrictions record search" means a search of  
10 department of justice records to determine whether a person seeking to purchase a  
11 handgun is prohibited from possessing a firearm under s. 941.29 or based on a  
12 disqualifying mental health adjudication. "Firearms restriction record search"  
13 includes a criminal history record search, a search to determine whether a person is  
14 prohibited from possessing a firearm under s. 51.20 (13) (cv), a search to determine  
15 whether the person is subject to an injunction under s. 813.12 or 813.122, or a tribal  
16 injunction, as defined in s. 813.12 (1) (e), issued by a court established by any  
17 federally recognized Wisconsin Indian tribe or band, except the Menominee Indian  
18 tribe of Wisconsin, that includes notice to the respondent that he or she is subject to  
19 the requirements and penalties under s. 941.29 and that has been filed with the  
20 circuit court under s. 806.247 (3), and a search to determine whether the person is  
21 prohibited from possessing a firearm under s. 813.125 (4m).

22 **SECTION 32.** 175.35 (2) (d) of the statutes is amended to read:

23 175.35 (2) (d) Forty-eight hours, subject to extension under sub. (2g) (c) 4. c.,  
24 have elapsed from the time that the firearms dealer has received a confirmation  
25 number regarding the firearms restrictions record search under sub. (2g) (c) from the

1 department of justice and the firearms dealer has not been notified that the transfer  
2 would be in violation of s. 941.29 or that the transferee would be prohibited from  
3 possessing a firearm based on a disqualifying mental health adjudication.

4 **SECTION 33.** 175.35 (2g) (c) 4. a. and b. of the statutes are amended to read:

5 175.35 (2g) (c) 4. a. If the search indicates that the transferee is prohibited from  
6 possessing a firearm under s. 941.29 or based on a disqualifying mental health  
7 adjudication, the department shall provide the firearms dealer with a unique  
8 nonapproval number. The department may not disclose to the firearms dealer the  
9 reason the transferee is prohibited from possessing a firearm under s. 941.29.

10 b. If the search indicates that the transferee is not prohibited from possessing  
11 a firearm under s. 941.29 or based on a disqualifying mental health adjudication, the  
12 department shall provide the firearms dealer with a unique approval number.

13 **SECTION 34.** 175.35 (2k) (ar) 2. of the statutes is amended to read:

14 175.35 (2k) (ar) 2. Check each duplicate notification form received under sub.  
15 (2j) against the information recorded by the department regarding the corresponding  
16 request for a firearms restrictions record search under sub. (2g). If the department  
17 previously provided a unique approval number regarding the request and nothing  
18 in the duplicate completed notification form indicates that the transferee is  
19 prohibited from possessing a firearm under s. 941.29 or based on a disqualifying  
20 mental health adjudication, the department shall destroy all records regarding that  
21 firearms restrictions record search within 30 days after receiving the duplicate form.

22 **SECTION 35.** 175.48 of the statutes is created to read:

23 **175.48 Law enforcement officer identification cards. (1)** In this section,  
24 “Wisconsin law enforcement agency” has the meaning given in s. 175.46 (1) (f).

1           **(2)** If a Wisconsin law enforcement agency issues photographic identification  
2 cards to its officers, it may not require an officer to relinquish his or her card upon  
3 retirement unless one of the following applies:

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

5           (b) The officer did not retire in good standing from service as a law enforcement  
6 officer with the agency or retired as a result of mental instability.

7           (c) The officer was regularly employed as a law enforcement officer for an  
8 aggregate of less than 15 years. This paragraph does not apply if the officer, after  
9 completing any applicable probationary period of service with the agency, retired  
10 from service with the agency due to a service-connected disability, as determined by  
11 the agency.

12           (d) The officer does not have a nonforfeitable right to benefits under the  
13 agency's retirement plan.

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

18           **SECTION 36.** 175.49 of the statutes is created to read:

19           **175.49 Retired law enforcement officers seeking to carry concealed**  
20 **weapons. (1) DEFINITIONS.** In this section:

21           (a) "Department" means the department of justice.

22           (b) "Former employer" means a law enforcement agency that employed a  
23 retired law enforcement officer immediately before his or her retirement.

24           (c) "Law enforcement officer" means a person who is employed by a public  
25 agency in the United States for the purpose of engaging in, or supervising others

1 engaging in, the prevention, detection, investigation, or prosecution of, or the  
2 incarceration of any person for, any violation of law and who has statutory powers  
3 of arrest.

4 **(2) ISSUANCE OF CERTIFICATION.** Subject to sub. (3), the department shall issue  
5 and provide a retired law enforcement officer, upon request and at his or her own  
6 expense, an identification card that contains the information specified in sub. (4) (b)  
7 and that certifies all of the following:

8 (a) That the department has found that the retired officer has met the  
9 standards established by this state for training and qualification for active duty law  
10 enforcement officers to carry firearms.

11 (b) The date on which the department made the finding under par. (a).

12 (c) That, as a result of the finding under par. (a), the retired officer is qualified  
13 to carry any concealed firearm other than a machine gun or a firearm bearing a  
14 silencer.

15 **(3) PREREQUISITES FOR DEPARTMENT ACTION.** (a) Subsection (2) does not apply  
16 with respect to a person requesting an identification card unless all of the following  
17 apply:

18 1. The person retired in good standing from service as a law enforcement officer  
19 for reasons other than mental instability.

20 2. At least one of the following applies:

21 a. Before retiring, the person was regularly employed as a law enforcement  
22 officer for an aggregate of 15 years or more.

23 b. The person completed any applicable probationary period of service with his  
24 or her former employer and retired from service due to a service-connected disability,  
25 as determined his or her former employer.

1           3. The person has a nonforfeitable right to benefits under his or her former  
2 employer's retirement plan.

3           4. The department determines that its records do not indicate that the person  
4 is prohibited from possessing a firearm under federal law or is a person specified in  
5 s. 941.29 (1) (a), (b), (bm), (c), (d), (e), or (g).

6           5. The person is a resident of this state.

7           (b) The department may require a person to sign appropriate consents for  
8 release of information to enable it to confirm that he or she meets all of the  
9 prerequisites under this subsection for the department to act under sub. (2).

10          (c) In addition to other fees authorized under sub. (2), the department may  
11 require a person to pay a fee, not to exceed the department's costs, for verifying his  
12 or her employment history or retirement plan status under par. (a) 1. to 3. or making  
13 a determination under par. (a) 4.

14          **(4) CONTENTS OF IDENTIFICATION CARD.** (a) Subject to pars. (b), (c), and (d), the  
15 department shall design a single document for identification cards issued under this  
16 section. The department shall complete the design of the identification card  
17 document no later than the first day of the 2nd month beginning after the effective  
18 date of this paragraph .... [revisor inserts date].

19          (b) In addition to the information certified under sub. (2), an identification card  
20 issued under this section shall contain all of the following on one side:

21           1. The full name, date of birth, and residence address of the retired officer.

22           2. A physical description of the retired officer, including sex, height, weight, and  
23 hair and eye color.

24           3. The name of this state.

1 (c) An identification card may not contain the retired officer's social security  
2 number.

3 (d) An identification card issued under this section shall be, to the maximum  
4 extent possible, tamper proof. The contents of the identification card shall be  
5 included in the document in substantially the same way that the contents of an  
6 operator's license document issued under s. 343.17 are included in that document.

7 **SECTION 37.** 175.50 of the statutes is created to read:

8 **175.50 License to carry a concealed weapon. (1) DEFINITIONS.** In this  
9 section:

10 (ab) "Alcohol beverages" has the meaning given in s. 125.02 (1).

11 (abm) "Alcohol concentration" has the meaning given in s. 340.01 (1v).

12 (ac) "Background check" means a search of department and court records  
13 conducted under sub. (9g) to determine a person's eligibility for a license to carry a  
14 concealed weapon.

