



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBs0101/1
CMH&EHS:amn&wlj

**SENATE SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 169**

September 20, 2017 - Offered by COMMITTEE ON JUDICIARY AND PUBLIC SAFETY.

1 **AN ACT** *to repeal* 29.089 (2) (d), 29.091 (2) (d), 29.621 (4) (d), 165.81 (2), 167.31
2 (4) (am) 1., 167.31 (4) (am) 2., 173.07 (5) (b), 175.60 (1) (dm) and (h), 175.60 (1)
3 (i) 2., 175.60 (2g), 175.60 (2m) (bm), 175.60 (3) (f), 175.60 (11) (b) 2., 3. and 4.,
4 175.60 (16) (title) and (b) (intro.), 175.60 (17) (a), (ac) and (b), 440.26 (3m),
5 939.22 (20s), 941.23, 941.235 (1) and (2) (e), 941.237 (1) (a) to (dr) and (em) to
6 (g) and 941.237 (3); **to renumber** 66.0409 (1) (a), 167.31 (4) (am) 3., 175.60 (12)
7 (b) 1. a. and b., 941.29 (1g) (a) and 943.13 (4m) (am); **to renumber and amend**
8 175.60 (11) (b) 1., 175.60 (12) (b) 2., 175.60 (15m), 175.60 (16) (a) and (b) 1., 2.
9 and 3., 175.60 (21) (c) and 943.13 (4m) (bm); **to consolidate, renumber and**
10 **amend** 175.60 (1) (i) (intro.) and 1. and 941.237 (1) (intro.) and (e); **to amend**
11 29.301 (1) (b), 29.314 (3) (a) and (4) (a), 66.0409 (2), 66.0409 (3) (a) and (c) and
12 (6), 167.31 (4) (a) (intro.), 175.60 (1) (bm), 175.60 (1) (j), 175.60 (2) (c) and (d),
13 175.60 (2m) (a), 175.60 (5) (a) (intro.) and 1., 175.60 (5) (a) 6., 175.60 (9) (b) 2.,

1 175.60 (14) (a) and (am), 938.78 (3), 939.22 (10), 939.32 (1) (e), 939.632 (1) (e)
2 3., 941.235 (2) (c) and (d), 941.237 (2), 941.299 (1) (a), 943.13 (1m) (c) 2. and 4.,
3 947.01 (2), 948.60 (1) and 968.255 (1) (a) 2.; **to repeal and recreate** 941.295
4 and 948.605; and **to create** 29.001 (41r), 29.089 (2) (e), 29.091 (2) (e), 29.621 (4)
5 (e), 66.0409 (1) (ag), 66.0409 (2m), 167.31 (4) (a) 1., 175.60 (2) (e), 939.22 (11m),
6 941.29 (1g) (af), 943.13 (1e) (g), 943.13 (1n), 943.13 (1p) and 943.13 (2) (bm) 3.
7 of the statutes; **relating to:** going armed with a firearm and electric weapons,
8 trespassing while armed with a firearm, going armed with a firearm on school
9 grounds, providing penalties, and providing criminal penalties.

Analysis by the Legislative Reference Bureau

Current law generally prohibits a person from carrying a concealed weapon unless the person has a license to carry a concealed weapon that is issued by the Department of Justice. This substitute amendment eliminates this prohibition without regard to licensure status. This substitute amendment also makes consistent penalties for illegal activities involving the possession of a firearm that, under current law, vary due to licensure status.

This substitute amendment modifies the state gun-free school zone law. Under this substitute amendment, it can be a state crime to possess a firearm in a school zone only if the person is violating the federal gun-free school zone law. A person who possesses a firearm in violation of the state prohibition is guilty of a Class C misdemeanor if the person is in a school building and a Class B forfeiture if the person is on the grounds of a school. There are several exceptions to the federal gun-free school zone law that, under this substitute amendment, are also exceptions to the state gun-free school zone law. For instance, federal law exempts a person who is licensed to possess a firearm by the state in which the school zone is located if the license involves a background check on the person. Since a license issued by DOJ to carry a concealed weapon involves a background check, licensees are exempted under federal law and, under this substitute amendment, the general state prohibition. Under this substitute amendment, a school may, under the trespassing provisions, post its premises against carrying a firearm. Any person who violates the posting is guilty of a Class C misdemeanor if the person is in a posted school building and a Class B forfeiture if the person is on the posted grounds of a school. This substitute amendment includes exceptions to the general state prohibition and the trespassing prohibition for parking and for when there are no classes or school activities occurring at the school.

