



State of Wisconsin
2011 – 2012 LEGISLATURE



LRB-2007/1
CMH&RNK:kjf&wlj:rs

2011 BILL

1 **AN ACT** *to repeal* 23.33 (3) (e), 165.81 (2), 167.31 (1) (b), 167.31 (1) (g), 167.31 (2)
2 (a), 167.31 (2) (b), 167.31 (4) (am) 2. and 3., 167.31 (4) (bg), (bn) and (bt), 167.31
3 (4) (cm) and (d), 941.23, 941.235, 941.237, 941.295, 948.605 (1) (a) and (am),
4 948.605 (2) (b) 1. to 5. and 7. and 973.137 (1); **to renumber** 29.091, 29.621 (4),
5 167.30, 943.13 (1e) (a) and 947.01; **to renumber and amend** 167.31 (4) (am)
6 1. and 943.13 (2); **to amend** 29.089 (2), 29.314 (3) (a), 29.314 (4) (a), 48.685 (2)
7 (bb), 50.065 (2) (bb), 59.54 (6), 66.0409 (3) (b), 110.07 (1) (a) 1., 110.07 (1) (a) 3.,
8 110.07 (1) (b), 167.31 (2) (c), 167.31 (2) (d), 167.31 (2) (e), 167.31 (3) (title), 167.31
9 (3) (a), 167.31 (3) (b), 167.31 (4) (a), 167.31 (4) (b), 167.31 (4) (c), 167.31 (4) (f),
10 345.11 (1s), 345.20 (2) (f), 895.527 (5) (a), 938.34 (14q), 938.78 (3), 939.22 (10),
11 939.632 (1) (e) 3., 941.299 (1) (a), 943.13 (1m) (b), 943.13 (3), 947.011 (2) (a) 1.,
12 947.011 (2) (c) 1., 947.011 (2) (d), 948.60 (1), 948.605 (2) (title), 948.605 (2) (a),
13 948.605 (2) (b) (intro.), 948.605 (2) (b) 6., 968.255 (1) (a) 2., 971.37 (1m) (a) 2. and
14 973.055 (1) (a) 1.; and **to create** 29.091 (1), 29.314 (1) (ah), 29.621 (4) (a),

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1 66.0409 (6), 167.30 (2), 167.31 (4) (at), 939.22 (11m), 941.232, 943.13 (1e) (aL),
2 943.13 (1e) (cm), 943.13 (1m) (c), 943.13 (2) (bm), 943.13 (6), 947.01 (2) and
3 948.605 (2) (b) 1m. of the statutes; **relating to:** going armed with weapons,
4 possessing or transporting a firearm, bow, or crossbow under certain
5 circumstances, disorderly conduct limitations, and electric weapons.

Analysis by the Legislative Reference Bureau

In general, under current Wisconsin law, no person may go armed with a concealed and dangerous weapon. The “going armed with” language includes cases in which a person is carrying a concealed weapon but has not gone and is not going anywhere with it and cases in which a weapon is readily accessible to a person in a car. A person who violates the prohibition may be fined not more than \$10,000 or imprisoned for not more than nine months or both. This prohibition has many exceptions. First, Wisconsin Statutes expressly exempt law enforcement officers. In addition, under *State v. Hamdan*, 2003 WI 113, 264 Wis. 2d 433, this prohibition is unconstitutional if applied to a person carrying a concealed weapon at his or her own business when: 1) the person’s interest in carrying a concealed weapon substantially outweighs the state’s interest in enforcing the concealed weapons law; 2) the person has no other reasonable means to keep and handle the weapon; and 3) the person is not motivated by an unlawful purpose in concealing it. In *Hamdan*, the court also indicated that the constitutional right to keep and bear arms for security allows a person to carry a concealed weapon under certain circumstances in his or her own home. Finally, under federal law, qualified law enforcement officers and qualified retired law enforcement officers may carry concealed firearms that have been shipped or transported in interstate or foreign commerce, regardless of any state prohibition. This bill eliminates the prohibition against going armed with a concealed and dangerous weapon.

Current law also prohibits, with certain exceptions, going armed with or possessing a firearm in a public building, tavern, state park, or wildlife refuge or within 1,000 feet of the grounds of a school. This bill eliminates the prohibitions against going armed with or possessing a firearm in a public building or tavern but this bill adds general prohibitions against carrying weapons into a police station, sheriff’s office, or state patrol station; a prison, jail, house of correction, or secured correctional facility; a courthouse; a place beyond a security checkpoint in an airport; and a building owned or leased by the state or any political subdivision of the state if the building provides electronic screening for weapons at all public entrances to the building and provides locked storage for weapons on the premises while the person carrying the weapon is in the building. This bill applies the prohibition against going armed with or possessing a firearm in a state park or a wildlife refuge only to firearms that are not handguns. This bill also limits the prohibition against going

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armed with or possessing a firearm within 1,000 feet of the grounds of a school only to the grounds of a school. Any federal prohibitions against guns in school zones, however, still apply.