15 (ag) Except in sub. (2g) (b), "carry" means to go armed with.

16 (ah) "Controlled substance" means a controlled substance, as defined in s.  
17 961.01 (4), or a controlled substance analog, as defined in s. 961.01 (4m).

18 (aj) "Department" means the department of justice.

19 (am) "Drunk driving offense" means any of the following:

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

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

23 3. A violation of the law of another jurisdiction, as defined in s. 340.01 (41m),  
24 that prohibits use of a motor vehicle while intoxicated, while under the influence of  
25 a controlled substance, a controlled substance analog, or a combination thereof, with

1 an excess or specified range of alcohol concentration, or while under the influence of  
2 any drug to a degree that renders the person incapable of safely driving, as those or  
3 substantially similar terms are used in that jurisdiction's laws.

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

9 (bq) "Intoxicant" means any alcohol beverage, controlled substance, or other  
10 drug, or any combination thereof.

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

12 (c) "Law enforcement officer" has the meaning given in s. 165.85 (2) (c).

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

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

16 1. A misdemeanor violation of chs. 940, 941, or 948 or of s. 947.013 or a violation  
17 of s. 947.01 or of sub. (2k) (e) or (16) (cm) 1.

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

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

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

23 (gm) "Photo identification card" means an operator's license issued under ch.  
24 343 or an identification card issued under s. 343.50.

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

1 (i) “Proprietor” means a person to whom a Class “B” or “Class B” license or  
2 permit has been issued under ch. 125.

3 (ig) “Purpose of authorized analysis” means for the purpose of determining or  
4 obtaining evidence of the presence, quantity, or concentration of any intoxicant in a  
5 person’s blood, breath, or urine.

6 (im) “State identification card number” means the unique identifying driver  
7 number assigned to a person by the department of transportation under s. 343.17 (3)  
8 (a) 4. or, if the person presents, under sub. (6), an identification card issued under  
9 s. 343.50, the number assigned to the person on that identification card.

10 (is) “Test facility” means a test facility or agency prepared to administer tests  
11 under s. 343.305 (2).

12 (j) “Weapon” means a handgun, an electric weapon, as defined in s. 941.295 (4),  
13 a knife other than a switchblade knife under s. 941.24, or a billy club.

14 **(2)** ISSUANCE OF LICENSE. The department shall issue licenses to carry a  
15 concealed weapon to an individual who meets the qualifications specified in sub. (3)  
16 and who completes the application process specified in sub. (7). A license to carry a  
17 concealed weapon issued under this section shall meet the requirements specified in  
18 sub. (2m).

19 **(2g)** CARRYING A CONCEALED WEAPON; CARRYING AND DISPLAY OF LICENSE DOCUMENT  
20 OR AUTHORIZATION. (a) A licensee may carry a concealed weapon anywhere in this  
21 state except as provided under sub. (16) or s. 941.20 (1) (b) or 943.13 (1m) (c).

22 (b) A licensee shall carry his or her license document and photo identification  
23 card at all times during which 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 and photo identification card to a law enforcement officer upon  
3 the request of the law enforcement officer.

4 **(2i) PRELIMINARY BREATH SCREENING TEST.** (a) *Requirement.* A person shall  
5 provide a sample of his or her breath for a preliminary breath screening test if a law  
6 enforcement officer has probable cause to believe that the person is violating sub.  
7 (16) (cm) 1. and if, prior to an arrest, the law enforcement officer requested that the  
8 person provide this sample.

9 (b) *Use of test results.* A law enforcement officer may use the results of a  
10 preliminary breath screening test for the purpose of deciding whether or not to arrest  
11 a person for a violation of sub. (16) (cm) 1. or for the purpose of deciding whether or  
12 not to request a chemical test under sub. (2k). Following the preliminary breath  
13 screening test, chemical tests may be required of the person under sub. (2k).

14 (c) *Admissibility.* The result of a preliminary breath screening test is not  
15 admissible in any action or proceeding except to show probable cause for an arrest,  
16 if the arrest is challenged, or to show that a chemical test was properly required of  
17 a person under sub. (2k).

18 (d) *Refusal.* There is no penalty for a violation of par. (a). Neither sub. (17) (b)  
19 nor the general penalty provision under s. 939.61 applies to that violation.

20 **(2j) IMPLIED CONSENT.** Any person who carries a concealed weapon in this state  
21 is deemed to have given consent to provide one or more samples of his or her breath,  
22 blood, or urine for the purpose of authorized analysis as required under sub. (2k).  
23 Any person who carries a concealed weapon in this state is deemed to have given  
24 consent to submit to one or more chemical tests of his or her breath, blood, or urine  
25 for the purpose of authorized analysis as required under sub. (2k).

1           **(2k)** CHEMICAL TESTS. (a) *Requirement.* 1. ‘Samples; submission to tests.’ A  
2 person shall provide one or more samples of his or her breath, blood, or urine for the  
3 purpose of authorized analysis if he or she is arrested for a violation of sub. (16) (cm)  
4 1. and if he or she is requested to provide the sample by a law enforcement officer.  
5 A person shall submit to one or more chemical tests of his or her breath, blood, or  
6 urine for the purpose of authorized analysis if he or she is arrested for a violation of  
7 sub. (16) (cm) 1. and if he or she is requested to submit to the test by a law  
8 enforcement officer.

9           2. ‘Information.’ A law enforcement officer requesting a person to provide a  
10 sample or to submit to a chemical test under subd. 1. shall inform the person of all  
11 of the following at the time of the request and prior to obtaining the sample or  
12 administering the test:

13           a. That he or she is deemed to have consented to tests under sub. (2i).

14           b. That a refusal to provide a sample or to submit to a chemical test constitutes  
15 a violation under par. (e) and is subject to the same penalties and procedures as a  
16 violation of sub. (16) (cm) 1.

17           c. That in addition to the designated chemical test under par. (b) 2. he or she  
18 may have an additional chemical test under par. (c) 1.

19           3. ‘Unconscious person.’ A person who is unconscious or otherwise not capable  
20 of withdrawing consent is presumed not to have withdrawn consent under this  
21 paragraph, and if a law enforcement officer has probable cause to believe that the  
22 person violated sub. (16) (cm) 1., one or more chemical tests may be administered to  
23 the person without a request under subd. 1. and without providing information  
24 under subd. 2.

1           (b) *Chemical tests.* 1. 'Test facility.' Upon the request of a law enforcement  
2 officer, a test facility shall administer a chemical test of breath, blood, or urine for  
3 the purpose of authorized analysis. A test facility shall be prepared to administer  
4 2 of the 3 chemical tests of breath, blood, or urine for the purpose of authorized  
5 analysis. The department may enter into agreements for the cooperative use of test  
6 facilities.

7           2. 'Designated chemical test.' A test facility shall designate one chemical test  
8 of breath, blood, or urine which it is prepared to administer first for the purpose of  
9 authorized analysis.

10          3. 'Additional chemical test.' A test facility shall specify one chemical test of  
11 breath, blood, or urine, other than the test designated under subd. 2., which it is  
12 prepared to administer for the purpose of authorized analysis as an additional  
13 chemical test.

14          4. 'Validity; procedure.' A chemical test of blood or urine conducted for the  
15 purpose of authorized analysis is valid as provided under s. 343.305 (6). The duties  
16 and responsibilities of the laboratory of hygiene, department of health and family  
17 services, and department of transportation under s. 343.305 (6) apply to a chemical  
18 test of blood or urine conducted for the purpose of authorized analysis under this  
19 subsection. Blood may be withdrawn from a person arrested for a violation of sub.  
20 (16) (cm) 1. only by a physician, registered nurse, medical technologist, physician  
21 assistant, or person acting under the direction of a physician and the person who  
22 withdraws the blood, the employer of that person, and any hospital where blood is  
23 withdrawn have immunity from civil or criminal liability as provided under s.  
24 895.53.