Current law prohibits carrying a firearm into certain public buildings; the buildings and the penalties vary depending on whether or not the person has a license to carry a concealed weapon. Under current law, a person who is not a licensee who carries a firearm into a building owned or leased by the state is guilty of a Class A misdemeanor. Under current law, a licensee who carries a firearm into a specified building, such as a police station, a house of correction, or a secure mental health facility, is subject to a fine of up to \$500 or imprisonment for up to 30 days, and a licensee who carries a firearm into a public building that a governmental entity has, under the trespassing provisions, posted against carrying a firearm is subject to a forfeiture of up to \$1,000. This substitute amendment makes the prohibition consistent regardless of licensure status. Under the substitute amendment, the general prohibition applies only to the public buildings in which, under current law, a licensee may not carry a firearm, and the penalty is changed to a fine of up to \$500 or imprisonment for up to 30 days for any violator. In addition, under the substitute amendment, any person who carries a firearm in violation of the trespassing provisions is subject to a forfeiture of up to \$1,000.

In addition, current law prohibits the carrying of a firearm, bow, or crossbow in a wildlife refuge, state park, or state fish hatchery, with an exception for a handgun carried by a person with a license to carry a concealed weapon. This substitute amendment expands this exception to any person carrying a handgun. Current law also prohibits a person from shining wildlife while the person is hunting or possessing a firearm, bow and arrow, or crossbow. This substitute amendment maintains that the person may not shine wildlife while hunting but eliminates the prohibition on shining while possessing a handgun.

This substitute amendment modifies the process to obtain a license to carry a concealed weapon so that DOJ may issue a license to an applicant who is not a Wisconsin resident; under current law, only a resident may be issued a license. The substitute amendment provides also that, if the federal government creates standards that would allow a license to carry a concealed weapon to be recognized by other states and the license issued by DOJ does not comply with the federal standards, DOJ must create an optional enhanced license to carry a concealed weapon that complies with the federal standards.

Finally, current law prohibits certain persons, such as felons or persons who are subject to certain restraining orders, from possessing a firearm. This substitute amendment changes the definition of "firearm" for the prohibition to specifically exclude antique firearms, as defined under federal law to exclude firearms manufactured before 1898 and muzzleloading firearms. This substitute amendment also eliminates the general prohibition on the possession of electric weapons (commonly known as tasers), except the prohibition is maintained for a person who is prohibited from possessing a firearm.

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

1 **SECTION 1.** 29.001 (41r) of the statutes is created to read:

2 29.001 (**41r**) “Handgun” has the meaning given in s. 175.60 (1) (bm).

3 **SECTION 2.** 29.089 (2) (d) of the statutes is repealed.

4 **SECTION 3.** 29.089 (2) (e) of the statutes is created to read:

5 29.089 (**2**) (e) A person who has in his or her possession or under his or her
6 control a firearm that is a handgun.

7 **SECTION 4.** 29.091 (2) (d) of the statutes is repealed.

8 **SECTION 5.** 29.091 (2) (e) of the statutes is created to read:

9 29.091 (**2**) (e) A person who has in his or her possession or under his or her
10 control a firearm that is a handgun.

11 **SECTION 6.** 29.301 (1) (b) of the statutes is amended to read:

12 29.301 (**1**) (b) No person may hunt within ~~1,700~~ 1,000 feet of any hospital,
13 sanatorium, or the grounds of any school. The department may designate the form
14 for or furnish signs designating the restricted area. No person may be convicted of
15 a violation of this paragraph unless the restricted area is designated by the signs.

16 **SECTION 7.** 29.314 (3) (a) and (4) (a) of the statutes are amended to read:

17 29.314 (**3**) (a) *Prohibition.* No person may use or possess with intent to use a
18 light for shining deer, elk, or bear while the person is hunting deer, elk, or bear or in
19 possession of a firearm, other than a handgun, or a bow and arrow, or crossbow.

20 (**4**) (a) *Prohibition.* No person may use or possess with intent to use a light for
21 shining wild animals while the person is hunting or in possession of a firearm, other
22 than a handgun, or a bow and arrow or crossbow.

23 **SECTION 8.** 29.621 (4) (d) of the statutes is repealed.