In addition, current law prohibits, with certain exceptions, carrying a firearm, bow, or crossbow in most vehicles unless the firearm is unloaded and encased or the bow or crossbow is unstrung and encased. This bill generally eliminates the requirements that the firearm be unloaded and encased and that the bow or crossbow be unstrung and encased in order to be carried in a vehicle. The bill retains the requirement that a firearm be unloaded and encased in order to be carried on a commercial aircraft.

This bill specifies that an individual does not violate the prohibition against disorderly conduct, or does not violate any local ordinance prohibiting disorderly conduct, by loading, carrying, or going armed with a firearm without regard to whether the firearm is loaded or whether the firearm is concealed or openly carried.

This bill also repeals the current law prohibition against possessing electric weapons.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 23.33 (3) (e) of the statutes is repealed.

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

3 29.089 (2) Except as provided in sub. (3) and except if the firearm is a handgun
4 as defined in s. 175.35 (1) (b), no person may have in his or her possession or under
5 his or her control a firearm on land located in state parks or state fish hatcheries
6 unless the firearm is unloaded and enclosed within a carrying case.

7 **SECTION 3.** 29.091 of the statutes is renumbered 29.091 (2).

8 **SECTION 4.** 29.091 (1) of the statutes is created to read:

9 29.091 (1) In this section:

10 (a) “Firearm” does not include a handgun.

11 (b) “Gun” does not include a handgun.

12 (c) “Handgun” has the meaning given in s. 175.35 (1) (b).

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1 **SECTION 5.** 29.314 (1) (ah) of the statutes is created to read:

2 29.314 **(1)** (ah) “Handgun” has the meaning given in s. 175.35 (1) (b).

3 **SECTION 6.** 29.314 (3) (a) of the statutes is amended to read:

4 29.314 **(3)** (a) *Prohibition.* No person may use or possess with intent to use a
5 light for shining deer, elk, or bear while the person is hunting deer, elk, or bear or in
6 possession of a firearm that is not a handgun, bow and arrow, or crossbow.

7 **SECTION 7.** 29.314 (4) (a) of the statutes is amended to read:

8 29.314 **(4)** (a) *Prohibition.* No person may use or possess with intent to use a
9 light for shining wild animals while the person is hunting or in possession of a
10 firearm that is not a handgun, bow and arrow, or crossbow.

11 **SECTION 8.** 29.621 (4) of the statutes is renumbered 29.621 (4) (b).

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

13 29.621 **(4)** (a) In this subsection:

14 1. “Firearm” does not include a handgun.

15 2. “Gun” does not include a handgun.

16 3. “Handgun” has the meaning given in s. 175.35 (1) (b).

17 **SECTION 10.** 48.685 (2) (bb) of the statutes is amended to read:

18 48.685 **(2)** (bb) If information obtained under par. (am) or (b) 1. indicates a
19 charge of a serious crime, but does not completely and clearly indicate the final
20 disposition of the charge, the department, county department, agency contracted
21 with under s. 48.651 (2), child welfare agency, school board, or entity shall make
22 every reasonable effort to contact the clerk of courts to determine the final disposition
23 of the charge. If a background information form under sub. (6) (a) or (am) indicates
24 a charge or a conviction of a serious crime, but information obtained under par. (am)
25 or (b) 1. does not indicate such a charge or conviction, the department, county

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1 department, agency contracted with under s. 48.651 (2), child welfare agency, school
2 board, or entity shall make every reasonable effort to contact the clerk of courts to
3 obtain a copy of the criminal complaint and the final disposition of the complaint.
4 If information obtained under par. (am) or (b) 1., a background information form
5 under sub. (6) (a) or (am), or any other information indicates a conviction of a
6 violation of s. 940.19 (1), 940.195, 940.20, 941.30, 942.08, 947.01 (1), or 947.013
7 obtained not more than 5 years before the date on which that information was
8 obtained, the department, county department, agency contracted with under s.
9 48.651 (2), child welfare agency, school board, or entity shall make every reasonable
10 effort to contact the clerk of courts to obtain a copy of the criminal complaint and
11 judgment of conviction relating to that violation.