1           5. ‘Report.’ A test facility which administers a chemical test of breath, blood,  
2 or urine for the purpose of authorized analysis under this subsection shall prepare  
3 a written report which shall include the findings of the chemical test, the  
4 identification of the law enforcement officer or the person who requested a chemical  
5 test, and the identification of the person who provided the sample or submitted to the  
6 chemical test. The test facility shall transmit a copy of the report to the law  
7 enforcement officer and the person who provided the sample or submitted to the  
8 chemical test.

9           (c) *Additional and optional chemical tests.* 1. ‘Additional chemical test.’ If a  
10 person is arrested for a violation of sub. (16) (cm) 1. and if the person is requested to  
11 provide a sample or to submit to a test under par. (a) 1., the person may request the  
12 test facility to administer the additional chemical test specified under par. (b) 3. or,  
13 at his or her own expense, reasonable opportunity to have any qualified person  
14 administer a chemical test of his or her breath, blood, or urine for the purpose of  
15 authorized analysis.

16           2. ‘Optional test.’ If a person is arrested for a violation of sub. (16) (cm) 1. and  
17 if the person is not requested to provide a sample or to submit to a test under par. (a)  
18 1., the person may request the test facility to administer a chemical test of his or her  
19 breath or, at his or her own expense, reasonable opportunity to have any qualified  
20 person administer a chemical test of his or her breath, blood, or urine for the purpose  
21 of authorized analysis. If a test facility is unable to perform a chemical test of breath,  
22 the person may request the test facility to administer the designated chemical test  
23 under par. (b) 2. or the additional chemical test under par. (b) 3.

24           3. ‘Compliance with request.’ A test facility shall comply with a request under  
25 this paragraph to administer any chemical test that it is able to perform.

1           4. 'Inability to obtain chemical test.' The failure or inability of a person to  
2 obtain a chemical test at his or her own expense does not preclude the admission of  
3 evidence of the results of a chemical test required and administered under pars. (a)  
4 and (b).

5           (d) *Admissibility; effect of test results; other evidence.* The results of a chemical  
6 test required or administered under par. (a), (b), or (c) are admissible in any civil or  
7 criminal action or proceeding arising out of the acts committed by a person alleged  
8 to have violated sub. (16) (cm) 1. on the issue of whether the person had alcohol  
9 concentrations at or above specified levels or was under the influence of an  
10 intoxicant. Results of these chemical tests shall be given the effect required under  
11 s. 885.235. This subsection does not limit the right of a law enforcement officer to  
12 obtain evidence by any other lawful means.

13           (e) *Refusal.* No person may refuse a lawful request to provide one or more  
14 samples of his or her breath, blood, or urine or to submit to one or more chemical tests  
15 under par. (a). A person shall not be deemed to refuse to provide a sample or to submit  
16 to a chemical test if it is shown by a preponderance of the evidence that the refusal  
17 was due to a physical inability to provide the sample or to submit to the test due to  
18 a physical disability or disease unrelated to the use of an intoxicant. Issues in any  
19 action concerning a violation of par. (a) or this paragraph are limited to:

20           1. Whether the law enforcement officer had probable cause to believe the  
21 person was violating or had violated sub. (16) (cm) 1.

22           2. Whether the person was lawfully placed under arrest for violating sub. (16)  
23 (cm) 1.

24           3. Whether the law enforcement officer requested the person to provide a  
25 sample or to submit to a chemical test and provided the information required under

1 par. (a) 2. or whether the request and information were unnecessary under par. (a)  
2 3.

3 4. Whether the person refused to provide a sample or to submit to a chemical  
4 test.

5 **(2m) LICENSE DOCUMENT; CONTENT OF LICENSE.** (a) Subject to pars. (b), (c), and  
6 (d), the department shall design a single license document for licenses issued and  
7 renewed under this section. The department shall complete the design of the license  
8 document no later than the first day of the 2nd month beginning after the effective  
9 date of this paragraph ... [revisor inserts date].

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

12 1. The full name, date of birth, and residence address of the licensee.

13 2. A physical description of the licensee, including sex, height, weight, and hair  
14 and eye color.

15 3. The date on which the license was issued.

16 4. The date on which the license expires.

17 5. The name of this state.

18 6. A unique identification number for each licensee.

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

20 (d) A license document issued under this section shall be, to the maximum  
21 extent possible, tamper proof. The contents of the license document shall be included  
22 in the document in substantially the same way that the contents of an operator's  
23 license document issued under s. 343.17 are included in that document.

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

- 1           (a) The individual is at least 21 years of age.
- 2           (b) The individual does not have a severe physical disability that prevents him  
3 or her from safely handling a weapon and that, if the individual were handling a  
4 weapon, would cause the individual to pose a significant public safety risk. The  
5 department may determine that a person is ineligible for a license under this  
6 paragraph only if the form that the person has submitted under (7) (d) does not  
7 indicate that the person is eligible. The department may override an indication on  
8 a form submitted under sub. (7) (d) that a person is not eligible for a license under  
9 this paragraph. This paragraph does not apply to a person certified under sub. (3m)  
10 (b) as an instructor of a firearm training or firearm safety course or class.
- 11           (c) The individual is not prohibited under federal law from possessing a firearm  
12 that has been transported in interstate or foreign commerce.
- 13           (d) The individual is not prohibited from possessing a firearm under s. 941.29.
- 14           (e) During the preceding 5 years, the individual has not been committed under  
15 s. 51.20 for being drug dependent.
- 16           (f) During the preceding 5 years, the individual has not been convicted for any  
17 violation, or for the solicitation, conspiracy, or attempt to commit any violation, of ch.  
18 961 or of a federal law or a law of another state that is comparable to any provision  
19 of ch. 961.
- 20           (g) The individual does not chronically and habitually use alcohol beverages or  
21 other substances to the extent that his or her normal faculties are impaired. A person  
22 is presumed chronically and habitually to use alcohol beverages or other substances  
23 to the extent that his or her normal faculties are impaired if, within the preceding  
24 5 years, any of the following applies:

1           1. The individual has been committed for involuntary treatment under s. 51.45  
2 (13).

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

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

6           (h) 1. The individual has done one of the following:

7           a. Successfully completed a firearm training or firearm safety course or class  
8 that meets the requirements of sub. (3m) (a) and that is conducted by an instructor  
9 certified by the state in which the course or class was conducted or by a national or  
10 state organization that certifies firearms instructors.

11           b. Participated in organized shooting competitions or military, law  
12 enforcement, or security training that gave the applicant experience with firearms  
13 that the department determines is substantially equivalent to any course or class  
14 that meets the requirements of sub. (3m) (a).

15           c. Been certified as described under sub. (3m) (b) as an instructor of a firearm  
16 training or firearm safety course or class.

17           2. If subd. 1. a. or b. applies, the person providing the training or organizing  
18 a shooting competition in which the person has competed shall complete the form  
19 designed by the department under sub. (5) (b).

20           (i) The individual has not been found incompetent under ch. 880 or, if the  
21 individual has been found incompetent under ch. 880, he or she was subsequently  
22 found to be competent and at least 5 years have elapsed from the date that he or she  
23 was found to be competent.



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

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

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

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

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

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

22 (m) Within the preceding 5 years, the individual was not convicted of a  
23 misdemeanor crime of violence or was not serving a sentence, on probation, or subject  
24 to a dispositional order under ch. 938 for committing a misdemeanor crime of  
25 violence.

1 (mm) The individual has not been convicted of a misdemeanor violation of s.  
2 940.32, 1999 stats., or a misdemeanor violation of a federal law or a law of another  
3 state that is comparable to s. 940.32.

4 (mr) The individual has not been prohibited from obtaining a license under sub.  
5 (10m) based on the individual having committed a misdemeanor crime of violence.