24 **SECTION 9.** 29.621 (4) (e) of the statutes is created to read:

1 29.621 (4) (e) A person who has in his or her possession or under his or her
2 control a firearm that is a handgun.

3 **SECTION 10.** 66.0409 (1) (a) of the statutes is renumbered 66.0409 (1) (am).

4 **SECTION 11.** 66.0409 (1) (ag) of the statutes is created to read:

5 66.0409 (1) (ag) “Electric weapon” has the meaning given in s. 939.22 (11m).

6 **SECTION 12.** 66.0409 (2) of the statutes is amended to read:

7 66.0409 (2) Except as provided in subs. (3) and (4), no political subdivision may
8 enact or enforce an ordinance or adopt a resolution that regulates the sale, purchase,
9 purchase delay, transfer, ownership, use, keeping, possession, bearing,
10 transportation, licensing, permitting, registration, or taxation of any knife, any
11 electric weapon, or any firearm or part of a firearm, including ammunition and
12 reloader components, unless the ordinance or resolution is the same as or similar to,
13 and no more stringent than, a state statute.

14 **SECTION 13.** 66.0409 (2m) of the statutes is created to read:

15 66.0409 (2m) No political subdivision or other person may prohibit individuals
16 from going armed with a firearm, knife, or electric weapon on a vehicle that is part
17 of a public mass transportation system.

18 **SECTION 14.** 66.0409 (3) (a) and (c) and (6) of the statutes are amended to read:

19 66.0409 (3) (a) Nothing in this section prohibits a county from imposing a sales
20 tax or use tax under subch. V of ch. 77 on any knife, any electric weapon, or any
21 firearm or part of a firearm, including ammunition and reloader components, sold
22 in the county.

23 (c) Nothing in this section prohibits a political subdivision from enacting or
24 enforcing an ordinance or adopting a resolution that prohibits the possession of a

1 knife or an electric weapon in a building, or part of a building, that is owned,
2 occupied, or controlled by the political subdivision.

3 (6) Unless other facts and circumstances that indicate a criminal or malicious
4 intent on the part of the person apply, no person may be in violation of, or be charged
5 with a violation of, an ordinance of a political subdivision relating to disorderly
6 conduct or other inappropriate behavior for loading a firearm, or for carrying or going
7 armed with a firearm, an electric weapon, or a knife, without regard to whether the
8 firearm is loaded or the firearm, the electric weapon, or the knife is concealed or
9 openly carried. Any ordinance in violation of this subsection does not apply and may
10 not be enforced.

11 **SECTION 15.** 165.81 (2) of the statutes is repealed.

12 **SECTION 16.** 167.31 (4) (a) (intro.) of the statutes is amended to read:

13 167.31 (4) (a) (intro.) ~~Subsections~~ The prohibitions in subs. (2) and (3) do not
14 apply to any of the following who, are acting in the line of duty, ~~place, possess,~~
15 ~~transport, load or discharge a firearm in, on or from a vehicle, motorboat or aircraft~~
16 ~~or discharge a firearm from or across a highway or within 50 feet of the center of a~~
17 roadway:

18 **SECTION 17.** 167.31 (4) (a) 1. of the statutes is created to read:

19 167.31 (4) (a) 1. A peace officer.

20 **SECTION 18.** 167.31 (4) (am) 1. of the statutes is repealed.

21 **SECTION 19.** 167.31 (4) (am) 2. of the statutes is repealed.

22 **SECTION 20.** 167.31 (4) (am) 3. of the statutes is renumbered 167.31 (4) (am).

23 **SECTION 21.** 173.07 (5) (b) of the statutes is repealed.

24 **SECTION 22.** 175.60 (1) (bm) of the statutes is amended to read:

1 175.60 (1) (bm) “Handgun” means any ~~weapon~~ firearm designed or redesigned,
2 or made or remade, and intended to be fired while held in one hand and to use the
3 energy of an explosive to expel a projectile through a smooth or rifled bore.
4 “Handgun” does not include a machine gun, as defined in s. 941.25 (1), a
5 short-barreled rifle, as defined in s. 941.28 (1) (b), or a short-barreled shotgun, as
6 defined in s. 941.28 (1) (c).

7 **SECTION 23.** 175.60 (1) (dm) and (h) of the statutes are repealed.