12 **SECTION 11.** 50.065 (2) (bb) of the statutes is amended to read:

13 50.065 (2) (bb) If information obtained under par. (am) or (b) indicates a charge
14 of a serious crime, but does not completely and clearly indicate the final disposition
15 of the charge, the department or entity shall make every reasonable effort to contact
16 the clerk of courts to determine the final disposition of the charge. If a background
17 information form under sub. (6) (a) or (am), or any disclosure made pursuant to a
18 disclosure policy described under sub. (6) (am), indicates a charge or a conviction of
19 a serious crime, but information obtained under par. (am) or (b) does not indicate
20 such a charge or conviction, the department or entity shall make every reasonable
21 effort to contact the clerk of courts to obtain a copy of the criminal complaint and the
22 final disposition of the complaint. If information obtained under par. (am) or (b), a
23 background information form under sub. (6) (a) or (am), any disclosure made
24 pursuant to a disclosure policy described under sub. (6) (am), or any other
25 information indicates a conviction of a violation of s. 940.19 (1), 940.195, 940.20,

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1 941.30, 942.08, 947.01 (1), or 947.013 obtained not more than 5 years before the date
2 on which that information was obtained, the department or entity shall make every
3 reasonable effort to contact the clerk of courts to obtain a copy of the criminal
4 complaint and judgment of conviction relating to that violation.

5 **SECTION 12.** 59.54 (6) of the statutes is amended to read:

6 59.54 **(6)** PEACE AND ORDER. The board may enact and enforce ordinances to
7 preserve the public peace and good order within the county including, but not limited
8 by enumeration, ordinances prohibiting conduct that is the same as or similar to
9 conduct that is prohibited by ss. 947.01 (1) and 947.02, and provide a forfeiture for
10 a violation of the ordinances.

11 **SECTION 13.** 66.0409 (3) (b) of the statutes is amended to read:

12 66.0409 **(3)** (b) Nothing in this section prohibits a city, village or town that is
13 authorized to exercise village powers under s. 60.22 (3) from enacting an ordinance
14 or adopting a resolution that restricts the discharge of a firearm. Any ordinance or
15 resolution that restricts the discharge of a firearm does not apply and may not be
16 enforced if the actor's conduct is justified or, had it been subject to a criminal penalty,
17 would have been subject to a defense described in s. 939.45.

18 **SECTION 14.** 66.0409 (6) of the statutes is created to read:

19 66.0409 **(6)** No person may be in violation of, or be charged with a violation of,
20 an ordinance of a political subdivision relating to disorderly conduct or other
21 inappropriate behavior for loading, carrying, or going armed with a firearm, without
22 regard to whether the firearm is loaded or is concealed or openly carried. Any
23 ordinance in violation of this subsection does not apply and may not be enforced.

24 **SECTION 15.** 110.07 (1) (a) 1. of the statutes is amended to read:

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1 110.07 (1) (a) 1. Enforce and assist in the administration of this chapter and
2 chs. 194, 218, 341 to 349 and 351, and ss. 23.33, 125.07 (4) (b), 125.085 (3) (b), 167.31
3 (2) ~~(b) to (c)~~ and (d) and 287.81 and ch. 350 where applicable to highways, or orders
4 or rules issued pursuant thereto.

5 **SECTION 16.** 110.07 (1) (a) 3. of the statutes is amended to read:

6 110.07 (1) (a) 3. Have authority to enter any place where vehicles subject to this
7 chapter, ss. 167.31 (2) ~~(b) to (c)~~ and (d) and 287.81 and chs. 194, 218 and 341 to 350
8 are stored or parked at any time to examine such vehicles, or to stop such vehicles
9 while en route at any time upon the public highways to examine the same and make
10 arrests for all violations thereof.

11 **SECTION 17.** 110.07 (1) (b) of the statutes is amended to read:

12 110.07 (1) (b) All municipal judges, judges, district attorneys and law
13 enforcement officers shall assist in enforcing this chapter, ss. 167.31 (2) ~~(b) to (c)~~ and
14 (d) and 287.81 and chs. 194, 218 and 341 to 351, and orders or rules issued pursuant
15 thereto and shall report to the department the disposition of every uniform traffic
16 citation issued for cases involving those chapters.

17 **SECTION 18.** 165.81 (2) of the statutes is repealed.

18 **SECTION 19.** 167.30 of the statutes is renumbered 167.30 (1).