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

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

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

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

22 (r) Within the preceding 5 years, the individual was not convicted under sub.  
23 (17) (c), (d), or (e) and was not serving a sentence, on probation, or subject to a  
24 dispositional order under ch. 938 for committing an offense under sub. (17) (c), (d),  
25 or (e).

1 (s) The individual is a Wisconsin resident.

2 **(3m) COURSE OR CLASS REQUIREMENTS.** (a) A firearm training or firearm safety  
3 course or class under sub. (3) (h) 1. a. shall consist of all of the following:

4 1. Instruction on how to handle, load, unload, and store handguns.

5 2. Instruction on the privilege of self-defense and the defense of others under  
6 s. 939.48.

7 3. Instruction on how to avoid injuring 3rd parties when defending himself,  
8 herself, or others in a manner that is privileged under s. 939.48.

9 4. Instruction on basic self-defense principles.

10 5. Instruction on how to carry a concealed handgun safely.

11 6. Instruction on firing a handgun.

12 7. Practice firing a handgun.

13 (am) The department may not specify the number of hours of instruction, either  
14 in the aggregate or with respect to any of the individual topics specified in par. (a)  
15 1. to 7., that a course or class must provide.

16 (b) The department shall certify instructors who are qualified to teach a course  
17 or class described in par. (a) and maintain a list of instructors that it certifies. To be  
18 certified by the department as an instructor, a person must meet all of the following  
19 criteria:

20 1. Be qualified under sub. (3) to carry a concealed weapon.

21 2. Be able to demonstrate the ability and knowledge required for instructing  
22 students under par. (a) 1. to 7.

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

25 The department shall complete the design of the application form no later than the

1 first day of the 2nd month beginning after the effective date of this subsection ...  
2 [revisor inserts date], and shall complete the design of the renewal form no later than  
3 the first day of the 36th month beginning after the effective date of this subsection  
4 .... [revisor inserts date]. The forms shall require the applicant to provide only his  
5 or her name, address, date of birth, state identification card number, race, sex,  
6 height, weight, and hair and eye color and the registration number for each motor  
7 vehicle registered in the applicant's name and shall include all of the following:

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

10 2. 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 3. A statement, with a place for the applicant to sign his or her name, to indicate  
14 that the applicant has read and understands the requirements of this section.

15 4. A statement that the application must include the notarized statement  
16 described under sub. (7) (b) and that an applicant may be prosecuted if he or she gives  
17 a false answer to any question on the application or submits a falsified document  
18 with the application.

19 5. 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 (b) The department shall design a form for use by individuals listed in sub. (3)  
22 (h) 2. to verify a person's eligibility for a license under sub. (3) (b) and (h) 1. The form  
23 shall provide for verification of a person's eligibility under sub. (3) (b) by providing  
24 a space for the individual completing the form to check a box indicating whether the  
25 person is eligible for a license under sub. (3) (b).

1 (c) The department shall make the forms described in this subsection available  
2 on the Internet or by mail upon request.

3 **(6) REVIEW BY NOTARY.** Before a person submits an application under sub. (7),  
4 the person shall display a valid license document or identification card that he or she  
5 has been issued under s. 343.17 or 343.50 to the notary who is to notarize the  
6 statement required under sub. (7) (b). Before notarizing that statement, the notary  
7 shall verify the person's identity using that license document or identification card  
8 and verify that the name and state identification card number listed on the license  
9 document or identification card are the same as the name and state identification  
10 card number listed on the application.

11 **(7) SUBMISSION OF APPLICATION.** An individual may apply for a license under this  
12 section with the department by submitting to the department all of the following:

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

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

17 (bd) A license fee of \$52.

18 (bh) A fee for a background check of \$8.

19 (bp) A shooting range improvement fee of \$15 written as a separate check,  
20 made out to the applicant's county of residence, that the department shall forward  
21 to that county on at least a quarterly basis.

22 (d) A training certificate, in the form created by the department under sub. (5)  
23 (b), that is completed by the person specified in sub. (3) (h) 2. and that shows that the  
24 person is eligible for a license under sub. (3) (b) and (h) 1. This paragraph does not

1 apply to a person certified under sub. (3m) (b) as an instructor of a firearm training  
2 or firearm safety course or class.

3 (g) A complete set of his or her fingerprints on a fingerprint card.

4 **(9)** PROCESSING OF APPLICATION. (a) Upon receiving an application submitted  
5 under sub. (7), the department shall conduct a background check, as provided under  
6 sub. (9g).

7 (b) Subject to par. (c), within 21 days after receiving an application under sub.  
8 (7), the department shall do one of the following:

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

11 2. Deny the application, but only if the applicant fails to qualify under the  
12 criteria specified in sub. (3). If the department denies the application, the  
13 department shall inform the applicant in writing, stating the reason and factual  
14 basis for the denial to the extent permitted under federal law.

15 (c) The time period specified in par. (b) (intro.) is tolled during the pendency of  
16 any action brought under sub. (10m).

17 **(9g)** BACKGROUND CHECKS. (b) The department shall conduct a background  
18 check regarding an applicant for a license using the following procedure:

19 1. The department shall create a confirmation number associated with the  
20 applicant.

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

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

1           a. If the background check indicates that the applicant does not qualify for a  
2 license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m), (mm), (n), (o), or (r),  
3 create a unique nonapproval number for the applicant.

4           b. If the completed background check does not indicate that the applicant is  
5 disqualified for a license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m),  
6 (mm), (n), (o), or (r), create a unique approval number for the applicant.

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, make all reasonable efforts  
11 to obtain the missing information.

12           (c) The department shall conduct the background check under par. (b)  
13 immediately if the background check is for an applicant for an emergency license  
14 under sub. (9r).

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

18           (e) 1. The department shall check each application form. If the department  
19 provided a unique approval number regarding the request, the department shall,  
20 except as provided in subd. 2., destroy all records regarding that background check  
21 within 30 days after receiving the form.

22           2. The department may maintain records necessary to administer this  
23 subsection and, for a period of not more than 15 months after the department issues  
24 a unique approval number, a log of dates of background checks under this subsection

1 together with unique approval and nonapproval numbers corresponding to those  
2 dates.

3 (f) The department shall promulgate rules authorizing it to obtain records  
4 necessary to determine an applicant's eligibility under sub. (3) (e), (g) 1., (i), (im), and  
5 (j) for a license issued under this section.

6 **(9r) EMERGENCY LICENSE.** (a) Unless the department knows that the person is  
7 not qualified for a license under sub. (3) (a) to (g) or (i) to (s), the department shall  
8 issue a license under this section to an individual who does not satisfy the  
9 requirements under sub. (3) (h) 1. if the department determines that immediate  
10 licensure is warranted to protect the individual from death or great bodily harm, as  
11 defined in s. 939.22 (14). If the individual has obtained a temporary restraining  
12 order or injunction under s. 813.12 or 813.125 or a foreign protection order that meets  
13 the requirements of s. 806.247 (2) and that has the same effect as an order issued  
14 under s. 813.12 or 813.125, the department shall presume that immediate licensure  
15 is warranted to protect the individual from death or great bodily harm. If the  
16 department issues a license under this paragraph it shall conduct an immediate  
17 background check under sub. (9g).

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

20 2. If the department learns that an individual to whom the department has  
21 issued a license under par. (a) does not qualify for a license under sub. (3) (c), (d), (e),  
22 (f), (g), (i), (im), (j), (k), (L), (m), (mm), (n), (o), or (r), the department shall revoke the  
23 license.

24 (c) The department may waive the fees that would otherwise be required under  
25 sub. (7) (bd), (bh), and (bp) for an individual who is applying for a license under par.



1 (a) if requiring the individual to pay the fees would create a hardship for the  
2 individual. The department shall promulgate rules specifying the procedures and  
3 definitions to apply when determining whether an individual is eligible for a waiver  
4 of the fees for an emergency license under this section as provided under this  
5 paragraph.