8 **SECTION 24.** 175.60 (1) (i) (intro.) and 1. of the statutes are consolidated,
9 renumbered 175.60 (1) (i) and amended to read:

10 175.60 (1) (i) “State identification card number” means ~~one of the following:~~
11 ~~1. The~~ the unique identifying driver number assigned to ~~a Wisconsin resident~~ an
12 individual by the department of transportation under s. 343.17 (3) (a) 4. or a
13 comparable number assigned to an individual by another state or, if the Wisconsin
14 resident individual has no driver number, the number assigned to the Wisconsin
15 resident individual on an identification card issued under s. 343.50 or on a
16 comparable card issued by another state.

17 **SECTION 25.** 175.60 (1) (i) 2. of the statutes is repealed.

18 **SECTION 26.** 175.60 (1) (j) of the statutes is amended to read:

19 175.60 (1) (j) “Weapon” means a handgun, or an electric weapon, as defined in
20 s. ~~941.295 (1e) (a), or a billy club~~ 939.22 (11m).

21 **SECTION 27.** 175.60 (2) (c) and (d) of the statutes are amended to read:

22 175.60 (2) (c) Unless expressly provided in this section, this section does not
23 limit an individual’s right to carry a firearm, whether that firearm is concealed or is
24 not concealed or whether or not the individual is a licensee or an out-of-state
25 licensee. A licensee, an out-of-state licensee, or an individual without a license may

1 carry a firearm anywhere in this state except as provided in ss. 941.235, 943.13 (1m)
2 and (1n), and 948.605.

3 (d) ~~For~~ To the extent permitted under federal law, for purposes of 18 USC 922
4 (q) (2) (B) (ii), an out-of-state licensee is licensed by this state.

5 **SECTION 28.** 175.60 (2) (e) of the statutes is created to read:

6 175.60 (2) (e) If the federal government creates standards that would allow a
7 license to be recognized by other states and the license issued under this section does
8 not comply with the federal standards, the department shall create an enhanced
9 license that complies with the federal standards. A licensee may request the
10 department to replace his or her license with the enhanced license by submitting
11 proof of meeting the federal standards and a \$12 replacement fee.

12 **SECTION 29.** 175.60 (2g) of the statutes is repealed.

13 **SECTION 30.** 175.60 (2m) (a) of the statutes is amended to read:

14 175.60 (2m) (a) Subject to pars. (b), ~~(bm)~~, (c), and (d), the department shall
15 design a single license document for licenses issued and renewed under this section.
16 ~~The department shall complete the design of the license document no later than~~
17 ~~September 1, 2011.~~

18 **SECTION 31.** 175.60 (2m) (bm) of the statutes is repealed.

19 **SECTION 32.** 175.60 (3) (f) of the statutes is repealed.

20 **SECTION 33.** 175.60 (5) (a) (intro.) and 1. of the statutes are amended to read:

21 175.60 (5) (a) (intro.) The department shall design an application form for use
22 by individuals who apply for a license under this section and a renewal form for use
23 by individuals applying for renewal of a license under sub. (15). ~~The department~~
24 ~~shall complete the design of the application form no later than September 1, 2011,~~
25 ~~and shall complete the design of the renewal form no later than July 1, 2014. The~~

1 forms shall require the applicant to provide only his or her name, address, date of
2 birth, state identification card number, race, sex, height, and eye color and shall
3 include all of the following:

4 1. A statement that the applicant is ineligible for a license if sub. (3) (a), (b), (c),
5 (d), (e), (f), or (g) applies to the applicant.

6 **SECTION 34.** 175.60 (5) (a) 6. of the statutes is amended to read:

7 175.60 (5) (a) 6. A statement of the places under ~~sub. (16)~~ s. 941.235 where a
8 licensee is prohibited from carrying a weapon, as well as an explanation of the
9 provisions under ~~sub. (15m) and ss. s. 943.13 (1m) (c) and 948.605 (2) (b) 1r. (1n)~~ that
10 could limit the places where the licensee may carry a weapon, with a place for the
11 applicant to sign his or her name to indicate that he or she has read and understands
12 the statement.

13 **SECTION 35.** 175.60 (9) (b) 2. of the statutes is amended to read:

14 175.60 (9) (b) 2. Deny the application, but only if sub. (3) (a), (b), (c), (d), (e), (f),
15 or (g) applies to the applicant. If the department denies the application, the
16 department shall inform the applicant in writing, stating the reason and factual
17 basis for the denial.