19 **SECTION 20.** 167.30 (2) of the statutes is created to read:

20 167.30 (2) Subsection (1) does not apply to the discharge of a firearm if the
21 actor's conduct is justified or, had it been subject to a criminal penalty, would have
22 been subject to a defense described in s. 939.45.

23 **SECTION 21.** 167.31 (1) (b) of the statutes is repealed.

24 **SECTION 22.** 167.31 (1) (g) of the statutes is repealed.

25 **SECTION 23.** 167.31 (2) (a) of the statutes is repealed.

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1 **SECTION 24.** 167.31 (2) (b) of the statutes is repealed.

2 **SECTION 25.** 167.31 (2) (c) of the statutes is amended to read:

3 167.31 **(2)** (c) Except as provided in sub. (4), no person may load or discharge
4 a firearm or shoot a bolt or an arrow from a bow or crossbow in or from a vehicle.

5 **SECTION 26.** 167.31 (2) (d) of the statutes is amended to read:

6 167.31 **(2)** (d) Except as provided in sub. (4) (a), ~~(b)~~, (c), (e), and (g), no person
7 may discharge a firearm or shoot a bolt or an arrow from a bow or crossbow from or
8 across a highway or within 50 feet of the center of a roadway.

9 **SECTION 27.** 167.31 (2) (e) of the statutes is amended to read:

10 167.31 **(2)** (e) A person who violates ~~pars. (a) to par. (c) or~~ par. (c) or (d) is subject to a
11 forfeiture of not more than \$100.

12 **SECTION 28.** 167.31 (3) (title) of the statutes is amended to read:

13 167.31 **(3)** (title) ~~PROHIBITIONS~~ PROHIBITION; AIRCRAFT.

14 **SECTION 29.** 167.31 (3) (a) of the statutes is amended to read:

15 167.31 **(3)** (a) Except as provided in sub. (4), no person may place, possess or
16 transport a firearm, ~~bow or crossbow~~ in or on an a commercial aircraft, unless the
17 firearm is unloaded and encased ~~or unless the bow or crossbow is unstrung or is~~
18 ~~enclosed in a carrying case.~~

19 **SECTION 30.** 167.31 (3) (b) of the statutes is amended to read:

20 167.31 **(3)** (b) Except as provided in sub. (4), no person may load or discharge
21 a firearm or shoot a bolt or an arrow from a bow or crossbow in or from an a
22 commercial aircraft.

23 **SECTION 31.** 167.31 (4) (a) of the statutes is amended to read:

24 167.31 **(4)** (a) Subsections (2) (c) and (d) and (3) (a) and (b) do not apply to any
25 of the following who, in the line of duty, place, possess, transport, load or discharge

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1 a firearm in, on or from a vehicle, motorboat or commercial aircraft or discharge a
2 firearm from or across a highway or within 50 feet of the center of a roadway:

3 **SECTION 32.** 167.31 (4) (am) 1. of the statutes is renumbered 167.31 (4) (am)
4 and amended to read:

5 167.31 (4) (am) Subsections (2) ~~(a)~~, (c) and (d) and (3) (a) and (b) do not apply
6 to a peace officer who, in the line of duty, loads or discharges a firearm in, on, or from
7 a vehicle, motorboat or commercial aircraft or discharges a firearm from or across a
8 highway or within 50 feet of the center of a roadway.

9 **SECTION 33.** 167.31 (4) (am) 2. and 3. of the statutes are repealed.

10 **SECTION 34.** 167.31 (4) (at) of the statutes is created to read:

11 167.31 (4) (at) Subsections (2) (c) and (d), (3) (a) and (b), and (3m) (a) do not
12 apply to the discharge of a firearm if the actor's conduct is justified or, had it been
13 subject to a criminal penalty, would have been subject to a defense described in s.
14 939.45.

15 **SECTION 35.** 167.31 (4) (b) of the statutes is amended to read:

16 167.31 (4) (b) Subsections (2) ~~(a), (b) and~~ (c), (3) (a) and (b), and (3m) (a) do not
17 apply to the holder of a scientific research license under s. 169.25 or a scientific
18 collector permit under s. 29.614 who is using a net gun or tranquilizer gun in an
19 activity related to the purpose for which the license or permit was issued.

20 **SECTION 36.** 167.31 (4) (bg), (bn) and (bt) of the statutes are repealed.

21 **SECTION 37.** 167.31 (4) (c) of the statutes is amended to read:

22 167.31 (4) (c) Subsection (2) ~~(b) and~~ (c) does not apply to the holder of a Class A
23 or Class B permit under s. 29.193 (2) who is hunting from a stationary vehicle.