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

10 **(10) EXEMPTION FROM BACKGROUND CHECK.** Notwithstanding sub. (9) (a), the  
11 department shall issue or renew a license under this section to any of the following  
12 individuals without requesting a background check:

13 (a) A law enforcement officer.

14 (b) A correctional officer.

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

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

18 **(10m) DISQUALIFICATION PETITION REGARDING CERTAIN MISDEMEANANTS.** (a) If the  
19 department receives an application for a license under this section from a person who  
20 has committed a misdemeanor crime of violence and the person is eligible for a  
21 license under sub. (3) (m), the department may file a petition under this subsection  
22 asking the circuit court to enter an order barring the person from receiving a license.  
23 The department may only file such a petition if the petition alleges that, based on the  
24 person's commission of one or more misdemeanor crimes of violence, the person

1 would pose a substantial risk to others if the person were issued a license under this  
2 section.

3 (b) The department shall file any such petition in the circuit court of the  
4 person's county of residence. The department may not file the petition more than 30  
5 days after receiving the person's completed application, unless the person was issued  
6 a license under sub. (9r). The court shall allow the person 30 days to file an answer  
7 to the petition. The court may hold an evidentiary hearing on the petition.

8 (c) If the court determines, by clear and convincing evidence, that the person  
9 would pose a substantial risk to others if the person were issued a license under this  
10 section, the court shall enter an order prohibiting the person from obtaining a license  
11 under this section.

12 (d) If the court denies the department's petition, the court shall award the  
13 person costs and reasonable attorney fees.

14 (e) The court shall expedite any proceeding brought under this subsection.

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

16 a. "Clerk" means the clerk of the circuit court or, if it has enacted a law or an  
17 ordinance in conformity with s. 346.63, the clerk of the court for a federally  
18 recognized American Indian tribe or band in this state, a city, a village, or a town.

19 b. "Court automated information systems" means the systems under s. 758.19  
20 (4).

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

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

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

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

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

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

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

14           g. The individual is involuntarily committed for treatment under s. 51.20 or  
15 51.45.

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

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

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

21           3. Upon receiving a notice under subd. 2., the department shall immediately  
22 determine if the individual who is the subject of the notice is a licensee, using the list  
23 maintained under sub. (12) (a) 1.

1 (b) 1. Within 10 days after being charged under federal law or the law of another  
2 state with any crime or any drunk driving offense, a licensee shall notify the  
3 department of the charge.

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

7 **(12) MAINTENANCE, USE, AND PUBLICATION OF RECORDS BY THE DEPARTMENT.** (a) 1.  
8 The department shall maintain a computerized record listing the names and the  
9 information specified in sub. (2m) (b) of all individuals who have been issued a license  
10 under this section. Except as provided in subd. 2., neither the department nor any  
11 employee of the department may store, maintain, format, sort, or access the  
12 information in any way other than by the names, dates of birth, or sex of licensees  
13 or by the identification numbers assigned to licensees under sub. (2m) (b) 6.

14 2. A law enforcement officer who is employed by the department may obtain  
15 information regarding a licensee from the department of transportation under s.  
16 341.175 (4).

17 (b) A law enforcement officer who is employed by the department may request  
18 and be provided information maintained by the department under par. (a).

19 (c) Notwithstanding s. 19.35, neither the department nor any department  
20 employee may make information obtained under this section available to the public  
21 except in the context of a prosecution for an offense in which the person's status as  
22 a licensee is relevant, in the context of a proceeding under sub. (10m) or (14m), or  
23 through a report created under sub. (19).

1           **(12g)** PROVIDING LICENSEE INFORMATION TO LAW ENFORCEMENT AGENCIES AND  
2 COURTS. (a) Upon request, the department shall provide information concerning a  
3 specific licensee to a law enforcement agency or a court.

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

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

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

17           **(12r)** PROVIDING LICENSEE INFORMATION TO THE DEPARTMENT OF TRANSPORTATION.  
18 If any of the following happens with respect to a person, the department shall notify  
19 the department of transportation of the person's name, date of birth, and sex, the  
20 date on which the person was last issued a license under this section, and any vehicle  
21 registration number provided by the person on his or her application for that license:

22           (a) The person is issued a license.

23           (b) The person's license is renewed.

24           (c) The person's license expires and is not renewed.

25           (d) The person's license is suspended or revoked.

1 (e) The person's suspended license is reinstated.

2 (13) LOST OR DESTROYED LICENSE. No later than 30 days after losing his or her  
3 license document or after his or her license document is destroyed, a licensee shall  
4 submit to the department a notarized statement that his or her license document has  
5 been lost or destroyed. The department shall issue a replacement license document  
6 within 14 days of receiving the notarized statement and a replacement license fee of  
7 \$15.

8 (14) LICENSE REVOCATION AND SUSPENSION. (a) The department shall revoke a  
9 license issued under this section if the licensee no longer meets all of the criteria  
10 specified in sub. (3) (b) to (g), (i) to (n), and (p) to (s).

11 (am) 1. If any of the following occurs with respect to a licensee, the department  
12 shall suspend the licensee's license:

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

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

17 2. If the department suspends a license under subd. 1., and, upon disposition  
18 of the case, the person to whom the license was issued meets all of the criteria  
19 specified in sub. (3), the department shall restore the license within 14 days of  
20 receiving the disposition.

21 (b) 1. If the department revokes or suspends a license under this section, the  
22 revocation or suspension shall take effect immediately.

23 2. If the department suspends or revokes a license issued under this section,  
24 it shall send the individual whose license has been suspended or revoked notice of  
25 the suspension or revocation by certified mail within one day after the suspension

1 or revocation. Within 7 days after receiving the notice, the individual whose license  
2 has been suspended or revoked shall deliver the license document personally or by  
3 certified mail to the department.

4 **(14g) DEPARTMENTAL REVIEW.** The department shall promulgate rules providing  
5 for the review of any action by the department denying an application for a license  
6 under this section, suspending or revoking a license under this section, or denying  
7 certification as an instructor under sub. (3m) (b).

8 **(14m) APPEALS TO THE CIRCUIT COURT.** (a) A person aggrieved by any action by  
9 the department denying an application for a license under this section, suspending  
10 or revoking a license under this section, or denying certification as an instructor  
11 under sub. (3m) (b) may appeal directly to the circuit court of his or her county, but  
12 only if the person has completed the review process established under sub. (14g).

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

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

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

1 taken by the department. A copy of any documents or records on which the  
2 department based its action shall be included with the answer when filed.

3 (e) The court shall review the petition, the answer, and any records or  
4 documents submitted with the petition or the answer. The review under this  
5 paragraph shall be conducted by the court without a jury and shall be confined to the  
6 petition, the answer, and any records or documents submitted with the petition or  
7 the answer, except that in cases of alleged irregularities in procedure by the  
8 department the court may take testimony that the court determines is appropriate.

9 (f) The court shall affirm the department's action unless the court finds any of  
10 the following:

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

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

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

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

18 2. If the court overturns the department's decision under sub. (3m) (b), the court  
19 shall order the department to pay the aggrieved person all court costs and reasonable  
20 attorney fees.

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

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

24 2. a. A police station, sheriff's office, or state patrol station.



1           b. Subdivision 2. a. does not prohibit a peace officer who is acting within the  
2 scope of his or her employment from carrying a concealed weapon in a police station,  
3 sheriff's office, or state patrol station.

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

5           4. a. A courthouse.

6           b. Subdivision 4. b. does not apply to a judge who is a licensee and who is  
7 carrying a concealed weapon in a courthouse in which he or she is presiding in court.

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

11          5m. A place at which an organized youth sporting event is taking place.

12          6. A school administration building.

13          7. Any premises for which a Class "B" or "Class B" license or permit has been  
14 issued under ch. 125, unless one of the following applies:

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

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

18          8. A security checkpoint or a place beyond a security checkpoint in an airport,  
19 unless the weapon is encased for shipment as baggage to be transported by aircraft.