18 **SECTION 36.** 175.60 (11) (b) 1. of the statutes is renumbered 175.60 (11) (b) and
19 amended to read:

20 175.60 (11) (b) No later than 30 days after changing his or her address, a
21 licensee shall inform the department of the new address. The department shall
22 include the individual's new address in the list under sub. (12) (a). The penalty under
23 s. 939.61 does not apply to a violation under this paragraph.

24 **SECTION 37.** 175.60 (11) (b) 2., 3. and 4. of the statutes are repealed.

1 **SECTION 38.** 175.60 (12) (b) 1. a. and b. of the statutes are renumbered 175.60
2 (12) (b) 2. a. and b.

3 **SECTION 39.** 175.60 (12) (b) 2. of the statutes is renumbered 175.60 (12) (b) 2.
4 (intro.) and amended to read:

5 175.60 (12) (b) 2. (intro.) A person who is a law enforcement officer in a state
6 other than Wisconsin may request and be provided information ~~under subd. 1. a. and~~
7 ~~b. only for one of the following purposes:~~

8 **SECTION 40.** 175.60 (14) (a) and (am) of the statutes are amended to read:

9 175.60 (14) (a) The department shall revoke a license issued under this section
10 if the department determines that sub. (3) (b), (c), (e), (f), or (g) applies to the licensee.

11 (am) The department shall suspend a license issued under this section if a court
12 has prohibited the licensee from possessing a dangerous weapon under s. 969.02 (3)
13 (c) or 969.03 (1) (c). If the individual whose license was suspended is no longer subject
14 to the prohibition under s. 969.02 (3) (c) or 969.03 (1) (c), whichever is applicable, sub.
15 (3) (b), (c), (d), (e), (f), or (g) does not apply to the individual, and the suspended license
16 would not have expired under sub. (15) (a) had it not been suspended, the department
17 shall restore the license within 5 business days of notification that the licensee is no
18 longer subject to the prohibition.

19 **SECTION 41.** 175.60 (15m) of the statutes is renumbered 103.08 and amended
20 to read:

21 **103.08 Employer restrictions on carrying a weapon.** (1) Except as
22 provided in ~~par. (b) sub. (2),~~ an employer may prohibit ~~a licensee or an out-of-state~~
23 ~~licensee that it employs~~ an employee from carrying a ~~concealed~~ weapon or a
24 particular type of ~~concealed~~ weapon in the course of the ~~licensee's or out-of-state~~

1 ~~licensee's~~ employee's employment or during any part of the ~~licensee's or out-of-state~~
2 ~~licensee's~~ employee's course of employment.

3 (2) An employer may not prohibit ~~a licensee or an out-of-state licensee~~ an
4 employee or another person, as a condition of employment of the employee, from
5 carrying a ~~concealed~~ weapon, a particular type of ~~concealed~~ weapon, or ammunition
6 or from storing a weapon, a particular type of weapon, or ammunition in the
7 ~~licensee's or out-of-state licensee's~~ an employee's own motor vehicle, regardless of
8 whether the motor vehicle is used in the course of employment or whether the motor
9 vehicle is driven or parked on property used by the employer.

10 **SECTION 42.** 175.60 (16) (title) and (b) (intro.) of the statutes are repealed.

11 **SECTION 43.** 175.60 (16) (a) and (b) 1., 2. and 3. of the statutes are renumbered
12 941.235 (1g) and (2) (f), (g) and (h), and 941.235 (1g) (intro.) and (2) (f), (g) and (h),
13 as renumbered, are amended to read:

14 941.235 (1g) (intro.) Except as provided in par. (b), ~~neither a licensee nor an~~
15 ~~out-of-state licensee may~~ sub. (2), any person who knowingly carry carries a
16 ~~concealed weapon, a weapon that is not concealed, or a firearm that is not a weapon~~
17 in any of the following places is guilty of a Class C misdemeanor:

18 (2) (f) A ~~weapon~~ firearm in a vehicle driven or parked in a parking facility
19 located in a building that is used as, or any portion of which is used as, a location
20 under ~~par. (a)~~ sub. (1g).

21 (g) A ~~weapon~~ firearm in a courthouse or courtroom if a judge ~~who is a licensee~~
22 is carrying the weapon or if another ~~licensee or out-of-state licensee~~ individual,
23 whom a judge has permitted in writing to carry a ~~weapon~~ firearm, is carrying the
24 ~~weapon~~ firearm.

1 (h) A ~~weapon~~ firearm in a courthouse or courtroom if a district attorney, or an
2 assistant district attorney, ~~who is a licensee~~ is carrying the ~~weapon~~ firearm.