24 **SECTION 38.** 167.31 (4) (cm) and (d) of the statutes are repealed.

25 **SECTION 39.** 167.31 (4) (f) of the statutes is amended to read:

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1 167.31 **(4)** (f) Subsection (2) (d) does not prohibit a person from possessing a
2 loaded firearm within 50 feet of the center of a roadway if the person does not violate
3 sub. (2) ~~(b)~~ or (c).

4 **SECTION 40.** 345.11 (1s) of the statutes is amended to read:

5 345.11 **(1s)** The uniform traffic citation shall be used by a traffic officer
6 employed under s. 110.07 for a violation of s. 167.31 (2) ~~(b)~~, (c) or (d) when committed
7 on a highway.

8 **SECTION 41.** 345.20 (2) (f) of the statutes is amended to read:

9 345.20 **(2)** (f) Sections 23.50 to 23.85 apply to actions in circuit court to recover
10 forfeitures and weapons surcharges imposed under ch. 814 for violations of s. 167.31
11 (2) ~~(b)~~, (c), or (d). No points may be assessed against the driving record of a person
12 convicted of a violation of s. 167.31 (2) ~~(b)~~, (c), or (d). The report of conviction shall
13 be forwarded to the department.

14 **SECTION 42.** 895.527 (5) (a) of the statutes is amended to read:

15 895.527 **(5)** (a) Section 167.30 (1), 941.20 (1) (d) or 948.605 or any rule
16 promulgated under those sections regulating or prohibiting the discharge of
17 firearms.

18 **SECTION 43.** 938.34 (14q) of the statutes is amended to read:

19 938.34 **(14q)** CERTAIN BOMB SCARES AND FIREARM VIOLATIONS. In addition to any
20 other disposition imposed under this section, if the juvenile is found to have violated
21 s. 947.015 and the property involved is owned or leased by the state or any political
22 subdivision of the state, or if the property involved is a school premises, as defined
23 in s. 948.61 (1) (c), or if the juvenile is found to have violated s. ~~941.235~~ or 948.605,
24 immediately suspend the juvenile's operating privilege, as defined in s. 340.01 (40),
25 for 2 years. The court shall immediately forward to the department of transportation

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1 the notice of suspension, stating that the suspension is for a violation of s. 947.015
2 involving school premises, or for a violation of s. ~~941.235~~ or 948.605. If otherwise
3 eligible, the juvenile is eligible for an occupational license under s. 343.10.

4 **SECTION 44.** 938.78 (3) of the statutes is amended to read:

5 938.78 (3) RELEASE OF INFORMATION WHEN ESCAPE OR ABSENCE; RULES. If a juvenile
6 adjudged delinquent under s. 48.12, 1993 stats., or s. 938.12 or found to be in need
7 of protection or services under s. 48.13 (12), 1993 stats., or s. 48.13 (14), 1993 stats.,
8 or s. 938.13 (12) or (14) on the basis of a violation of s. 943.23 (1m) or (1r), 1999 stats.,
9 or s. 941.10, 941.11, 941.20, 941.21, ~~941.23, 941.235, 941.237~~, 941.24, 941.26, 941.28,
10 ~~941.295~~, 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03, 943.04, 943.10 (2)
11 (a), 943.23 (1g), 943.32 (2), 948.02, 948.025, 948.03, 948.05, 948.055, 948.085 (2),
12 948.60, 948.605, or 948.61 or any crime specified in ch. 940 has escaped from a
13 juvenile correctional facility, residential care center for children and youth, inpatient
14 facility, as defined in s. 51.01 (10), juvenile detention facility, or juvenile portion of
15 a county jail, or from the custody of a peace officer or a guard of such a facility, center,
16 or jail, or has been allowed to leave a juvenile correctional facility, residential care
17 center for children and youth, inpatient facility, juvenile detention facility, or
18 juvenile portion of a county jail for a specified time period and is absent from the
19 facility, center, home, or jail for more than 12 hours after the expiration of the
20 specified period, the department or county department having supervision over the
21 juvenile may release the juvenile's name and any information about the juvenile that
22 is necessary for the protection of the public or to secure the juvenile's return to the
23 facility, center, home, or jail. The department shall promulgate rules establishing
24 guidelines for the release of the juvenile's name or information about the juvenile to
25 the public.