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

21          10. A kindergarten facility or classroom.

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

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

4           13. A building or part of a building that is used for religious worship or another  
5 religious purpose.

6           14. A health care facility, as defined in s. 150.84 (2); a clinic or office that is used  
7 by a physician licensed under ch. 448; an adult family home, as defined in s. 50.01  
8 (1); a residential care apartment complex, as defined in s. 50.01 (1d); a facility, as  
9 defined in s. 50.01 (1m); or a home health agency, as defined in s. 50.49 (1) (a).

10          15. The campus of a private or public university, college, or technical college.

11          16. A building owned by a nonprofit organization, whose primary function is  
12 to provide direct services to children or families, in or at which the nonprofit  
13 organization provides direct services to children or families.

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

16          18. A building or part of a building that is used to provide services for victims  
17 of sexual assault.

18          19. A building in which financial institution, as defined in s. 214.01 (1) (jn), is  
19 located.

20          20. An amusement park.

21          21. A public building, as defined in s. 101.01 (12).

22          22. A theater or stadium if any of the following applies:

23           a. Alcohol is served or sold in the theater or stadium.

24           b. The minimum seating capacity is 500 people.

25          23. A workplace in which the employer prohibits carrying concealed weapons.

1           24. a. A place of business at which the owner has posted a sign prohibiting  
2 patrons from carrying concealed weapons into the place of business if the sign is  
3 located in a prominent place near the primary entrance to the business.

4           b. Subdivision 24. a. does not apply to an individual to whom s. 941.23 (2) (e)  
5 applies.

6           26. A polling place, as defined in s. 5.02 (15), or the adjacent area. In this  
7 subdivision, "adjacent area" means any place within 500 feet of the polling place.  
8 This subdivision does not apply to an individual to whom subd. 2. b. or 4. b. or s.  
9 941.23 (2) (e) applies.

10          26m. An indoor shopping mall. This subdivision does not apply to an individual  
11 to whom s. 941.23 (2) (e) applies.

12          27. Any location within a county, city, town, or village, if the governing body of  
13 that city, town, or village has passed a resolution prohibiting a licensee from carrying  
14 a concealed weapon within the boundary of the county, city, town, or village.

15          (at) A licensee may not carry a concealed weapon in a building owned or leased  
16 by the state or any political subdivision of the state if the building provides electronic  
17 screening for weapons at all public entrances to the building and for the locked  
18 storage of weapons on the premises while the licensee is in the building. This  
19 paragraph does not apply to:

20           1. Peace officers or armed forces or military personnel who go armed in the line  
21 of duty.

22           2. A person authorized to carry a weapon in the building by the chief of police  
23 of the city, village, or town or the sheriff of the county in which the building is located.

24           3. A person authorized to carry a weapon in the building by the chief of the  
25 capitol police, if the building is owned or leased by the state.

1 (b) A licensee may not knowingly carry a handgun in a school zone, as defined  
2 in s. 948.605 (1) (c), unless he or she is not in or on the grounds of a school, as defined  
3 in s. 948.61 (1) (b), and one of the following applies:

4 1. The individual is in a motor vehicle or on a snowmobile or bicycle.

5 2. The individual has exited a motor vehicle and is encasing the handgun or  
6 storing it in the motor vehicle.

7 3. The individual is traveling directly to any person's private property from his  
8 or her place of employment or business, from any person's private property, or from  
9 a place outside of the school zone.

10 4. The individual is traveling directly to his or her place of employment or  
11 business from another place of his or her employment or business, from any person's  
12 private property, or from a place outside of the school zone.

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

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

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

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

22 a. The person's alcohol concentration exceeds 0.08.

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

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

6           (d) Paragraphs (a), (at), (b), and (c) do not apply to a peace officer, as defined  
7 in s. 939.22 (22).

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

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

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

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

17           (bm) Any person who violates sub. (2k) (e) or (16) (cm) 1. may be fined not more  
18 than \$10,000 or imprisoned for not more than 9 months or both.

19           (c) Any person who submits an intentionally false notarized statement under  
20 sub. (7) (b) or who intentionally makes a false statement to the department in  
21 requesting or in connection with the issuance of an emergency license under sub. (9r)  
22 shall be fined not less than \$500 nor more than \$10,000 and may be imprisoned for  
23 not more than 9 months.

24           (d) Any person who intentionally violates sub. (11) (b) 1. shall be fined not less  
25 than \$500 nor more than \$10,000 and may be imprisoned for not more than 9 months.

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

5 **(19) STATISTICAL REPORT.** By March 1 of each year, the department shall submit  
6 a statistical report to the legislature under s. 13.172 (2) and to the governor that  
7 indicates the number of licenses applied for, issued, denied, suspended, and revoked  
8 under this section during the previous calendar year. For the licenses denied, the  
9 report shall indicate the reasons for the denials and the part of the application  
10 process in which the reasons for denial were discovered. For the licenses suspended  
11 or revoked, the report shall indicate the reasons for the suspensions and revocations.

12 **(20m) GRANTS FOR SHOOTING RANGES.** (a) Using the fees collected under sub.  
13 (7) (bp), a county shall award grants to persons for construction or improvement of  
14 shooting ranges.

15 (b) A grant awarded under this subsection may be for up to 50 percent of the  
16 cost of the construction or improvement of the shooting range. A grant awarded  
17 under this subsection may not be used to pay for any of the following:

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

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

21 (c) In order to receive a grant under this subsection, the person creating or  
22 improving a shooting range shall agree to provide the facility for a firearm safety  
23 course or class that meets the requirements under sub. (3m) (a).

24 (d) In determining whether to make a grant under this subsection to a  
25 particular applicant, the county shall consider the potential of the project to meet the

1 needs of firearm safety courses or classes that meet the requirements under sub.  
2 (3m) in the area served by the shooting range relative to the proposed cost of the  
3 construction or improvement.

4 **(21) IMMUNITY.** (a) The department and its employees, clerks, as defined in sub.  
5 (11) (a) 1. a., and their staff, and court automated information systems, as defined  
6 under sub. (11) (a) 1. b., and their employees are immune from liability arising from  
7 any act or omission under this section, if done in good faith.

8 (b) A person providing a firearm safety or firearm training course or class in  
9 good faith is immune from liability arising from any act or omission related to the  
10 course or class if the course or class is one described in sub. (3) (h) 1.

11 (c) A person that permits an individual to carry a concealed weapon on property  
12 that the person owns or occupies is immune from any liability arising from its  
13 decision to do so, if done in good faith.

14 (d) An employer that permits or refuses to permit its employees to carry a  
15 concealed weapon is immune from any liability arising from its decision to do so, if  
16 done in good faith.

17 **(22s) APPLICABILITY.** No license may be issued on or after the first day of the  
18 49th month beginning after the effective date of this subsection .... [revisor inserts  
19 date]. All licenses issued under this section expire on the first day of the 49th month  
20 beginning after the effective date of this subsection .... [revisor inserts date].

21 **SECTION 38.** 341.175 of the statutes is created to read:

22 **341.175 Department to maintain records.** (1) In this section, "licensee"  
23 has the meaning given in s. 175.50 (1) (d).

24 (2) Using the information provided under s. 175.50 (12r) and obtained through  
25 rules promulgated under sub. (3), the department shall maintain a record of each

1 owner who is a licensee. If its records indicate that an owner of a vehicle is a licensee,  
2 the department shall, in its registration records for that vehicle, include a  
3 confidential entry that informs a law enforcement officer who requests information  
4 regarding that vehicle that the owner is a licensee.