3 **SECTION 44.** 175.60 (17) (a), (ac) and (b) of the statutes are repealed.

4 **SECTION 45.** 175.60 (21) (c) of the statutes is renumbered 103.08 (3) and
5 amended to read:

6 103.08 (3) An employer that does not prohibit one or more employees from
7 carrying a concealed weapon under sub. ~~(15m)~~ (1) is immune from any liability
8 arising from its decision.

9 **SECTION 46.** 440.26 (3m) of the statutes is repealed.

10 **SECTION 47.** 938.78 (3) of the statutes is amended to read:

11 938.78 (3) RELEASE OF INFORMATION WHEN ESCAPE OR ABSENCE; RULES. If a juvenile
12 adjudged delinquent under s. 48.12, 1993 stats., or s. 938.12 or found to be in need
13 of protection or services under s. 48.13 (12), 1993 stats., or s. 48.13 (14), 1993 stats.,
14 or s. 938.13 (12) or (14) on the basis of a violation of s. 943.23 (1m) or (1r), 1999 stats.,
15 or s. 941.10, 941.11, 941.20, 941.21, ~~941.23~~, 941.231, 941.235, 941.237, 941.26,
16 941.28, ~~941.295~~, 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03, 943.04,
17 943.10 (2) (a), 943.23 (1g), 943.32 (2), 948.02, 948.025, 948.03, 948.05, 948.055,
18 948.085 (2), 948.60, 948.605, or 948.61 or any crime specified in ch. 940 has escaped
19 from a juvenile correctional facility, residential care center for children and youth,
20 inpatient facility, as defined in s. 51.01 (10), juvenile detention facility, or juvenile
21 portion of a county jail, or from the custody of a peace officer or a guard of such a
22 facility, center, or jail, or has been allowed to leave a juvenile correctional facility,
23 residential care center for children and youth, inpatient facility, juvenile detention
24 facility, or juvenile portion of a county jail for a specified time period and is absent
25 from the facility, center, home, or jail for more than 12 hours after the expiration of

1 the specified period, the department of corrections or county department, whichever
2 has supervision over the juvenile, may release the juvenile's name and any
3 information about the juvenile that is necessary for the protection of the public or to
4 secure the juvenile's return to the facility, center, home, or jail. The department of
5 corrections shall promulgate rules establishing guidelines for the release of the
6 juvenile's name or information about the juvenile to the public.

7 **SECTION 48.** 939.22 (10) of the statutes is amended to read:

8 939.22 (10) "Dangerous weapon" means any firearm, whether loaded or
9 unloaded; any device designed as a weapon and capable of producing death or great
10 bodily harm; any ligature or other instrumentality used on the throat, neck, nose, or
11 mouth of another person to impede, partially or completely, breathing or circulation
12 of blood; any electric weapon, ~~as defined in s. 941.295 (1e) (a)~~; or any other device or
13 instrumentality which, in the manner it is used or intended to be used, is calculated
14 or likely to produce death or great bodily harm.

15 **SECTION 49.** 939.22 (11m) of the statutes is created to read:

16 939.22 (11m) "Electric weapon" means any device that is designed, redesigned,
17 used, or intended to be used, offensively or defensively, to immobilize or incapacitate
18 persons by the use of electric current.

19 **SECTION 50.** 939.22 (20s) of the statutes is repealed.

20 **SECTION 51.** 939.32 (1) (e) of the statutes is amended to read:

21 939.32 (1) (e) Whoever attempts to commit a crime under s. 948.605 ~~(3) (a)~~ is
22 subject to the penalty provided in that paragraph for the completed act.

23 **SECTION 52.** 939.632 (1) (e) 3. of the statutes is amended to read:

24 939.632 (1) (e) 3. Any misdemeanor under s. 940.19 (1), 940.225 (3m), 940.32
25 (2), 940.42, 940.44, 941.20 (1), ~~941.23~~, 941.231, 941.235, or 941.38 (3).

1 **SECTION 53.** 941.23 of the statutes is repealed.

2 **SECTION 54.** 941.235 (1) and (2) (e) of the statutes are repealed.

3 **SECTION 55.** 941.235 (2) (c) and (d) of the statutes are amended to read:

4 941.235 (2) (c) A qualified out-of-state law enforcement officer, ~~as defined in~~
5 ~~s. 941.23 (1) (g), to whom s. 941.23 (2) (b) 1. to 3. applies~~ who is in compliance with
6 18 USC 926B.