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1 **SECTION 45.** 939.22 (10) of the statutes is amended to read:

2 939.22 **(10)** “Dangerous weapon” means any firearm, whether loaded or
3 unloaded; any device designed as a weapon and capable of producing death or great
4 bodily harm; any ligature or other instrumentality used on the throat, neck, nose, or
5 mouth of another person to impede, partially or completely, breathing or circulation
6 of blood; any electric weapon, ~~as defined in s. 941.295 (4)~~; or any other device or
7 instrumentality which, in the manner it is used or intended to be used, is calculated
8 or likely to produce death or great bodily harm.

9 **SECTION 46.** 939.22 (11m) of the statutes is created to read:

10 939.22 **(11m)** “Electric weapon” means any device which is designed,
11 redesigned, used or intended to be used, offensively or defensively, to immobilize or
12 incapacitate persons by the use of electric current.

13 **SECTION 47.** 939.632 (1) (e) 3. of the statutes is amended to read:

14 939.632 **(1)** (e) 3. Any misdemeanor under s. 940.19 (1), 940.225 (3m), 940.32
15 (2), 940.42, 940.44, 941.20 (1), ~~941.23, 941.235~~, 941.24 or 941.38 (3).

16 **SECTION 48.** 941.23 of the statutes is repealed.

17 **SECTION 49.** 941.232 of the statutes is created to read:

18 **941.232 Carrying a weapon at certain locations. (1)** In this section:

19 (a) “Carry” means to go armed with.

20 (b) “Weapon” means a handgun, an electric weapon, a knife other than a
21 switchblade knife under s. 941.24, or a billy club.

22 **(2)** (a) Except as provided in par. (b), any person other than a law enforcement
23 officer who knowingly carries a weapon or a firearm that is not a weapon into any
24 of the following places is guilty of a Class C misdemeanor:

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1 1. Any portion of a building that is a police station, sheriff's office, or state
2 patrol station.

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

4 3. A county, state, or federal courthouse.

5 4. A place beyond a security checkpoint in an airport.

6 5. If a building owned or leased by the state or any political subdivision of the
7 state provides electronic screening for weapons or firearms that are not weapons at
8 all public entrances to the building and provides locked storage for weapons and
9 firearms that are not weapons on the premises while the person carrying the weapon
10 or firearm is in the building, any portion of the building that is beyond the electronic
11 screening.

12 (b) The prohibitions under par. (a) do not apply to any of the following:

13 1. A weapon in a vehicle driven or parked in a parking facility located in a
14 building that is used as, or any portion of which is used as, a location under par. (a).

15 2. A weapon in a courthouse if a judge who is a licensee is carrying the weapon
16 or if another licensee or out-of-state licensee, whom a judge has permitted in writing
17 to carry a weapon, is carrying the weapon.

18 3. A weapon in a courthouse if a district attorney, or an assistant district
19 attorney, who is a licensee is carrying the weapon.

20 4. If the place is a building under par. (a) 5., a weapon if a person leasing
21 residential or business premises in the building is carrying the weapon.

22 **(3)** (a) Except as provided in par. (b), an employer may prohibit an employee
23 from carrying a concealed weapon or a particular type of concealed weapon in the
24 course of the employee's employment or during any part of the course of the
25 employee's employment.

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1 (b) An employer may not prohibit an employee, as a condition of employment,
2 from carrying a concealed weapon, a particular type of concealed weapon, or
3 ammunition or from storing a weapon, a particular type of weapon, or ammunition
4 in the employee's own motor vehicle, regardless of whether the motor vehicle is used
5 in the course of employment or whether the motor vehicle is driven or parked on
6 property used by the employer.

7 (c) An employer that does not prohibit one or more employees from carrying a
8 concealed weapon under par. (a) is immune from any liability arising from its
9 decision.

10 **SECTION 50.** 941.235 of the statutes is repealed.

11 **SECTION 51.** 941.237 of the statutes is repealed.

12 **SECTION 52.** 941.295 of the statutes is repealed.

13 **SECTION 53.** 941.299 (1) (a) of the statutes is amended to read:

14 941.299 **(1)** (a) “Correctional officer” ~~has the meaning given in s. 941.237 (1)~~
15 (b) means any person employed by the state or any political subdivision as a guard
16 or officer whose principal duties are the supervision and discipline of inmates.

17 **SECTION 54.** 943.13 (1e) (a) of the statutes is renumbered 943.13 (1e) (ar).

18 **SECTION 55.** 943.13 (1e) (aL) of the statutes is created to read:

19 943.13 **(1e)** (aL) “Carry” means to go armed with.

20 **SECTION 56.** 943.13 (1e) (cm) of the statutes is created to read:

21 943.13 **(1e)** (cm) “Nonresidential building” includes any privately or publicly
22 owned building on the grounds of a university or college.