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

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

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

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

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

19 **SECTION 39.** 440.26 (3m) of the statutes is renumbered 440.26 (3m) (intro.) and  
20 amended to read:

21 440.26 (3m) RULES CONCERNING DANGEROUS WEAPONS. (intro.) The department  
22 shall promulgate rules relating to the carrying of dangerous weapons by a person  
23 who holds a license or permit issued under this section or who is employed by a  
24 person licensed under this section. The rules shall meet the minimum requirements  
25 specified in 15 USC 5902 (b). and shall allow all of the following:



1           **SECTION 40.** 440.26 (3m) (a) of the statutes is created to read:

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

5           **SECTION 41.** 440.26 (3m) (b) of the statutes is created to read:

6           440.26 **(3m)** (b) A qualified out-of-state law enforcement officer, as defined in  
7 s. 941.23 (1) (e), to carry a concealed firearm if s. 941.23 (2) (b) 1. to 3. applies.

8           **SECTION 42.** 440.26 (3m) (c) of the statutes is created to read:

9           440.26 **(3m)** (c) A retired law enforcement officer, as defined in s. 941.23 (1) (f),  
10 to carry a concealed firearm if s. 941.23 (2) (c) 1. to 7. applies.

11           **SECTION 43.** 440.26 (3m) (d) of the statutes is created to read:

12           440.26 **(3m)** (d) A licensee, as defined in s. 175.50 (1) (d), to go armed with a  
13 concealed weapon as permitted under s. 175.50.

14           **SECTION 44.** 813.12 (6) (am) 1. of the statutes is amended to read:

15           813.12 **(6)** (am) 1. If an injunction is issued or extended under sub. (4) or if a  
16 tribal injunction is filed under s. 806.247 (3), the clerk of the circuit court shall notify  
17 the department of justice of the injunction and shall provide the department of  
18 justice with information concerning the period during which the injunction is in  
19 effect and information necessary to identify the respondent for purposes of a firearms  
20 restrictions record search under s. 175.35 (2g) (c) or a background check under s.  
21 175.50 (9g) (b).

22           **SECTION 45.** 813.122 (9) (am) 1. of the statutes is amended to read:

23           813.122 **(9)** (am) 1. If an injunction is issued or extended under sub. (5), the  
24 clerk of the circuit court shall notify the department of justice of the injunction and  
25 shall provide the department of justice with information concerning the period

1 during which the injunction is in effect and information necessary to identify the  
2 respondent for purposes of a firearms restrictions record search under s. 175.35 (2g)  
3 (c) or a background check under s. 175.50 (9g) (b).

4 **SECTION 46.** 813.125 (5r) (a) of the statutes is amended to read:

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

12 **SECTION 47.** 885.235 (1g) (intro.) of the statutes is amended to read:

13 885.235 **(1g)** (intro.) In any action or proceeding in which it is material to prove  
14 that a person was under the influence of an intoxicant or had a prohibited alcohol  
15 concentration or a specified alcohol concentration while operating or driving a motor  
16 vehicle or, if the vehicle is a commercial motor vehicle, on duty time, while operating  
17 a motorboat, except a sailboat operating under sail alone, while operating a  
18 snowmobile, while operating an all-terrain vehicle, while going armed with a  
19 concealed weapon, or while handling a firearm, evidence of the amount of alcohol in  
20 the person's blood at the time in question, as shown by chemical analysis of a sample  
21 of the person's blood or urine or evidence of the amount of alcohol in the person's  
22 breath, is admissible on the issue of whether he or she was under the influence of an  
23 intoxicant or had a prohibited alcohol concentration or a specified alcohol  
24 concentration if the sample was taken within 3 hours after the event to be proved.

1 The chemical analysis shall be given effect as follows without requiring any expert  
2 testimony as to its effect:

3 **SECTION 48.** 885.235 (1g) (e) of the statutes is created to read:

4 885.235 **(1g)** (e) In a case brought under s. 175.50 (16) (cm) 1. a. or b., the fact  
5 that the analysis shows that the person had an alcohol concentration of more than  
6 0.0 but less than 0.08 is relevant evidence on the issue of whether the person was  
7 intoxicated or had an alcohol concentration of 0.08 or more but is not to be given any  
8 prima facie effect. In a case brought under s. 175.50 (16) (cm) 1. a., the fact that the  
9 analysis shows that the person had an alcohol concentration of 0.08 or more is prima  
10 facie evidence that he or she had an alcohol concentration of 0.08 or more.

11 **SECTION 49.** 938.396 (8) of the statutes is amended to read:

12 938.396 **(8)** Notwithstanding sub. (2), if a juvenile is adjudged delinquent for  
13 an act that would be a felony if committed by an adult, the court clerk shall notify  
14 the department of justice of that fact. No other information from the juvenile's court  
15 records may be disclosed to the department of justice except by order of the court.  
16 The department of justice may disclose any information provided under this  
17 subsection only as part of a firearms restrictions record search under s. 175.35 (2g)  
18 (c) or a background check under s. 175.50 (9g) (b).

19 **SECTION 50.** 938.396 (8m) of the statutes is created to read:

20 938.396 **(8m)** (a) Notwithstanding sub. (2), if a juvenile is adjudged delinquent  
21 for an act that would be a misdemeanor crime of violence, as defined in s. 175.50 (1)  
22 (e), if committed by an adult, the court clerk shall notify the department of justice  
23 of that fact. Except as provided in par. (b), no other information from the juvenile's  
24 court records may be disclosed to the department of justice except by order of the  
25 court.

1 (b) If an applicant for a license to carry a concealed weapon under s. 175.50 was  
2 adjudicated delinquent as a juvenile in a case covered by par. (a), the department of  
3 justice may request permission to review court records relating to the case for the  
4 purpose of determining whether the applicant meets the requirement under s.  
5 175.50 (3) (m). Upon receiving such a request, the court shall open for inspection by  
6 authorized representatives of the department of justice the records of the court  
7 relating to that case.

8 (c) The department of justice may disclose information provided or obtained  
9 under this subsection only as part of a background check under s. 175.50 (9g) (b).

10 **SECTION 51.** 941.23 of the statutes is renumbered 941.23 (2) (intro.) and  
11 amended to read:

12 941.23 (2) (intro.) Any person ~~except a peace officer, other than one of the~~  
13 following, who goes armed with a concealed and dangerous weapon is guilty of a  
14 Class A misdemeanor.;

15 **SECTION 52.** 941.23 (1) of the statutes is created to read:

16 941.23 (1) In this section:

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

18 (c) “Former employer” has the meaning given in s. 175.49 (1) (b).

19 (d) “Law enforcement officer” has the meaning given in s. 175.49 (1) (c).

20 (e) “Qualified out-of-state law enforcement officer” means a law enforcement  
21 officer to whom all of the following apply:

22 1. The person is employed by a state or local government agency in another  
23 state.

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

25 3. The person is not the subject of any disciplinary action by the agency.

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

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

4           (f) “Retired law enforcement officer” means a person who, before retiring, was  
5 employed as a law enforcement officer with a public agency.

6           **SECTION 53.** 941.23 (2) (a) of the statutes is created to read:

7           941.23 (2) (a) A peace officer.

8           **SECTION 54.** 941.23 (2) (b) of the statutes is created to read:

9           941.23 (2) (b) A qualified out-of-state law enforcement officer. This paragraph  
10 applies only if all of the following apply:

11           1. The weapon is a firearm but is not a machine gun, as defined in s. 941.27 (1),  
12 or a destructive device.

13           2. A firearm silencer, as defined in s. 941.298 (1), is not attached to the weapon.

14           3. The officer is not under the influence of an intoxicant.

15           **SECTION 55.** 941.23 (2) (c) of the statutes is created to read:

16           941.23 (2) (c) A retired law enforcement officer. This paragraph applies only  
17 if all of the following apply:

18           1. The retired officer has been issued a photographic identification document  
19 described in s. 941.23 (3) (b) 1. or both of the following:

20           a. A photographic identification document described in s. 941.23 (3) (b) 2.  
21 (intro.).