7 (d) A former law enforcement officer, ~~as defined in s. 941.23 (1) (c), to whom s.~~
8 ~~941.23 (2) (c) 1. to 7. applies~~ who is in compliance with 18 USC 926C.

9 **SECTION 56.** 941.237 (1) (intro.) and (e) of the statutes are consolidated,
10 renumbered 941.237 (1) and amended to read:

11 941.237 (1) In this section: ~~(e) “Premises”, “premises”~~ has the meaning given
12 in s. 125.02 (14m), but excludes any area primarily used as a residence.

13 **SECTION 57.** 941.237 (1) (a) to (dr) and (em) to (g) of the statutes are repealed.

14 **SECTION 58.** 941.237 (2) of the statutes is amended to read:

15 941.237 (2) Whoever intentionally goes armed with a handgun on any premises
16 for which a Class “B” or “Class B” license or permit has been issued under ch. 125,
17 while consuming alcohol on the premises, is guilty of a Class A misdemeanor.

18 **SECTION 59.** 941.237 (3) of the statutes is repealed.

19 **SECTION 60.** 941.29 (1g) (a) of the statutes is renumbered 941.29 (1g) (av).

20 **SECTION 61.** 941.29 (1g) (af) of the statutes is created to read:

21 941.29 (1g) (af) “Firearm” does not include an antique firearm under 18 USC
22 921 (a) (16).

23 **SECTION 62.** 941.295 of the statutes is repealed and recreated to read:

1 **941.295 Possession of electric weapon.** A person prohibited from
2 possessing a firearm under s. 941.29 who sells, transports, manufactures, possesses,
3 or goes armed with any electric weapon is guilty of a Class H felony.

4 **SECTION 63.** 941.299 (1) (a) of the statutes is amended to read:

5 941.299 (1) (a) “Correctional officer” has the meaning given in s. ~~941.237 (1)~~
6 (b) means any person employed by the state or any political subdivision as a guard
7 or officer whose principal duties are the supervision and discipline of inmates.

8 **SECTION 64.** 943.13 (1e) (g) of the statutes is created to read:

9 943.13 (1e) (g) “School” has the meaning given in s. 948.61 (1) (b).

10 **SECTION 65.** 943.13 (1m) (c) 2. and 4. of the statutes are amended to read:

11 943.13 (1m) (c) 2. While carrying a firearm, enters or remains in any part of
12 a nonresidential building, grounds of a nonresidential building, or land that the actor
13 does not own or occupy after the owner of the building, grounds, or land, if that part
14 of the building, grounds, or land has not been leased to another person, or the
15 occupant of that part of the building, grounds, or land has notified the actor not to
16 enter or remain in that part of the building, grounds, or land while carrying a firearm
17 or with that type of firearm. This subdivision does not apply to a part of a building,
18 grounds, or land occupied by a school or by the state or by a local governmental unit,
19 to a privately or publicly owned building on the grounds of a university or college,
20 or to the grounds of or land owned or occupied by a university or college,
21 if the firearm is in a vehicle driven or parked in the parking facility, to any part of a
22 building, grounds, or land used as a parking facility.

23 4. While carrying a firearm, enters or remains in any part of a building that is
24 owned, occupied, or controlled by the state or any local governmental unit, excluding
25 any building or portion of a building under s. ~~175.60 (16) (a)~~ 941.235 (1g) or a school,

1 if the state or local governmental unit has notified the actor not to enter or remain
2 in the building while carrying a firearm or with that type of firearm. This subdivision
3 does not apply to a person who leases residential or business premises in the building
4 or, if the firearm is in a vehicle driven or parked in the parking facility, to any part
5 of the building used as a parking facility.

6 **SECTION 66.** 943.13 (1n) of the statutes is created to read:

7 943.13 (1n) (a) A person who, while carrying a firearm, enters or remains in
8 a building that is owned or leased by a school is guilty of a Class C misdemeanor if
9 the school has notified the person not to enter or remain in the building while
10 carrying a firearm or with that type of firearm. This paragraph does not apply to any
11 of the following:

12 1. A person who is violating s. 948.605.

13 2. A licensee who carries a firearm in a building, or part of a building, used for
14 parking if the firearm is in or within 5 feet of a vehicle driven or parked in that
15 building or part of the building if the licensee drove the vehicle or is or will be a
16 passenger in the vehicle.