23 **SECTION 57.** 943.13 (1m) (b) of the statutes is amended to read:

24 943.13 **(1m)** (b) Enters or remains on any land of another after having been
25 notified by the owner or occupant not to enter or remain on the premises. This

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1 paragraph does not apply to an individual if the owner's or occupant's intent is to
2 prevent the individual from carrying a firearm on the owner's or occupant's land.

3 **SECTION 58.** 943.13 (1m) (c) of the statutes is created to read:

4 943.13 **(1m)** (c) 1. While carrying a firearm, enters or remains at a residence
5 that the actor does not own or occupy after the owner of the residence, if he or she
6 has not leased it to another person, or the occupant of the residence has notified the
7 actor not to enter or remain at the residence while carrying a firearm. In this
8 subdivision, "residence," with respect to a single-family residence, includes the
9 residence building and the parcel of land upon which the residence building is
10 located, and "residence," with respect to a residence that is not a single-family
11 residence, does not include any common area of the building in which the residence
12 is located or any common areas of the rest of the parcel of land upon which the
13 residence building is located.

14 2. While carrying a firearm, enters or remains in any part of a nonresidential
15 building that the actor does not own or occupy after the owner of the building, if that
16 part of the building has not been leased to another person, or the occupant of that
17 part of the building has notified the actor not to enter or remain in that part of the
18 building while carrying a firearm. This subdivision does not apply to a part of a
19 building occupied by the state or one of its political subdivisions or, if the firearm is
20 in a vehicle driven or parked in the parking facility, to any part of a building used as
21 a parking facility.

22 **SECTION 59.** 943.13 (2) of the statutes is renumbered 943.13 (2) (am), and
23 943.13 (2) (am) (intro.) and 1., as renumbered, are amended to read:

24 943.13 **(2)** (am) (intro.) A person has received notice from the owner or occupant
25 within the meaning of sub. (1m) (b), (e) or (f) if he or she has been notified personally,

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1 either orally or in writing, or if the land is posted. Land is considered to be posted
2 under this subsection paragraph under either of the following procedures:

3 1. If a sign at least 11 inches square is placed in at least 2 conspicuous places
4 for every 40 acres to be protected. The sign must carry provide an appropriate notice
5 and the name of the person giving the notice followed by the word “owner” if the
6 person giving the notice is the holder of legal title to the land and by the word
7 “occupant” if the person giving the notice is not the holder of legal title but is a lawful
8 occupant of the land. Proof that appropriate signs as provided in this paragraph
9 subdivision were erected or in existence upon the premises to be protected prior to
10 the event complained of shall be prima facie proof that the premises to be protected
11 were posted as provided in this paragraph subdivision.

12 **SECTION 60.** 943.13 (2) (bm) of the statutes is created to read:

13 943.13 (2) (bm) 1. In this paragraph, “sign” means a sign that states a
14 restriction imposed under subd. 2. that is at least 8.5 inches by 11 inches and colored
15 orange as described in s. 29.301 (2).

16 2. For the purposes of sub. (1m) (c) 2., an owner or occupant of a part of a
17 nonresidential building has notified an individual not to enter or remain in that part
18 of the building while carrying a firearm if the owner or occupant has posted a sign
19 that is located in a prominent place near all of the entrances to the part of the
20 building to which the restriction applies and any individual entering the building
21 can be reasonably expected to see the sign.

22 **SECTION 61.** 943.13 (3) of the statutes is amended to read:

23 943.13 (3) Whoever erects on the land of another signs which are the same as
24 or similar to those described in sub. (2) (am) without obtaining the express consent

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1 of the lawful occupant of or holder of legal title to such land is subject to a Class C
2 forfeiture.

3 **SECTION 62.** 943.13 (6) of the statutes is created to read:

4 943.13 (6) A person that does not, under this section, prohibit an individual
5 who is carrying a firearm from entering or remaining on property that the person
6 owns or occupies is immune from any liability arising from its decision.

7 **SECTION 63.** 947.01 of the statutes is renumbered 947.01 (1).

8 **SECTION 64.** 947.01 (2) of the statutes is created to read:

9 947.01 (2) A person is not in violation of, and may not be charged with a
10 violation of, sub. (1) for loading, carrying, or going armed with a firearm without
11 regard to whether the firearm is loaded or is concealed or openly carried.

12 **SECTION 65.** 947.011 (2) (a) 1. of the statutes is amended to read:

13 947.011 (2) (a) 1. Engage in conduct that is prohibited under s. 947.01 (1) within
14 500 feet of any entrance to a facility being used for the service with the intent to
15 disrupt the service.

16 **SECTION 66.** 947.011 (2) (c) 1. of the statutes is amended to read:

17 947.011 (2) (c) 1. Engage in conduct that is prohibited under s. 947.01 (1) within
18 500 feet of any entrance to a facility being used for the service.

19 **SECTION 67.** 947.011 (2) (d) of the statutes is amended to read:

20 947.011 (2) (d) No person may impede vehicles that are part of a funeral
21 procession if the person's conduct violates s. 947.01 (1).

22 **SECTION 68.** 948.60 (1) of the statutes is amended to read:

23 948.60 (1) In this section, "dangerous weapon" means any firearm, loaded or
24 unloaded; any electric weapon, ~~as defined in s. 941.295 (4);~~ metallic knuckles or
25 knuckles of any substance which could be put to the same use with the same or

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1 similar effect as metallic knuckles; a nunchaku or any similar weapon consisting of
2 2 sticks of wood, plastic or metal connected at one end by a length of rope, chain, wire
3 or leather; a cestus or similar material weighted with metal or other substance and
4 worn on the hand; a shuriken or any similar pointed star-like object intended to
5 injure a person when thrown; or a manrikigusari or similar length of chain having
6 weighted ends.

7 **SECTION 69.** 948.605 (1) (a) and (am) of the statutes are repealed.

8 **SECTION 70.** 948.605 (2) (title) of the statutes is amended to read:

9 948.605 (2) (title) POSSESSION OF FIREARM ~~IN~~ ON THE GROUNDS OF A SCHOOL ZONE.

10 **SECTION 71.** 948.605 (2) (a) of the statutes is amended to read:

11 948.605 (2) (a) Any individual who knowingly possesses a firearm at a place
12 that the individual knows, or has reasonable cause to believe, is ~~a school zone~~ on the
13 grounds of a school is guilty of a Class I felony.

14 **SECTION 72.** 948.605 (2) (b) (intro.) of the statutes is amended to read:

15 948.605 (2) (b) (intro.) Paragraph (a) does not apply to the possession of a
16 firearm by any of the following:

17 **SECTION 73.** 948.605 (2) (b) 1. to 5. and 7. of the statutes are repealed.

18 **SECTION 74.** 948.605 (2) (b) 1m. of the statutes is created to read:

19 948.605 (2) (b) 1m. A person who possess the firearm in accordance with 18
20 USC 922 (q) (2) (b) (i), (iii), (iv), (v), (vi), or (vii).

21 **SECTION 75.** 948.605 (2) (b) 6. of the statutes is amended to read:

22 948.605 (2) (b) 6. ~~By a law enforcement officer or~~ A state-certified commission
23 warden acting in his or her official capacity; ~~or.~~

24 **SECTION 76.** 968.255 (1) (a) 2. of the statutes is amended to read:

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1 968.255 **(1)** (a) 2. Arrested for any misdemeanor under s. 167.30 (1), 940.19,
2 941.20 (1), ~~941.23, 941.237~~, 941.24, 948.60, or 948.61.

3 **SECTION 77.** 971.37 (1m) (a) 2. of the statutes is amended to read:

4 971.37 **(1m)** (a) 2. An adult accused of or charged with a criminal violation of
5 s. 940.19, 940.20 (1m), 940.201, 940.225, 940.23, 940.285, 940.30, 940.42, 940.43,
6 940.44, 940.45, 940.48, 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49,
7 947.01 (1), 947.012 or 947.0125 and the conduct constituting the violation involved
8 an act by the adult person against his or her spouse or former spouse, against an
9 adult with whom the adult person resides or formerly resided or against an adult
10 with whom the adult person has created a child.

11 **SECTION 78.** 973.055 (1) (a) 1. of the statutes is amended to read:

12 973.055 **(1)** (a) 1. The court convicts the person of a violation of a crime specified
13 in s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.19, 940.20 (1m), 940.201, 940.21,
14 940.225, 940.23, 940.235, 940.285, 940.30, 940.305, 940.31, 940.42, 940.43, 940.44,
15 940.45, 940.48, 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49, 947.01 (1),
16 947.012 or 947.0125 or of a municipal ordinance conforming to s. 940.201, 941.20,
17 941.30, 943.01, 943.011, 943.14, 943.15, 946.49, 947.01 (1), 947.012 or 947.0125; and

18 **SECTION 79.** 973.137 (1) of the statutes is repealed.

19

(END)