22           b. An identification card described in s. 941.23 (3) (b) 2. a., if the retired officer  
23 resides in this state, or a certification described in s. 941.23 (3) (b) 2. b., if the retired  
24 officer resides in another state.

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

4           3. Within the preceding 12 months, the retired officer met the standards of the  
5 state in which he or she resides for training and qualification for active duty law  
6 enforcement officers to carry firearms.

7           4. The weapon is not a machine gun, as defined in s. 941.27 (1), or a destructive  
8 device.

9           5. A firearm silencer, as defined in s. 941.298 (1), is not attached to the weapon.

10          6. The retired officer is not under the influence of an intoxicant.

11          7. The retired officer is not prohibited under federal law from possessing a  
12 firearm.

13          **SECTION 56.** 941.23 (2) (d) of the statutes is created to read:

14          941.23 (2) (d) A licensee, as defined in s. 175.50 (1) (d), if the dangerous weapon  
15 is a weapon, as defined under s. 175.50 (1) (j). An individual formerly licensed under  
16 s. 175.50 whose license has been suspended or revoked under s. 175.50 (14) may not  
17 assert his or her refusal to accept a notice of revocation or suspension mailed under  
18 s. 175.50 (14) (b) 2. as a defense to prosecution under this subsection, regardless of  
19 whether the person has complied with s. 175.50 (11) (b).

20          **SECTION 57.** 941.23 (2) (e) of the statutes is created to read:

21          941.23 (2) (e) An individual who goes armed with a concealed and dangerous  
22 weapon, as defined in s. 175.50 (1) (j), in his or her own dwelling or place of business  
23 or on land that he or she owns, leases, or legally occupies, unless he or she is  
24 prohibited under federal or state law from possessing that weapon.

25          **SECTION 58.** 941.23 (3) of the statutes is created to read:

1           941.23 **(3)** (a) A qualified out-of-state law enforcement officer shall, while  
2 carrying a concealed firearm, also carry an identification card that contains his or  
3 her photograph and that was issued by the law enforcement agency by which he or  
4 she is employed.

5           (b) A retired law enforcement officer shall, while carrying a concealed firearm,  
6 also carry one of the following:

7           1. A photographic identification document issued by the retired officer's former  
8 employer that indicates that, within the 12 months preceding the date on which the  
9 retired officer is carrying the concealed firearm, he or she was tested or otherwise  
10 found by his or her former employer to meet the standards that it has established for  
11 training and qualification for active duty law enforcement officers to carry a firearm  
12 of the same type as the firearm that the retired officer is carrying.

13           2. A photographic identification document issued by retired officer's former  
14 employer and one of the following:

15           a. An identification card issued under s. 175.49 (2), if the retired officer resides  
16 in this state.

17           b. A certification issued by the state in which the retired officer resides, if the  
18 retired officer resides in another state, that indicates that, within the 12 months  
19 preceding the date on which the retired officer is carrying the concealed firearm, he  
20 or she was tested or otherwise found by that state to meet the state's standards for  
21 training and qualification for active duty law enforcement officers to carry a firearm  
22 of the same type as the firearm that the retired officer is carrying.

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

25           (d) This subsection does not apply to a licensee, as defined in s. 175.50 (1) (d).

1           **SECTION 59.** 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 60.** 941.235 (2) (c) of the statutes is created to read:

10           941.235 (2) (c) A judge to whom s. 175.50 (16) (a) 4. b. applies.

11           **SECTION 61.** 941.237 (3) (cr) of the statutes is created to read:

12           941.237 (3) (cr) A qualified out-of-state law enforcement officer, as defined in  
13 s. 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

14           **SECTION 62.** 941.237 (3) (ct) of the statutes is created to read:

15           941.237 (3) (ct) A retired law enforcement officer, as defined in s. 941.23 (1) (f),  
16 to whom s. 941.23 (2) (c) 1. to 7. applies.

17           **SECTION 63.** 941.237 (3) (cx) of the statutes is created to read:

18           941.237 (3) (cx) A licensee, as defined in s. 175.50 (1) (d).

19           **SECTION 64.** 941.29 (11) of the statutes is created to read:

20           941.29 (11) This section does not apply to any of the following:

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

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



1 (c) A retired law enforcement officer, as defined in s. 941.23 (1) (f), to whom s.  
2 941.23 (2) (c) 1. to 7. applies.

3 **SECTION 65.** 941.295 (2) (d) of the statutes is renumbered 941.295 (2) (d) (intro.)  
4 and amended to read:

5 941.295 (2) (d) (intro.) Any manufacturer or seller whose of electric weapons  
6 are used in this state solely by persons, unless the manufacturer or seller engages  
7 in the conduct described in sub. (1) with the intent to provide an electric weapon to  
8 someone other than one of the following:

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

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

11 941.295 (2) (d) 2. A person for use in his or her dwelling or place of business  
12 or on land that he or she owns, leases, or legally occupies.

13 **SECTION 67.** 941.295 (2g) of the statutes is created to read:

14 941.295 (2g) The prohibition in sub. (1) on possessing or going armed with an  
15 electric weapon does not apply to any of the following:

16 (a) A licensee, as defined in s. 175.50 (1) (d).

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

21 **SECTION 68.** 941.295 (2r) of the statutes is created to read:

22 941.295 (2r) The prohibition in sub. (1) on transporting an electric weapon does  
23 not apply to any of the following:

24 (a) A licensee, as defined in s. 175.50 (1) (d).

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

- 3 1. His or her dwelling.
- 4 2. His or her own place of business.
- 5 3. Land that he or she owns, leases, or legally occupies.

6 **SECTION 69.** 946.32 (3) of the statutes is created to read:

7 946.32 (3) This section does not apply to offenses that may be prosecuted under  
8 s. 175.50 (17) (c).

9 **SECTION 70.** 948.605 (2) (c) of the statutes is created to read:

10 948.605 (2) (c) Paragraph (a) does not apply to any of the following:

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

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

15 3. A retired law enforcement officer, as defined in s. 941.23 (1) (f), to whom s.  
16 941.23 (2) (c) 1. to 7. applies.

17 4. A licensee, as defined in s. 175.50 (1) (d), if the firearm is a handgun, as  
18 defined in s. 175.50 (1) (bm).

19 **SECTION 71.** 948.61 (3m) of the statutes is created to read:

20 948.61 (3m) This section does not apply to the possession of a weapon, as  
21 defined in s. 175.50 (1) (j), other than a handgun, as defined in s. 175.50 (1) (bm), by  
22 a licensee, as defined in s. 175.50 (1) (d).

23 **SECTION 72. Nonstatutory provisions.**

24 (1) Using the procedure under section 227.24 of the statutes, the department  
25 of justice shall promulgate rules required under section 175.35 (2g) (c) 3. of the

1 statutes and under sections 165.25 (11) and 175.50 (9g) (f) of the statutes, as created  
2 by this act, for the period before the effective date of the permanent rules  
3 promulgated under those sections, but not to exceed the period authorized under  
4 section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a),  
5 (2) (b), and (3) of the statutes, the department is not required to provide evidence that  
6 promulgating a rule under this subsection as an emergency rule is necessary for the  
7 preservation of public peace, health, safety, or welfare and is not required to provide  
8 a finding of an emergency for a rule promulgated under this subsection.

9 (2) No later than the first day of the 36th month beginning after the effective  
10 date of this subsection, the attorney general shall report to the legislature under  
11 section 13.172 (2) of the statutes and to the governor the impacts and effects of  
12 section 175.50 of the statutes, as created by this act.

13 **SECTION 73. Effective dates.** This act takes effect on the first day of the 4th  
14 month beginning after publication, except as follows:

15 (1) The treatment of sections 165.25 (11), 175.49 (4), and 175.50 (2m), (3m) (b),  
16 and (5) of the statutes and SECTION 72 (1) of this act take effect on the day after  
17 publication.

18 (END)