17 (b) A person who, while carrying a firearm, enters or remains on the grounds
18 of a school, excluding a school building, is guilty of a Class B forfeiture if the school
19 has notified the person not to enter or remain on the grounds while carrying a firearm
20 or with that type of firearm. This paragraph does not apply to any of the following:

21 1. A person who is violating s. 948.605.

22 2. A licensee who carries a firearm on the grounds of a school if the firearm is
23 in or within 5 feet of a vehicle driven or parked on the grounds if the licensee drove
24 the vehicle or is or will be a passenger in the vehicle.

1 3. A licensee on the grounds of a school when there are no classes or school
2 activities occurring at the school.

3 **SECTION 67.** 943.13 (1p) of the statutes is created to read:

4 943.13 **(1p)** Unless sub. (1m) (c) or (1n) specifically allows a person to prohibit
5 entering or remaining in or at the location while carrying a firearm, an individual
6 does not violate this section only because he or she is carrying a firearm while
7 entering or remaining in or at a location.

8 **SECTION 68.** 943.13 (2) (bm) 3. of the statutes is created to read:

9 943.13 **(2)** (bm) 3. a. For the purposes of sub. (1n) (a), a school has notified a
10 person not to enter or remain in a part of the building while carrying a firearm or with
11 a particular type of firearm if the school has posted a sign that is located in a
12 prominent place near all of the entrances to the part of the building to which the
13 restriction applies and any person entering the building can be reasonably expected
14 to see the sign.

15 b. For the purposes of sub. (1n) (b), a school has notified a person not to enter
16 or remain on the grounds while carrying a firearm or with a particular type of firearm
17 if the school has posted a sign that is located in a prominent place near all of the
18 probable access points to the grounds to which the restriction applies and any person
19 entering the grounds can be reasonably expected to see the sign.

20 **SECTION 69.** 943.13 (4m) (am) of the statutes is renumbered 943.13 (4m).

21 **SECTION 70.** 943.13 (4m) (bm) of the statutes is renumbered 943.13 (1n) (c) and
22 amended to read:

23 943.13 **(1n)** (c) ~~Subsection (1m) (c) 2. and 4. This subsection~~ does not apply to
24 a law enforcement officer employed in this state by a public agency to whom s. 941.23
25 ~~(1) (g) 2. to 5. and (2) (b) 1. to 3. applies~~ who is in compliance with 18 USC 926B, to

1 a qualified out-of-state law enforcement officer, ~~as defined in s. 941.23 (1) (g), to~~
2 ~~whom s. 941.23 (2) (b) 1. to 3. applies~~ who is in compliance with 18 USC 926B, or to
3 a former law enforcement officer, ~~as defined in s. 941.23 (1) (e), to whom s. 941.23 (2)~~
4 ~~(e) 1. to 7. applies if the law enforcement officer, the qualified out-of-state law~~
5 ~~enforcement officer, or the former officer is in or on the grounds of a school, as defined~~
6 ~~in s. 948.61 (1) (b) who is in compliance with 18 USC 926C.~~

7 **SECTION 71.** 947.01 (2) of the statutes is amended to read:

8 947.01 (2) Unless other facts and circumstances that indicate a criminal or
9 malicious intent on the part of the person apply, a person is not in violation of, and
10 may not be charged with a violation of, this section for loading a firearm, or for
11 carrying or going armed with a firearm, an electric weapon, or a knife, without regard
12 to whether the firearm is loaded or the firearm, the electric weapon, or the knife is
13 concealed or openly carried.

14 **SECTION 72.** 948.60 (1) of the statutes is amended to read:

15 948.60 (1) In this section, “dangerous weapon” means any firearm, loaded or
16 unloaded; any electric weapon, ~~as defined in s. 941.295 (1c) (a)~~; metallic knuckles or
17 knuckles of any substance which could be put to the same use with the same or
18 similar effect as metallic knuckles; a nunchaku or any similar weapon consisting of
19 2 sticks of wood, plastic or metal connected at one end by a length of rope, chain, wire
20 or leather; a cestus or similar material weighted with metal or other substance and
21 worn on the hand; a shuriken or any similar pointed star-like object intended to
22 injure a person when thrown; or a manrikigusari or similar length of chain having
23 weighted ends.

24 **SECTION 73.** 948.605 of the statutes is repealed and recreated to read:

