



State of Wisconsin
2011 – 2012 LEGISLATURE



LRB-2033/1
CMH&RNK:kjf/cjs/wlj:md

2011 BILL

1 **AN ACT** *to repeal* 941.237 (4), 948.605 (1) (a) and (am) and 948.605 (2) (b) 1. to
2 5. and 7.; *to renumber* 167.30, 941.295 (1), 943.13 (1e) (a) and 947.01; *to*
3 *renumber and amend* 23.33 (3) (e), 29.089 (2), 29.091, 29.314 (4) (b) 1., 29.621
4 (4), 167.31 (2) (b), 440.26 (3m), 941.23, 941.235 (2), 941.295 (2) (d), 941.295 (4),
5 943.13 (2), 948.605 (2) (b) 6. and 948.605 (2) (b) 8.; *to amend* 48.685 (2) (bb),
6 50.065 (2) (bb), 59.54 (6), 66.0409 (3) (b), 165.60, 165.81 (2), 165.82 (1) (intro.),
7 165.82 (2), 167.31 (1) (b), 167.31 (4) (am) 2., 167.31 (4) (am) 3., 167.31 (4) (b),
8 167.31 (4) (d), 167.31 (4) (f), 813.12 (6) (am) 1., 813.122 (9) (am) 1., 813.125 (5r)
9 (a), 895.527 (5) (a), 938.396 (2g) (n), 939.22 (10), 941.295 (2) (intro.), 943.13 (1m)
10 (b), 943.13 (3), 947.011 (2) (a) 1., 947.011 (2) (c) 1., 947.011 (2) (d), 948.60 (1),
11 948.605 (2) (b) (intro.), 968.255 (1) (a) 2., 971.37 (1m) (a) 2. and 973.055 (1) (a)
12 1.; *to repeal and recreate* 29.314 (3) (b) 1.; and *to create* 20.455 (2) (gs),
13 20.455 (2) (gu), 23.33 (3) (e) 1., 23.33 (3) (e) 2., 23.33 (3) (e) 3., 23.33 (3) (e) 4.,
14 29.089 (2) (a), 29.089 (2) (b), 29.089 (2) (c), 29.089 (2) (d), 29.091 (2), 29.314 (4)

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1 (b) 1g., 29.621 (4) (a), 29.621 (4) (b), 29.621 (4) (c), 29.621 (4) (d), 29.621 (6),
2 66.0409 (6), 165.25 (12), 167.30 (2), 167.31 (2) (b) 2., 167.31 (4) (ar), 167.31 (4)
3 (at), 175.48, 175.49, 175.60, 440.26 (3m) (a), 440.26 (3m) (b), 440.26 (3m) (c),
4 440.26 (3m) (d), 941.23 (1), 941.23 (2) (b), 941.23 (2) (c), 941.23 (2) (d), 941.23
5 (2) (e), 941.23 (3), 941.235 (2) (c), 941.235 (2) (d), 941.235 (2) (e), 941.237 (3) (cr),
6 941.237 (3) (ct), 941.237 (3) (cx), 941.295 (1c) (b) and (c), 941.295 (2) (d) 2.,
7 941.295 (2g), 941.295 (2r), 943.13 (1e) (aL), 943.13 (1e) (bm), 943.13 (1e) (cm),
8 943.13 (1e) (g), 943.13 (1m) (c), 943.13 (1n), 943.13 (2) (bm), 946.71, 947.01 (2)
9 and 948.605 (2) (b) 1m. and 1r. of the statutes; **relating to:** carrying a concealed
10 weapon; licenses authorizing persons to carry concealed weapons; possessing
11 or transporting a firearm, bow, or crossbow under certain circumstances;
12 disorderly conduct limitations; photographic identification cards for retired law
13 enforcement officers; providing an exemption from emergency rule procedures;
14 requiring the exercise of rule-making authority; making appropriations; and
15 providing penalties.

Analysis by the Legislative Reference Bureau

This bill creates a licensing system under which an individual is permitted to carry a concealed weapon. The bill also makes changes in Wisconsin law to account for a federal law that requires the state to permit an individual who works as or who has retired from working as a federal, state, tribal, or local law enforcement officer in Wisconsin or in any other state to carry a concealed firearm. This bill also makes changes to laws regulating firearms and other weapons.

CURRENT LAW REGARDING THE POSSESSION OF WEAPONS***Wisconsin law***

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

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exceptions. First, Wisconsin law provides an exception for law enforcement officers. Second, 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.

Current Wisconsin 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. In addition, current Wisconsin 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. A person who violates one of these prohibitions is subject to civil or criminal penalties.

Federal law

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.

Federal law specifies the criteria that a person must meet to be a qualified law enforcement officer or a qualified retired law enforcement officer. To be the former, a person must: 1) be employed by a government agency; 2) be a law enforcement officer; 3) be authorized by the agency to carry a firearm; 4) not be the subject of any disciplinary action by the agency; 5) not be under the influence of alcohol or other drugs; 6) not be prohibited under federal law from possessing a firearm; and 7) meet all standards, if any, established by the agency to qualify the person on a regular basis to use a firearm. For a person to be a qualified retired law enforcement officer, all of the following must apply: 1) the person retired in good standing from service with a government agency as a law enforcement officer, other than for reasons of mental instability; 2) before retirement, the person was regularly employed as a law enforcement officer for an aggregate of 15 years or more or retired after completing any applicable probationary period; 3) the person has a nonforfeitable right to benefits under the agency's retirement plan; 4) the person is not under the influence of alcohol or other drugs; 5) the person is not prohibited under federal law from possessing a firearm; and 6) during the most recent 12-month period, the person has met his or her home state's standards for training and qualification for active duty law enforcement officers to carry a firearm.

Under federal law, if a person is a qualified law enforcement officer, the prohibition contained in Wisconsin law regarding going armed with a concealed and dangerous weapon does not apply to his or her going armed with a concealed firearm if the person carries a photographic identification issued by the agency for which he or she works. If the person is a qualified retired law enforcement officer, the prohibition does not apply to his or her going armed with a concealed firearm if the

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person carries either: 1) a photographic identification issued by the agency from which the person retired as a law enforcement officer that indicates that, within the preceding 12 months, the agency has tested the person or otherwise found that he or she meets its standards for training and qualification for active duty law enforcement officers to carry the type of firearm that the qualified retired law enforcement officer is carrying concealed; or 2) both of the following: a) a photographic identification issued by the agency from which the person retired as a law enforcement officer; and b) a certification issued by the state in which the person resides that indicates that, within the preceding 12 months, the state has tested the person or otherwise found that he or she meets its standards for training and qualification for active duty law enforcement officers to carry the type of firearm that the qualified retired law enforcement officer is carrying concealed. Federal law also specifies that a state may: 1) permit private persons or entities to bar the possession of concealed firearms on their own property; and 2) prohibit or restrict the possession of firearms on any state or local government property, installation, base, building, or park.

HOW THE BILL CHANGES WISCONSIN'S CONCEALED WEAPONS LAW***Carrying a concealed weapon in your own home or business***

This bill permits a person to go armed with a concealed and dangerous weapon in his or her own home or place of business or on land that he or she owns, leases, or legally occupies.

Licenses to carry a concealed weapon

This bill creates a procedure by which a person may apply to the Department of Justice (DOJ) for a license to carry a concealed weapon. Specifically, the license authorizes a person to carry a concealed weapon (a handgun, an electric weapon, a knife other than a switchblade, or a billy club) anywhere in this state except in particular places. Accordingly, the bill amends other prohibitions relating to the use and possession of firearms that are discussed above (see **CURRENT LAW REGARDING THE POSSESSION OF WEAPONS, *Wisconsin law***) to specify that they generally do not apply to licensees.

A person licensed under the bill is generally prohibited from carrying a concealed weapon or a weapon that is not concealed in a police station, sheriff's office, or state patrol station; in a prison or jail; in a courthouse; beyond the security checkpoint at an airport; and on the grounds of a school. A business owner or person in his or her own home may prohibit a licensee from carrying a concealed weapon into the business or home, an employer generally may prohibit an employee from carrying a concealed weapon in the course of the employee's employment, and the state or a local governmental unit may prohibit a licensee from carrying a firearm into a building that is owned, occupied, or controlled by the local governmental unit.

Licensing requirements and procedure

Under the bill, DOJ must issue or renew a license to carry a concealed weapon to an applicant who is a resident of Wisconsin unless the applicant is less than 21 years old or is prohibited from possessing a firearm under federal or state law. DOJ

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must conduct a background check of an applicant for a license or for a license renewal to determine if he or she is ineligible for a license.

Furthermore, the bill does all of the following:

1. Provides that, with certain exceptions, a license to carry a concealed weapon is valid for five years.

2. Requires each circuit court to notify DOJ of any court proceeding that would result in a suspension or revocation of a license if the subject of the proceeding had a license. DOJ must determine if the subject of such proceeding has a license and, if the subject does, DOJ must revoke the license if the subject is no longer eligible to have a license or suspend the license if the subject, after being charged with a misdemeanor, is ordered by the court not to possess a firearm.

3. Allows an individual who requires a license immediately to petition a court for such a license. A court may grant a license, which is valid for 30 days, if the court determines that immediate licensure is warranted to protect the individual from death or great bodily harm.

4. Provides an appeals process for a person whose application for a license is denied or whose license is suspended or revoked.

5. Requires DOJ to keep a list of licensees but specifies that DOJ may provide information from that list regarding a specific licensee only to law enforcement agencies and only in certain circumstances.

6. Requires a person who applies for a license to pay a \$13 background check fee and an application fee of up to \$52 to cover DOJ's costs in issuing the license. A person who applies to renew his or her license must pay the same background check fee and a renewal fee of up to \$27 to cover DOJ's costs in renewing the license.

7. Grants immunity from liability for acts done under the bill to DOJ, the Department of Transportation, and the employees of both departments; various court employees; businesses, nonprofit organizations, or individuals that do not prohibit persons from carrying concealed weapons on their property; and employers that do not prohibit employees from carrying concealed weapons during the course of employment.

8. Treats a permit, license, approval, or other authorization issued by another state in the same manner as a license issued under this bill if the individual who possesses the authorization submitted to a background check.

Penalties for certain offenses related to weapons

The bill establishes penalties for offenses that relate to concealed weapons or that are committed by licensees. First, a licensee or out-of-state licensee who fails to carry his or her license document or photographic identification, or to display either upon the request of a law enforcement officer, while the person is carrying a concealed weapon, may be required to forfeit \$25. Second, a licensee who, for a second or subsequent time, or an individual whose license is suspended or revoked who fails to notify DOJ of a change in address within 30 days of the change may be required to forfeit \$50. Third, a licensee who carries a concealed weapon in a place where the bill prohibits him or her from doing so may be fined not more than \$500 or imprisoned for not more than 30 days or both. Fourth, a person who intentionally fails to relinquish a license document to DOJ after the license has been revoked must

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be fined not more than \$500 and may be imprisoned for not more than 30 days, or both. Fifth, a person who intentionally makes a false statement in an application for a license may be charged with false swearing, a Class H felony.

The bill also prohibits an individual from intentionally representing that an invalid license to carry a concealed weapon is valid, from selling, lending, or allowing another individual to use his or her license, from representing that a license belongs to the individual if it has not been issued to him or her, from permitting unlawful use of his or her license, from reproducing a license for unlawful purposes, or from altering a license. A person who violates one of these prohibitions is guilty of a misdemeanor and may be fined not more than \$10,000 or imprisoned for not more than nine months, or both.

Active duty and retired law enforcement officers

This bill codifies the provisions of federal law that make the state concealed weapons prohibition inapplicable to active duty and retired law enforcement officers under the circumstances specified in federal law as described above. To implement federal law, the bill also makes certain other state law prohibitions regarding the carrying of firearms inapplicable to an active duty or retired law enforcement officer if he or she is carrying a concealed firearm under those same circumstances.

The bill also requires DOJ and other state and local law enforcement agencies in Wisconsin to enable qualified retired law enforcement officers to carry concealed firearms in the manner provided under federal law. These agencies must issue and renew certification cards to qualified retired law enforcement officers. The cards must include personal information about the certification card holder such as the person's name, address, date of birth, a description of the person, and a photograph. The cards must also include the type of firearm the person is certified to carry (which cannot be a machine gun or a destructive device such as a bomb), a statement that the retired officer has met certain standards for training and qualification, and an expiration date of 12 months after the certification card is issued or renewed.

If a retired officer is carrying his or her valid certification card, he or she is exempt from the prohibitions against carrying a concealed weapon described above only if the following apply: 1) the retired officer is not carrying a firearm that is not designated on the card or identification, if the card or identification includes such a designation, and the firearm is not a machine gun or a destructive device and does not have a firearm silencer attached; 2) the retired officer is not under the influence of an intoxicant; and 3) federal law does not prohibit the retired officer from possessing a firearm.

OTHER LAWS REGARDING WEAPONS

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.

Current law imposes certain restrictions on the placement, possession, and transportation (carrying) of a firearm, bow, or crossbow in or on a vehicle. The restrictions vary depending on the type of vehicle in which the firearm, bow, or crossbow is carried. Current law includes certain prohibitions on loading and

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discharging a firearm, bow, or crossbow in or from a vehicle and includes certain requirements with regard to encasing a firearm, bow, or crossbow that is in or on a vehicle. This bill eliminates the current law requirement that a bow or crossbow be unstrung and encased in order to be carried in most vehicles. Instead, under the bill, the bow or crossbow may be carried in most vehicles if it is not armed with a bolt or an arrow. The bill does not generally change current law with regard to carrying a bow or crossbow in an airplane, motorboat, snowmobile, or all-terrain vehicle. The bill also provides that all of the restrictions that apply to a person who carries a firearm in a vehicle, other than a snowmobile, an all-terrain vehicle, or a noncommercial airplane, do not apply to a qualified active duty or retired law enforcement officer or to a licensee.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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.** 20.455 (2) (gs) of the statutes is created to read:

2 20.455 (2) (gs) *Background check for licenses to carry concealed weapons.* All
3 moneys received as fee payments under s. 175.60 (7) (c) and (d) and (15) (b) 4. a. and
4 b. to provide services under s. 175.60.

5 **SECTION 2.** 20.455 (2) (gu) of the statutes is created to read:

6 20.455 (2) (gu) *Certification cards for carrying concealed weapons.* All moneys
7 received as fees under s. 175.49 (5m) to verify eligibility of, and to issue certification
8 cards to, retired officers seeking to carry concealed weapons.

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

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1 23.33 (3) (e) (intro.) With any firearm in his or her possession unless it is
2 unloaded and enclosed in a carrying case, or any bow unless it is unstrung or enclosed
3 in a carrying case. This paragraph does not apply to any of the following:

4 **SECTION 4.** 23.33 (3) (e) 1. of the statutes is created to read:

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

7 **SECTION 5.** 23.33 (3) (e) 2. of the statutes is created to read:

8 23.33 (3) (e) 2. A qualified out-of-state law enforcement officer, as defined in
9 s. 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

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

11 23.33 (3) (e) 3. A retired officer, as defined in s. 941.23 (1) (d), to whom s. 941.23
12 (2) (c) 1. to 7. applies.

13 **SECTION 7.** 23.33 (3) (e) 4. of the statutes is created to read:

14 23.33 (3) (e) 4. A licensee, as defined in s. 175.60 (1) (d), or an out-of-state
15 licensee, as defined in s. 175.60 (1) (g), who possesses a handgun, as defined in s.
16 175.60 (1) (bm).

17 **SECTION 8.** 29.089 (2) of the statutes is renumbered 29.089 (2) (intro.) and
18 amended to read:

19 29.089 (2) (intro.) Except as provided in sub. (3), no person may have in his or
20 her possession or under his or her control a firearm on land located in state parks or
21 state fish hatcheries unless the firearm is unloaded and enclosed within a carrying
22 case. This subsection does not apply to any of the following:

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

24 29.089 (2) (a) A person who is employed in this state by a public agency as a
25 law enforcement officer and to whom s. 941.23 (1) (e) 2. to 5. and (2) (b) 1. to 3. applies.

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

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

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

5 29.089 (2) (c) A retired officer, as defined in s. 941.23 (1) (c), to whom s. 941.23
6 (2) (d) 1. to 7. applies.

7 **SECTION 12.** 29.089 (2) (d) of the statutes is created to read:

8 29.089 (2) (d) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state
9 licensee, as defined in s. 175.60 (1) (g), if the firearm is a handgun, as defined in s.
10 175.60 (1) (bm).

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

13 29.091 (1) No person may hunt or trap within any wildlife refuge established
14 under s. 23.09 (2) (b) or 29.621 (1), or, except as provided in sub. (2), have possession
15 or control of any gun, firearm, bow or crossbow unless the gun or firearm is unloaded,
16 the bow or crossbow is unstrung and the gun, firearm, bow or crossbow is enclosed
17 within a carrying case. The taking of predatory game birds and animals shall be done
18 as the department directs. All state wildlife refuge boundary lines shall be marked
19 by posts placed at intervals of not over 500 feet and bearing signs with the words
20 “Wisconsin Wildlife Refuge”.

21 **SECTION 14.** 29.091 (2) of the statutes is created to read:

22 29.091 (2) The prohibition in sub. (1), as it relates to the possession or control
23 of a loaded or unencased gun or firearm within a refuge established under s. 23.09
24 (2) (b), does not apply to any of the following:

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

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

5 (c) A retired officer, as defined in s. 941.23 (1) (d), to whom s. 941.23 (2) (c) 1.
6 to 7. applies.

7 (d) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state licensee, as
8 defined in s. 175.60 (1) (g), if the gun or firearm is a handgun, as defined in s. 175.60
9 (1) (bm).

10 **SECTION 15.** 29.314 (3) (b) 1. of the statutes is repealed and recreated to read:
11 29.314 (3) (b) 1. To any of the following:

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

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

16 c. A retired officer, as defined in s. 941.23 (1) (d), to whom s. 941.23 (2) (c) 1. to
17 7. applies.

18 d. A licensee, as defined in s. 175.60 (1) (d), or an out-of-state licensee, as
19 defined in s. 175.60 (1) (g), if the firearm is a handgun, as defined in s. 175.60 (1) (bm).

20 **SECTION 16.** 29.314 (4) (b) 1. of the statutes is renumbered 29.314 (4) (b) 1r. and
21 amended to read:

22 29.314 (4) (b) 1r. To ~~a peace officer on official business~~, an employee of the
23 department on official business or a person authorized by the department to conduct
24 a game census.

25 **SECTION 17.** 29.314 (4) (b) 1g. of the statutes is created to read:

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1 29.314 (4) (b) 1g. To any person under sub. (3) (b) 1.

2 **SECTION 18.** 29.621 (4) of the statutes is renumbered 29.621 (4) (intro.) and
3 amended to read:

4 29.621 (4) PROTECTION. (intro.) Except as provided in s. 29.091 (1), no owner
5 of a wildlife refuge, and no other person, may hunt or trap within the boundaries of
6 any wildlife refuge or have in his or her possession or under his or her control in the
7 wildlife refuge a gun, firearm, bow or crossbow, unless the gun or firearm is unloaded,
8 the bow or crossbow is unstrung and the gun, firearm, bow or crossbow is enclosed
9 within a carrying case. ~~Nothing in this section may prohibit, prevent or interfere~~
10 ~~with the department in the destruction of injurious animals.~~ This subsection, as it
11 relates to the possession or control of a loaded or unencased firearm, does not apply
12 to any of the following:

13 **SECTION 19.** 29.621 (4) (a) of the statutes is created to read:

14 29.621 (4) (a) 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 20.** 29.621 (4) (b) of the statutes is created to read:

17 29.621 (4) (b) A qualified out-of-state law enforcement officer, as defined in s.
18 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

19 **SECTION 21.** 29.621 (4) (c) of the statutes is created to read:

20 29.621 (4) (c) A retired officer, as defined in s. 941.23 (1) (d), to whom s. 941.23
21 (2) (c) 1. to 7. applies.

22 **SECTION 22.** 29.621 (4) (d) of the statutes is created to read:

23 29.621 (4) (d) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state
24 licensee, as defined in s. 175.60 (1) (g), if the gun or firearm is a handgun, as defined
25 in s. 175.60 (1) (bm).

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1 **SECTION 23.** 29.621 (6) of the statutes is created to read:

2 29.621 **(6)** INJURIOUS ANIMALS. Nothing in this section may prohibit, prevent,
3 or interfere with the department in the destruction of injurious animals.

4 **SECTION 24.** 48.685 (2) (bb) of the statutes is amended to read:

5 48.685 **(2)** (bb) If information obtained under par. (am) or (b) 1. indicates a
6 charge of a serious crime, but does not completely and clearly indicate the final
7 disposition of the charge, the department, county department, agency contracted
8 with under s. 48.651 (2), child welfare agency, school board, or entity shall make
9 every reasonable effort to contact the clerk of courts to determine the final disposition
10 of the charge. If a background information form under sub. (6) (a) or (am) indicates
11 a charge or a conviction of a serious crime, but information obtained under par. (am)
12 or (b) 1. does not indicate such a charge or conviction, the department, county
13 department, agency contracted with under s. 48.651 (2), child welfare agency, school
14 board, or entity shall make every reasonable effort to contact the clerk of courts to
15 obtain a copy of the criminal complaint and the final disposition of the complaint.
16 If information obtained under par. (am) or (b) 1., a background information form
17 under sub. (6) (a) or (am), or any other information indicates a conviction of a
18 violation of s. 940.19 (1), 940.195, 940.20, 941.30, 942.08, 947.01 (1), or 947.013
19 obtained not more than 5 years before the date on which that information was
20 obtained, the department, county department, agency contracted with under s.
21 48.651 (2), child welfare agency, school board, or entity shall make every reasonable
22 effort to contact the clerk of courts to obtain a copy of the criminal complaint and
23 judgment of conviction relating to that violation.

24 **SECTION 25.** 50.065 (2) (bb) of the statutes is amended to read:

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1 50.065 **(2)** (bb) If information obtained under par. (am) or (b) indicates a charge
2 of a serious crime, but does not completely and clearly indicate the final disposition
3 of the charge, the department or entity shall make every reasonable effort to contact
4 the clerk of courts to determine the final disposition of the charge. If a background
5 information form under sub. (6) (a) or (am), or any disclosure made pursuant to a
6 disclosure policy described under sub. (6) (am), indicates a charge or a conviction of
7 a serious crime, but information obtained under par. (am) or (b) does not indicate
8 such a charge or conviction, the department or entity shall make every reasonable
9 effort to contact the clerk of courts to obtain a copy of the criminal complaint and the
10 final disposition of the complaint. If information obtained under par. (am) or (b), a
11 background information form under sub. (6) (a) or (am), any disclosure made
12 pursuant to a disclosure policy described under sub. (6) (am), or any other
13 information indicates a conviction of a violation of s. 940.19 (1), 940.195, 940.20,
14 941.30, 942.08, 947.01 (1), or 947.013 obtained not more than 5 years before the date
15 on which that information was obtained, the department or entity shall make every
16 reasonable effort to contact the clerk of courts to obtain a copy of the criminal
17 complaint and judgment of conviction relating to that violation.

18 **SECTION 26.** 59.54 (6) of the statutes is amended to read:

19 59.54 **(6)** PEACE AND ORDER. The board may enact and enforce ordinances to
20 preserve the public peace and good order within the county including, but not limited
21 by enumeration, ordinances prohibiting conduct that is the same as or similar to
22 conduct that is prohibited by ss. 947.01 (1) and 947.02, and provide a forfeiture for
23 a violation of the ordinances.

24 **SECTION 27.** 66.0409 (3) (b) of the statutes is amended to read:

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1 66.0409 (3) (b) Nothing in this section prohibits a city, village or town that is
2 authorized to exercise village powers under s. 60.22 (3) from enacting an ordinance
3 or adopting a resolution that restricts the discharge of a firearm. Any ordinance or
4 resolution that restricts the discharge of a firearm does not apply and may not be
5 enforced if the actor's conduct is justified or, had it been subject to a criminal penalty,
6 would have been subject to a defense described in s. 939.45.

7 **SECTION 28.** 66.0409 (6) of the statutes is created to read:

8 66.0409 (6) No person may be in violation of, or be charged with a violation of,
9 an ordinance of a political subdivision relating to disorderly conduct or other
10 inappropriate behavior for loading, carrying, or going armed with a firearm, without
11 regard to whether the firearm is loaded or is concealed or openly carried. Any
12 ordinance in violation of this subsection does not apply and may not be enforced.

13 **SECTION 29.** 165.25 (12) of the statutes is created to read:

14 165.25 (12) RULES REGARDING CONCEALED WEAPONS LICENSES. Promulgate by
15 rule a list of states that issue a permit, license, approval, or other authorization to
16 carry a concealed weapon if the permit, license, approval, or other authorization
17 requires, or designates that the holder chose to submit to, a background search that
18 is comparable to a background check as defined in s. 175.60 (1) (ac).

19 **SECTION 30.** 165.60 of the statutes is amended to read:

20 **165.60 Law enforcement.** The department of justice is authorized to enforce
21 ss. 101.123 (2), (2m), and (8), 175.60 (17) (e), 944.30, 944.31, 944.33, 944.34, 945.02
22 (2), 945.03 (1m), and 945.04 (1m) and ch. 108 and, with respect to a false statement
23 submitted or made under s. 175.60 (7) (b) or (15) (b) 2., to enforce s. 946.32 and is
24 invested with the powers conferred by law upon sheriffs and municipal police officers
25 in the performance of those duties. This section does not deprive or relieve sheriffs,

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1 constables, and other local police officers of the power and duty to enforce those
2 sections, and those officers shall likewise enforce those sections.

3 **SECTION 31.** 165.81 (2) of the statutes is amended to read:

4 165.81 (2) Any electric weapon, as defined in s. 941.295 (4) (1c) (a), in the
5 possession of the laboratories shall either be destroyed or be turned over to an agency
6 authorized to have electric weapons under s. 941.295 (2).

7 **SECTION 32.** 165.82 (1) (intro.) of the statutes is amended to read:

8 165.82 (1) (intro.) Notwithstanding s. 19.35 (3), the department of justice shall
9 impose the following fees, plus any surcharge required under sub. (1m), for criminal
10 history searches for purposes unrelated to criminal justice or to s. 175.35, 175.49, or
11 175.60:

12 **SECTION 33.** 165.82 (2) of the statutes is amended to read:

13 165.82 (2) ~~Except as provided in s. 175.35, the~~ The department of justice shall
14 not impose fees for criminal history searches for purposes related to criminal justice.

15 **SECTION 34.** 167.30 of the statutes is renumbered 167.30 (1).

16 **SECTION 35.** 167.30 (2) of the statutes is created to read:

17 167.30 (2) Subsection (1) does not apply to the discharge of a firearm if the
18 actor's conduct is justified or, had it been subject to a criminal penalty, would have
19 been subject to a defense described in s. 939.45.

20 **SECTION 36.** 167.31 (1) (b) of the statutes is amended to read:

21 167.31 (1) (b) "Encased" means enclosed in a case ~~that is expressly made for~~
22 ~~the purpose of containing a firearm and~~ that is completely zipped, snapped, buckled,
23 tied or otherwise fastened with no part of the firearm exposed.

24 **SECTION 37.** 167.31 (2) (b) of the statutes is renumbered 167.31 (2) (b) 1. and
25 amended to read:

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1 167.31 (2) (b) 1. Except as provided in subd. 2. and sub. (4), no person may place,
2 possess, or transport a firearm, bow, or crossbow in or on a vehicle, unless the firearm
3 is unloaded and encased or unless the bow or crossbow is unstrung or is enclosed in
4 a carrying case not armed with a bolt or an arrow.

5 **SECTION 38.** 167.31 (2) (b) 2. of the statutes is created to read:

6 167.31 (2) (b) 2. No person may place, possess, or transport a bow or crossbow
7 in or on an all-terrain vehicle or a snowmobile, unless the bow or crossbow is
8 unstrung or is enclosed in a carrying case.

9 **SECTION 39.** 167.31 (4) (am) 2. of the statutes is amended to read:

10 167.31 (4) (am) 2. Subsection (2) (b) 1. does not apply to a peace officer who
11 places, possesses or transports a firearm in or on a vehicle, motorboat or aircraft
12 while in the line of duty.

13 **SECTION 40.** 167.31 (4) (am) 3. of the statutes is amended to read:

14 167.31 (4) (am) 3. Subsection (2) (b) 1. does not apply to a person employed as
15 a peace officer who places, possesses or transports a firearm in or on a vehicle while
16 traveling in the vehicle from his or her residence to his or her place of employment
17 as a peace officer.

18 **SECTION 41.** 167.31 (4) (ar) of the statutes is created to read:

19 167.31 (4) (ar) The restrictions under sub. (2) (a), (b) 1., and (c), and, if the
20 aircraft is not a commercial aircraft, sub. (3) (a) and (b), do not apply to any of the
21 following:

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

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

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1 3. A retired officer, as defined in s. 941.23 (1) (d), to whom s. 941.23 (2) (c) 1. to
2 7. applies.

3 4. A licensee, as defined in s. 175.60 (1) (d), or an out-of-state licensee, as
4 defined in s. 175.60 (1) (g).

5 **SECTION 42.** 167.31 (4) (at) of the statutes is created to read:

6 167.31 (4) (at) Subsections (2) (c) and (d) and (3) (b) do not apply to the
7 discharge of a firearm if the actor's conduct is justified or, had it been subject to a
8 criminal penalty, would have been subject to a defense described in s. 939.45.

9 **SECTION 43.** 167.31 (4) (b) of the statutes is amended to read:

10 167.31 (4) (b) Subsections (2) (a), (b) 1., and (c), (3) (a) and (b), and (3m) do not
11 apply to the holder of a scientific research license under s. 169.25 or a scientific
12 collector permit under s. 29.614 who is using a net gun or tranquilizer gun in an
13 activity related to the purpose for which the license or permit was issued.

14 **SECTION 44.** 167.31 (4) (d) of the statutes is amended to read:

15 167.31 (4) (d) Subsection (2) (b) 1. does not prohibit a person from leaning an
16 unloaded firearm against a vehicle.

17 **SECTION 45.** 167.31 (4) (f) of the statutes is amended to read:

18 167.31 (4) (f) Subsection (2) (d) does not prohibit a person from possessing a
19 loaded firearm within 50 feet of the center of a roadway if the person does not violate
20 sub. (2) (b) 1. or (c).

21 **SECTION 46.** 175.48 of the statutes is created to read:

22 **175.48 Law enforcement officer identification cards. (1)** In this section,
23 “Wisconsin law enforcement agency” has the meaning given in s. 175.46 (1) (f).

24 **(2)** If a Wisconsin law enforcement agency issues photographic identification
25 cards to its officers, it may not require an officer to relinquish his or her card when

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1 the officer retires from the Wisconsin law enforcement agency unless one of the
2 following applies:

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

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

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

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

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

17 **(4)** This section does not restrict a retired officer's right to go armed with a
18 firearm that is not concealed.

19 **SECTION 47.** 175.49 of the statutes is created to read:

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

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

23 (b) "Law enforcement agency" means an agency that consists of one or more
24 persons employed by the federal government, a state, or a political subdivision of a
25 state, the U.S. armed forces, or the national guard that has as its purposes the

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1 prevention and detection of crime and the enforcement of laws or ordinances, and
2 that is authorized to make arrests for crimes.

3 (c) “Law enforcement officer” means a person who is employed by a law
4 enforcement agency for the purpose of engaging in, or supervising others engaging
5 in, the prevention, detection, investigation, or prosecution of, or the incarceration of
6 any person for, any violation of law and who has statutory powers of arrest.

7 (d) “Retired federal officer” means a retired law enforcement officer who was
8 a law enforcement officer employed by a federal law enforcement agency and who
9 resides in Wisconsin.

10 (e) “Retired officer” means a law enforcement officer who retired from a state
11 or local law enforcement agency in Wisconsin.

12 **(2)** CERTIFICATION OF RETIRED OFFICERS. (a) Upon the request of a retired officer
13 and at the expense of the retired officer, a law enforcement agency that employed the
14 retired officer shall, except as provided in par. (b), issue the retired officer a
15 certification card as described in sub. (4) stating all of the following:

16 1. The type of firearm the retired officer is certified to carry, but no retired
17 officer may be certified to carry a machine gun, as defined in s. 941.27 (1), a firearm
18 silencer, or a destructive device.

19 2. The retired officer has met either the state’s standards for training and
20 qualification for law enforcement officers to carry firearms, or, if no state standards
21 exist, the law enforcement agency’s standards for training and qualification for law
22 enforcement officers to carry a firearm of the type under subd. 1.

23 3. The date on which the finding under subd. 2. was made and an expiration
24 date that is 12 months later than that date.

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1 4. That, due to the finding under subd. 2., the retired officer is qualified to carry
2 a concealed firearm of the type under subd. 1.

3 (b) The law enforcement agency may not issue the retired officer a certification
4 card under par. (a) unless the law enforcement agency first verifies all of the
5 following:

6 1. At the time he or she retired from the law enforcement agency, the retired
7 officer was employed as a law enforcement officer.

8 2. The retired officer retired in good standing from service as a law enforcement
9 officer for reasons other than mental instability.

10 3. The retired officer was regularly employed as a law enforcement officer for
11 at least the number of years of service specified in 18 USC 926C (c) (3) (A) or the
12 retired officer retired from law enforcement service due to a service–connected
13 disability, as determined by the retired officer’s employer, after completing any
14 applicable probationary period.

15 4. The retired officer has a nonforfeitable right to benefits under the retirement
16 plan of the law enforcement agency from which he or she retired.

17 5. The retired officer is not prohibited under federal law from possessing a
18 firearm as indicated by a search of the transaction information for management of
19 enforcement system and the national crime information center system.

20 6. The retired officer has, during the previous 12 months, met, at his or her own
21 expense, either the state’s standards for training and qualification for law
22 enforcement officers to carry firearms or, if no state standards exist, the law
23 enforcement agency’s standards for training and qualification for law enforcement
24 officers to carry the firearm of the type under par. (a) 1.

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1 **(3)** CERTIFICATION OF RETIRED FEDERAL OFFICERS. (a) Upon the request of a
2 retired federal officer and at the expense of the retired federal officer, the department
3 shall, except as provided in par. (b), issue the retired federal officer a certification
4 card as described in sub. (4) stating all of the following:

5 1. The type of firearm the retired federal officer is certified to carry, but no
6 retired federal officer may be certified to carry a machine gun, as defined in s. 941.27
7 (1), a firearm silencer, or a destructive device.

8 2. The retired federal officer has met either the state's standards for training
9 and qualification for law enforcement officers to carry firearms or, if no state
10 standards exist, the standards of the department's division of criminal investigation
11 for training and qualification for law enforcement officers to carry a firearm of the
12 type under subd. 1.

13 3. The date on which the finding under subd. 2. was made and an expiration
14 date that is 12 months later than that date.

15 4. That, due to the finding under subd. 2., the retired federal officer is qualified
16 to carry a concealed firearm of the type under subd. 1.

17 (b) The department may not issue the retired federal officer a certification card
18 under par. (a) unless the department first verifies all of the following:

19 1. At the time he or she retired from the federal law enforcement agency, the
20 retired federal officer was employed as a law enforcement officer.

21 2. The retired federal officer retired in good standing from service as a law
22 enforcement officer for reasons other than mental instability.

23 3. The retired federal officer was regularly employed as a law enforcement
24 officer for at least the number of years specified in 18 USC 926C (c) (3) (A) or the
25 retired federal officer retired from law enforcement service due to a

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1 service-connected disability, as determined by the retired federal officer's employer,
2 after completing any applicable probationary period.

3 4. The retired federal officer has a nonforfeitable right to benefits under the
4 retirement plan of the law enforcement agency from which he or she retired.

5 5. The retired federal officer is not prohibited under federal law from
6 possessing a firearm as indicated by a search of the transaction information for
7 management of enforcement system and the national crime information center
8 system.

9 6. The retired federal officer has, during the previous 12 months, met, at his
10 or her own expense, either the state's standards for training and qualification for law
11 enforcement officers to carry firearms or, if no state standards exist, the standards
12 of the department's division of criminal investigation for training and qualification
13 for law enforcement officers to carry the firearm of the type under par. (a) 1.

14 **(4) CERTIFICATION CARDS.** (a) 1. Subject to pars. (b), (c), and (d) and sub. (3) (a),
15 the department shall design a certification card to be issued by the department under
16 sub. (3) (a).

17 2. Subject to pars. (b), (c), and (d) and sub. (2) (a), each law enforcement agency
18 shall design a certification card to be issued by the law enforcement agency under
19 sub. (2) (a).

20 (b) A certification card shall contain on one side all of the following:

21 1. The full name, date of birth, and residence address of the person who holds
22 the certification card.

23 2. A photograph of the certification card holder and a physical description that
24 includes sex, height, and eye color.

25 3. The name of this state.

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1 (c) A certification card shall include a statement that the certification card does
2 not confer any law enforcement authority on the certification card holder and does
3 not make the certification card holder an employee or agent of the certifying agency
4 or department.

5 (d) A certification card may not contain the certification card holder's social
6 security number.

7 **(5) RENEWAL OF CERTIFICATION CARDS.** A person who holds a current certification
8 card issued under sub. (2) or (3) may renew the certification card by requesting the
9 department or the law enforcement agency, whichever issued the current
10 certification card, to renew the certification card at the expense of the person holding
11 the card, if, before the date the certification card expires, the law enforcement agency
12 verifies sub. (2) (b) 5. and 6., if the certification card holder is a retired officer, or the
13 department verifies sub. (3) (b) 5. and 6., if the certification card holder is a retired
14 federal officer, and the certification card holder provides any information necessary
15 for the verification. The renewal shall state the date on which verification was made
16 and an expiration date that is 12 months later than that date.

17 **(5m) FEES.** The department may charge a fee to verify eligibility for a
18 certification card under this section, for the issuance of a certification card under sub.
19 (3), or for the renewal of a certification card under sub. (5), but the fee may not exceed
20 the costs the department incurs in verifying eligibility or for issuing or renewing a
21 certification card. Payments made to the department under this subsection shall be
22 credited to the appropriation account under s. 20.455 (2) (gu).

23 **(6) IMMUNITY.** (a) When acting in good faith under this section, the department
24 and its employees and a law enforcement agency and its employees are immune from
25 civil and criminal liability arising from any act or omission under this section.

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1 (b) When acting in good faith under this section, an entity providing firearms
2 training to comply with the requirements under sub. (2) (a) 2., (3) (a) 2., or (5) and
3 its employees are immune from civil and criminal liability arising from any act or
4 omission that is related to that training.

5 (7) GOING ARMED WITH A FIREARM. This section does not limit a retired officer’s
6 right to go armed with a firearm that is not concealed.

7 **SECTION 48.** 175.60 of the statutes is created to read:

8 **175.60 License to carry a concealed weapon. (1) DEFINITIONS.** In this
9 section:

10 (ac) “Background check” means the searches the department conducts under
11 sub. (9g) to determine a person’s eligibility for a license to carry a concealed weapon.

12 (ag) “Carry” means to go armed with.

13 (b) “Department” means the department of justice.

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

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

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

21 (d) “Licensee” means an individual holding a valid license to carry a concealed
22 weapon issued under this section.

23 (e) “Motor vehicle” has the meaning given in s. 340.01 (35).

24 (f) “Out–of–state license” means a valid permit, license, approval, or other
25 authorization issued by another state if all of the following apply:

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1 1. The permit, license, approval, or other authorization is for the carrying of a
2 concealed weapon.

3 2. The state is listed in the rule promulgated by the department under s. 165.25
4 (12) and, if that state does not require a background search for the permit, license,
5 approval, or authorization, the permit, license, approval, or authorization
6 designates that the holder chose to submit to a background search.

7 (g) “Out-of-state licensee” means an individual who is 21 years of age or over,
8 who is not a Wisconsin resident, and who has been issued an out-of-state license.

9 (h) “Photographic identification card” means one of the following:

10 1. An operator’s license issued under ch. 343 or an identification card issued
11 under s. 343.50.

12 2. A license or card issued by a state other than Wisconsin that is substantially
13 equivalent to a license or card under subd. 1.

14 (i) “State identification card number” means the unique identifying driver
15 number assigned to a person by the department of transportation under s. 343.17 (3)
16 (a) 4. or, if the person has no driver number, the number assigned to the person on
17 an identification card issued under s. 343.50.

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

20 **(2) ISSUANCE AND SCOPE OF LICENSE.** (a) The department shall issue a license
21 to carry a concealed weapon to any individual who is not disqualified under sub. (3)
22 and who completes the application process specified in sub. (7). A license to carry a
23 concealed weapon issued under this section shall meet the requirements specified in
24 sub. (2m).

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1 (b) The department may not impose conditions, limitations, or requirements
2 that are not expressly provided for in this section on the issuance, scope, effect, or
3 content of a license.

4 (c) Unless expressly provided in this section, this section does not limit an
5 individual's right to carry a firearm that is not concealed.

6 **(2g)** CARRYING A CONCEALED WEAPON; POSSESSION AND DISPLAY OF LICENSE
7 DOCUMENT OR AUTHORIZATION. (a) A licensee or an out-of-state licensee may carry a
8 concealed weapon anywhere in this state except as provided under subs. (15m) and
9 (16) and ss. 943.13 (1m) (c) and (1n) and 948.605 (2) (b) 1r.

10 (b) Unless the licensee or out-of-state licensee is carrying a concealed weapon
11 in a manner described under s. 941.23 (2) (e), a licensee shall have with him or her
12 his or her license document and photographic identification card and an out-of-state
13 licensee shall have with him or her his or her out-of-state license and photographic
14 identification card at all times during which he or she is carrying a concealed
15 weapon.

16 (c) Unless the licensee or out-of-state licensee is carrying a concealed weapon
17 in a manner described under s. 941.23 (2) (e), a licensee who is carrying a concealed
18 weapon shall display his or her license document and photographic identification
19 card and an out-of-state licensee who is carrying a concealed weapon shall display
20 his or her out-of-state license and photographic identification card to a law
21 enforcement officer upon the request of the law enforcement officer.

22 **(2m)** LICENSE DOCUMENT; CONTENT OF LICENSE. (a) Subject to pars. (b), (bm), (c),
23 and (d), the department shall design a single license document for licenses issued and
24 renewed under this section. The department shall complete the design of the license

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1 document no later than the first day of the 2nd month beginning after the effective
2 date of this paragraph [LRB inserts date].

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

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

6 2. A physical description of the licensee, including sex, height, hair color, and
7 eye color.

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

9 4. The date on which the license expires.

10 5. The name of this state.

11 6. A unique identification number for each licensee.

12 (bm) The reverse side of a license document issued under this section shall
13 contain the requirement under sub. (11) (b) that the licensee shall inform the
14 department of any address change no later than 30 days after his or her address
15 changes and the penalty for a violation of the requirement.

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

17 (d) 1. The contents of the license document shall be included in the document
18 in substantially the same way that the contents of an operator's license document
19 issued under s. 343.17 are included in that document.

20 2. The identification card issued under this section shall be tamper proof in
21 substantially the same way that the operator's license is tamper proof under s.
22 343.17 (2).

23 (e) The department of justice may contract with the department of
24 transportation to produce and issue identification cards under this section. Neither
25 the department of transportation nor any employee of the department of

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1 transportation may store, maintain, or access the information provided by the
2 department of justice for the production or issuance of identification cards other than
3 to the extent necessary to produce or issue the identification cards.

4 **(3) RESTRICTIONS ON ISSUING A LICENSE.** The department shall issue a license
5 under this section to an individual who submits an application under sub. (7) unless
6 any of the following applies:

7 (a) The individual is less than 21 years of age.

8 (b) The individual is prohibited under federal law from possessing a firearm
9 that has been transported in interstate or foreign commerce.

10 (c) The individual is prohibited from possessing a firearm under s. 941.29.

11 (d) The individual is not a Wisconsin resident.

12 **(5) APPLICATION AND RENEWAL FORMS.** (a) The department shall design an
13 application form for use by individuals who apply for a license under this section and
14 a renewal form for use by individuals applying for renewal of a license under sub.
15 (15). The department shall complete the design of the application form no later than
16 the first day of the 2nd month beginning after the effective date of this paragraph ...
17 [LRB inserts date], and shall complete the design of the renewal form no later than
18 the first day of the 36th month beginning after the effective date of this paragraph
19 [LRB inserts date]. The forms shall require the applicant to provide only his or
20 her name, address, date of birth, state identification card number, race, sex, height,
21 hair color, and eye color and shall include all of the following:

22 1. A statement that the applicant is ineligible for a license if sub. (3) (a), (b), (c),
23 or (d) applies to the applicant.

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1 2. A statement explaining self-defense and defense of others under s. 939.48,
2 with a place for the applicant to sign his or her name to indicate that he or she has
3 read and understands the statement.

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

6 4. A statement that an applicant may be prosecuted if he or she intentionally
7 gives a false answer to any question on the application or intentionally submits a
8 falsified document with the application.

9 5. A statement of the penalties for intentionally giving a false answer to any
10 question on the application or intentionally submitting a falsified document with the
11 application.

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

17 (b) The department shall make the forms described in this subsection available
18 on the Internet and, upon request, by mail.

19 **(7) SUBMISSION OF APPLICATION.** An individual may apply for a license under this
20 section with the department by submitting, by mail or other means made available
21 by the department, to the department all of the following:

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

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

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1 (c) A license fee in an amount, as determined by the department by rule, that
2 is equal to the cost of issuing the license but does not exceed \$52. The department
3 shall determine the costs of issuing a license by using a 5–year planning period.

4 (d) A fee for a background check that is equal to the fee charged under s. 175.35
5 (2i).

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

8 (b) Within 21 days after receiving a complete application under sub. (7), the
9 department shall do one of the following:

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

12 2. Deny the application, but only if sub. (3) (a), (b), (c), or (d) applies to the
13 applicant. If the department denies the application, the department shall inform the
14 applicant in writing, stating the reason and factual basis for the denial.

15 **(9g) BACKGROUND CHECKS.** (a) The department shall conduct a background
16 check regarding an applicant for a license using the following procedure:

17 1. The department shall create a confirmation number associated with the
18 applicant.

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

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

22 a. If the background check indicates sub. (3) (b) or (c) applies to the applicant,
23 create a unique nonapproval number for the applicant.

24 b. If the completed background check does not indicate that sub. (3) (b) or (c)
25 applies to the applicant, create a unique approval number for the applicant.

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1 (b) The department shall maintain a record of all completed application forms
2 and a record of all approval or nonapproval numbers regarding background checks
3 under this subsection.

4 **(9r)** EMERGENCY LICENSE. (a) An individual who requires an immediate license
5 may petition the court in the county in which he or she resides for such a license.
6 Unless the court knows that the individual is ineligible for a license under sub. (3),
7 a court may issue a temporary license to an individual if the court determines that
8 immediate licensure is warranted to protect the individual from death or great bodily
9 harm, as defined in s. 939.22 (14).

10 (b) An emergency license issued under this subsection is valid for 30 days
11 unless revoked under par. (c).

12 (c) If the holder of an emergency license issued under par. (a) applies for a
13 license under sub. (7) and is determined to be ineligible under sub. (3) for a license,
14 the emergency license is void.

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:

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1 a. The individual is found by a court to have committed a felony or any other
2 crime that would disqualify the individual from having a license under this section.

3 b. The individual is found incompetent under s. 971.14.

4 c. The individual is found not guilty of any crime by reason of mental disease
5 or mental defect under s. 971.17.

6 d. The individual is involuntarily committed for treatment under s. 51.20 or
7 51.45.

8 e. The individual is found incompetent under ch. 54.

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

11 g. A court has prohibited the individual from possessing a dangerous weapon
12 under s. 969.02 (3) (c).

13 h. A court has ordered the individual not to possess a firearm under s. 51.20
14 (13) (cv) 1., 51.45 (13) (i) 1., 54.10 (3) (f) 1., or 55.12 (10) (a).

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

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

21 2. Except as provided in subd. 3., for a first violation of subd. 1., the department
22 must issue the licensee a warning.

23 3. If an individual is in violation of subd. 1. and his or her license has been
24 suspended or revoked under sub. (14), the individual is subject to the penalty under
25 sub. (17) (ac).

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1 4. A licensee may not be charged with a violation of subd. 1. if the department
2 learns of the violation when the licensee informs the department of the address
3 change.

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

11 (b) 1. A law enforcement officer may not request or be provided information
12 under par. (a) concerning a specific licensee except for one of the following purposes:

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

15 b. If an individual is carrying a concealed weapon and claims to hold a valid
16 license issued under this section but does not have his or her license document, to
17 confirm that the individual holds a valid license under this section.

18 c. To investigate whether an individual submitted an intentionally false
19 statement under sub. (7) (b) or (15) (b) 2.

20 d. To investigate whether an individual complied with sub. (14) (b) 3.

21 2. A person who is a law enforcement officer in a state other than Wisconsin
22 may request and be provided information under subd. 1. a. and b.

23 (c) Notwithstanding s. 19.35, the department of justice, the department of
24 transportation, or any employee of either department may not make information
25 obtained under this section available to the public except in the context of a

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1 prosecution for an offense in which the person's status as a licensee is relevant or
2 through a report created under sub. (19).

3 **(12g) PROVIDING LICENSEE INFORMATION TO LAW ENFORCEMENT AGENCIES.** (a) The
4 department shall provide information concerning a specific licensee to a law
5 enforcement agency, but only if the law enforcement agency is requesting the
6 information for any of the following purposes:

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

9 2. If an individual is carrying a concealed weapon and claims to hold a valid
10 license issued under this section but does not have his or her license document, to
11 confirm that an individual holds a valid license under this section.

12 3. If the law enforcement agency is a Wisconsin law enforcement agency, to
13 investigate whether an individual submitted an intentionally false statement under
14 sub. (7) (b) or (15) (b) 2.

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

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

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

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1 **(13)** LOST OR DESTROYED LICENSE. If a license document is lost, a licensee no
2 longer has possession of his or her license, or a license document is destroyed,
3 unreadable, or unusable, a licensee may submit to the department a statement
4 requesting a replacement license document, the license document or any portions of
5 the license document if available, and a \$15 replacement fee. The department shall
6 issue a replacement license document to the licensee within 14 days of receiving the
7 statement and fee. If the licensee does not submit the original license document to
8 the department, the department shall terminate the unique approval number of the
9 original request and issue a new unique approval number for the replacement
10 request.

11 **(14)** LICENSE REVOCATION AND SUSPENSION. (a) The department shall revoke a
12 license issued under this section if the department determines that sub. (3) (b), (c),
13 or (d) applies to the licensee.

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

21 (b) 1. If the department suspends or revokes a license issued under this section,
22 the department shall send the individual whose license has been suspended or
23 revoked notice of the suspension or revocation by certified mail within one day after
24 the suspension or revocation.

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1 2. If the department suspends or revokes a license under this section, the
2 suspension or revocation takes effect when the individual whose license has been
3 suspended or revoked receives the notice under subd. 1.

4 3. Within 7 days after receiving the notice, the individual whose license has
5 been suspended or revoked shall do one of the following:

6 a. Deliver the license document personally or by certified mail to the
7 department.

8 b. Mail a signed statement to the department stating that he or she no longer
9 has possession of his or her license document and stating the reasons why he or she
10 no longer has possession.

11 **(14g)** DEPARTMENTAL REVIEW. The department shall promulgate rules providing
12 for the review of any action by the department denying an application for, or
13 suspending or revoking, a license under this section.

14 **(14m)** APPEALS TO THE CIRCUIT COURT. (a) An individual aggrieved by any action
15 by the department denying an application for, or suspending or revoking, a license
16 under this section, may appeal directly to the circuit court of the county in which the
17 individual resides without regard to whether the individual has sought review under
18 the process established in sub. (14g).

19 (b) To begin an appeal under this subsection, the aggrieved individual shall file
20 a petition for review with the clerk of the applicable circuit court within 30 days of
21 receiving notice of denial of an application for a license or of suspension or revocation
22 of a license. The petition shall state the substance of the department's action from
23 which the individual is appealing and the grounds upon which the individual
24 believes the department's action to be improper. The petition may include a copy of

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1 any records or documents that are relevant to the grounds upon which the individual
2 believes the department's action to be improper.

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

6 (d) The department shall file an answer within 15 days after being served with
7 the petition under par. (c). The answer shall include a brief statement of the actions
8 taken by the department. The department shall include with the answer when filed
9 a copy of any documents or records on which the department based its action.

10 (e) The court shall review the petition, the answer, and any records or
11 documents submitted with the petition or the answer. The review under this
12 paragraph shall be conducted by the court without a jury but the court may schedule
13 a hearing and take testimony.

14 (f) The court shall reverse the department's action if the court finds any of the
15 following:

16 1. That the department failed to follow any procedure, or take any action,
17 prescribed under this section.

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

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

22 4. a. If the appeal is regarding a denial, that the denial was based on factors
23 other than the factors under sub. (3).

24 b. If the appeal is regarding a suspension or revocation, that the suspension or
25 revocation was based on criteria other than those under sub. (14) (a) or (am).

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

3 2. If the court reverses the department's action, the court may order the
4 department to pay the aggrieved individual all court costs and reasonable attorney
5 fees.

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

10 (b) The department shall design a notice of expiration form. At least 90 days
11 before the expiration date of a license issued under this section, the department shall
12 mail to the licensee a notice of expiration form and a form for renewing the license.
13 The department shall renew the license if, no later than 90 days after the expiration
14 date of the license, the licensee does all of the following:

15 1. Submits a renewal application on the form provided by the department.

16 2. Submits a statement reporting that the information provided under subd.

17 1. is true and complete to the best of his or her knowledge and that he or she is not
18 disqualified under sub. (3).

19 4. Pays all of the following:

20 a. A renewal fee in an amount, as determined by the department by rule, that
21 is equal to the cost of renewing the license but does not exceed \$27. The department
22 shall determine the costs of renewing a license by using a 5–year planning period.

23 b. A fee for a background check that is equal to the fee charged under s. 175.35
24 (2i).

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1 (c) The department shall conduct a background check of a licensee as provided
2 under sub. (9g) before renewing the licensee's license under par. (b).

3 (d) The department shall issue a renewal license by 1st class mail within 21
4 days of receiving a renewal application, statement, and fees under par. (b).

5 (e) The license of a member of the U.S. armed forces, a reserve unit of the armed
6 forces, or the national guard who is deployed overseas while on active duty may not
7 expire until at least 90 days after the end of the licensee's overseas deployment
8 unless the license is suspended or revoked under sub. (14).

9 **(15m) EMPLOYER RESTRICTIONS.** (a) Except as provided in par. (b), an employer
10 may prohibit a licensee or an out-of-state licensee that it employs from carrying a
11 concealed weapon or a particular type of concealed weapon in the course of the
12 licensee's or out-of-state licensee's employment or during any part of the licensee's
13 or out-of-state licensee's course of employment.

14 (b) An employer may not prohibit a licensee or an out-of-state licensee, as a
15 condition of employment, from carrying a concealed weapon, a particular type of
16 concealed weapon, or ammunition or from storing a weapon, a particular type of
17 weapon, or ammunition in the licensee's or out-of-state licensee's own motor vehicle,
18 regardless of whether the motor vehicle is used in the course of employment or
19 whether the motor vehicle is driven or parked on property used by the employer.

20 **(16) PROHIBITED ACTIVITY.** (a) Except as provided in par. (am) and s. 943.13 (1m)
21 and (1n), a licensee or an out-of-state licensee may carry a concealed weapon or a
22 weapon that is not concealed anywhere on publicly owned property and in publicly
23 owned buildings in this state.

24 (am) 1. Except as provided in subd. 2., neither a licensee nor an out-of-state
25 licensee may knowingly carry a concealed weapon, a weapon that is not concealed,

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1 or a firearm that is not a weapon in any portion of a building that is a police station,
2 sheriff's office, or state patrol station; a prison, jail, house of correction, or secured
3 correctional facility; a county, state, or federal courthouse; or a place beyond a
4 security checkpoint in an airport.

5 2. The prohibitions under subd. 1. do not apply to any of the following:

6 a. A weapon in a vehicle driven or parked in a parking facility located in a
7 building that is used as, or any portion of which is used as, a location under subd. 1.

8 b. A weapon in a courthouse if a judge who is a licensee is carrying the weapon
9 or if another licensee or out-of-state licensee, whom a judge has permitted in writing
10 to carry a weapon, is carrying the weapon.

11 c. A weapon in a courthouse if a district attorney, or an assistant district
12 attorney, who is a licensee is carrying the weapon.

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

15 (ac) Except as provided in sub. (11) (b) 2., any person who violates sub. (11) (b)
16 1. may be required to forfeit \$50.

17 (ag) Any person who violates sub. (2m) (e), (12), or (12g) may be fined not more
18 than \$500 or sentenced to a term of imprisonment of not more than 30 days or both.

19 (ar) Any law enforcement officer who uses excessive force based solely on an
20 individual's status as a licensee may be fined not more than \$500 or sentenced to a
21 term of imprisonment of not more than 30 days or both. The application of the
22 criminal penalty under this paragraph does not preclude the application of any other
23 civil or criminal remedy.

24 (b) Any person who violates sub. (16) (am) may be fined not more than \$500 or
25 imprisoned for not more than 30 days or both.

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1 (e) Any person required under sub. (14) (b) 3. to relinquish or deliver a license
2 document to the department who intentionally violates the requirements of that
3 subdivision shall be fined not more than \$500 and may be imprisoned for not more
4 than 30 days or both.

5 **(18) RECIPROCITY AGREEMENTS.** The department may enter into reciprocity
6 agreements with other states as to matters relating to licenses or other authorization
7 to carry concealed weapons.

8 **(19) STATISTICAL REPORT.** By March 1 of each year, the department shall submit
9 a statistical report to the legislature under s. 13.172 (2) and to the governor that
10 indicates the number of licenses applied for, issued, denied, suspended, and revoked
11 under this section during the previous calendar year. For the licenses denied, the
12 report shall indicate the reasons for the denials and the part of the application
13 process in which the reasons for denial were discovered. For the licenses suspended
14 or revoked, the report shall indicate the reasons for the suspensions and revocations.
15 The department may not include in the report any information that may be used to
16 identify an applicant or a licensee, including, but not limited to, a name, address,
17 birth date, or social security number.

18 **(21) IMMUNITY.** (a) The department of justice, the department of
19 transportation, and the employees of each department; clerks, as defined in sub. (11)
20 (a) 1. a., and their staff; and court automated information systems, as defined under
21 sub. (11) (a) 1. b., and their employees are immune from liability arising from any act
22 or omission under this section, if done so in good faith.

23 (b) A person that does not prohibit an individual from carrying a concealed
24 weapon on property that the person owns or occupies is immune from any liability
25 arising from its decision.

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

4 **SECTION 49.** 440.26 (3m) of the statutes is renumbered 440.26 (3m) (intro.) and
5 amended to read:

6 **440.26 (3m) RULES CONCERNING DANGEROUS WEAPONS.** (intro.) The department
7 shall promulgate rules relating to the carrying of dangerous weapons by a person
8 who holds a license or permit issued under this section or who is employed by a
9 person licensed under this section. The rules shall meet the minimum requirements
10 specified in 15 USC 5902 (b). and shall allow all of the following:

11 **SECTION 50.** 440.26 (3m) (a) of the statutes is created to read:

12 **440.26 (3m) (a)** A person who is employed in this state by a public agency as
13 a law enforcement officer to carry a concealed firearm if s. 941.23 (1) (e) 2. to 5. and
14 (2) (b) 1. to 3. applies.

15 **SECTION 51.** 440.26 (3m) (b) of the statutes is created to read:

16 **440.26 (3m) (b)** A qualified out-of-state law enforcement officer, as defined in
17 s. 941.23 (1) (e), to carry a concealed firearm if s. 941.23 (2) (b) 1. to 3. applies.

18 **SECTION 52.** 440.26 (3m) (c) of the statutes is created to read:

19 **440.26 (3m) (c)** A retired officer, as defined in s. 941.23 (1) (d), to carry a
20 concealed firearm if s. 941.23 (2) (c) 1. to 7. applies.

21 **SECTION 53.** 440.26 (3m) (d) of the statutes is created to read:

22 **440.26 (3m) (d)** A licensee, as defined in s. 175.60 (1) (d), or an out-of-state
23 licensee, as defined in s. 175.60 (1) (g), to carry a concealed weapon as permitted
24 under s. 175.60.

25 **SECTION 54.** 813.12 (6) (am) 1. of the statutes is amended to read:

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1 813.12 (6) (am) 1. If an injunction is issued or extended under sub. (4) or if a
2 tribal injunction is filed under s. 806.247 (3), the clerk of the circuit court shall notify
3 the department of justice of the injunction and shall provide the department of
4 justice with information concerning the period during which the injunction is in
5 effect and information necessary to identify the respondent for purposes of a firearms
6 restrictions record search under s. 175.35 (2g) (c) or a background check under s.
7 175.60 (9g) (a).

8 **SECTION 55.** 813.122 (9) (am) 1. of the statutes is amended to read:

9 813.122 (9) (am) 1. If an injunction is issued or extended under sub. (5), the
10 clerk of the circuit court shall notify the department of justice of the injunction and
11 shall provide the department of justice with information concerning the period
12 during which the injunction is in effect and information necessary to identify the
13 respondent for purposes of a firearms restrictions record search under s. 175.35 (2g)
14 (c) or a background check under s. 175.60 (9g) (a).

15 **SECTION 56.** 813.125 (5r) (a) of the statutes is amended to read:

16 813.125 (5r) (a) If an order prohibiting a respondent from possessing a firearm
17 is issued under sub. (4m), the clerk of the circuit court shall notify the department
18 of justice of the existence of the order prohibiting a respondent from possessing a
19 firearm and shall provide the department of justice with information concerning the
20 period during which the order is in effect and information necessary to identify the
21 respondent for purposes of a firearms restrictions record search under s. 175.35 (2g)
22 (c) or a background check under s. 175.60 (9g) (a).

23 **SECTION 57.** 895.527 (5) (a) of the statutes is amended to read:

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

4 **SECTION 58.** 938.396 (2g) (n) of the statutes is amended to read:

5 938.396 **(2g)** (n) *Firearms restriction record search or background check*. If a
6 juvenile is adjudged delinquent for an act that would be a felony if committed by an
7 adult, the court clerk shall notify the department of justice of that fact. No other
8 information from the juvenile’s court records may be disclosed to the department of
9 justice except by order of the court. The department of justice may disclose any
10 information provided under this subsection only as part of a firearms restrictions
11 record search under s. 175.35 (2g) (c) or a background check under s. 175.60 (9g) (a).

12 **SECTION 59.** 939.22 (10) of the statutes is amended to read:

13 939.22 **(10)** “Dangerous weapon” means any firearm, whether loaded or
14 unloaded; any device designed as a weapon and capable of producing death or great
15 bodily harm; any ligature or other instrumentality used on the throat, neck, nose, or
16 mouth of another person to impede, partially or completely, breathing or circulation
17 of blood; any electric weapon, as defined in s. 941.295 (4) (1c) (a); or any other device
18 or instrumentality which, in the manner it is used or intended to be used, is
19 calculated or likely to produce death or great bodily harm.

20 **SECTION 60.** 941.23 of the statutes is renumbered 941.23 (2) (intro.) and
21 amended to read:

22 941.23 **(2)** (intro.) Any person ~~except a peace officer, other than one of the~~
23 following, who goes armed with carries a concealed and dangerous weapon is guilty
24 of a Class A misdemeanor. ~~Notwithstanding:~~

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1 (a) A peace officer, but notwithstanding s. 939.22, for purposes of this section
2 paragraph, peace officer does not include a commission warden who is not a
3 state-certified commission warden.

4 **SECTION 61.** 941.23 (1) of the statutes is created to read:

5 941.23 (1) In this section:

6 (ag) “Carry” has the meaning given in s. 175.60 (1) (ag).

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

8 (b) “Law enforcement agency” has the meaning given in s. 175.49 (1) (b).

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

10 (d) “Retired officer” means a person who, before retiring, was employed as a law
11 enforcement officer with a public agency.

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

14 1. The person is employed by a state or local government agency in another
15 state.

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

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

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

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

21 **SECTION 62.** 941.23 (2) (b) of the statutes is created to read:

22 941.23 (2) (b) A qualified out-of-state law enforcement officer. This paragraph
23 applies only if all of the following apply:

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

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

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

3 **SECTION 63.** 941.23 (2) (c) of the statutes is created to read:

4 941.23 (2) (c) A retired officer. This paragraph applies only if all of the following
5 apply:

6 1. The retired officer has been issued a photographic identification document
7 described in sub. (3) (b) 1. or both of the following:

8 a. A photographic identification document described in sub. (3) (b) 2. (intro.).

9 b. An identification card described in sub. (3) (b) 2. a., if the retired officer
10 resides in this state, or a certification described in sub. (3) (b) 2. b., if the retired
11 officer resides in another state.

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

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

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

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

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

22 7. The retired officer is not prohibited under federal law from possessing a
23 firearm.

24 **SECTION 64.** 941.23 (2) (d) of the statutes is created to read:

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1 941.23 **(2)** (d) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state
2 licensee, as defined in s. 175.60 (1) (g), if the dangerous weapon is a weapon, as
3 defined under s. 175.60 (1) (j). An individual formerly licensed under s. 175.60 whose
4 license has been suspended or revoked under s. 175.60 (14) may not assert his or her
5 refusal to accept a notice of revocation or suspension mailed under s. 175.60 (14) (b)
6 1. as a defense to prosecution under this subsection, regardless of whether the person
7 has complied with s. 175.60 (11) (b) 1.

8 **SECTION 65.** 941.23 (2) (e) of the statutes is created to read:

9 941.23 **(2)** (e) An individual who carries a concealed and dangerous weapon,
10 as defined in s. 175.60 (1) (j), in his or her own dwelling or place of business or on land
11 that he or she owns, leases, or legally occupies.

12 **SECTION 66.** 941.23 (3) of the statutes is created to read:

13 941.23 **(3)** (a) A qualified out-of-state law enforcement officer shall, while
14 carrying a concealed firearm, also have with him or her an identification card that
15 contains his or her photograph and that was issued by the law enforcement agency
16 by which he or she is employed.

17 (b) A retired officer shall, while carrying a concealed firearm, also have with
18 him or her one of the following:

19 1. A photographic identification document issued by the retired officer's former
20 employer that indicates that, within the 12 months preceding the date on which the
21 retired officer is carrying the concealed firearm, he or she was tested or otherwise
22 found by the law enforcement agency from which the retired officer retired to meet
23 the standards for qualification in firearms training that the law enforcement agency
24 sets for active duty law enforcement officers to carry a firearm of the same type as
25 the firearm that the retired officer is carrying.

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1 2. A photographic identification document issued by the law enforcement
2 agency from which the retired officer retired and one of the following:

3 a. A certification card issued under s. 175.49 (2), if the retired officer resides
4 in this state.

5 b. A certification issued by the state in which the retired officer resides, if the
6 retired officer resides in another state, that indicates that, within the 12 months
7 preceding the date on which the retired officer is carrying the concealed firearm, he
8 or she was tested or otherwise found by that state to meet the standards for
9 qualification in firearms training that the state sets for active duty law enforcement
10 officers to carry a firearm of the same type as the firearm that the retired officer is
11 carrying.

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

14 (d) This subsection does not apply to a licensee, as defined in s. 175.60 (1) (d),
15 or an out-of-state licensee, as defined in s. 175.60 (1) (g).

16 **SECTION 67.** 941.235 (2) of the statutes is renumbered 941.235 (2) (intro.) and
17 amended to read:

18 941.235 (2) (intro.) This section does not apply to peace any of the following:

19 (a) Peace officers or armed forces or military personnel who go armed in the line
20 of duty or to any person duly authorized by the chief of police of any city, village or
21 town, the chief of the capitol police, or the sheriff of any county to possess a firearm
22 in any building under sub. (1). Notwithstanding s. 939.22 (22), for purposes of this
23 subsection paragraph, peace officer does not include a commission warden who is not
24 a state-certified commission warden.

25 **SECTION 68.** 941.235 (2) (c) of the statutes is created to read:

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1 941.235 (2) (c) A qualified out-of-state law enforcement officer, as defined in
2 s. 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

3 **SECTION 69.** 941.235 (2) (d) of the statutes is created to read:

4 941.235 (2) (d) A retired officer, as defined in s. 941.23 (1) (d), to whom s. 941.23
5 (2) (c) 1. to 7. applies.

6 **SECTION 70.** 941.235 (2) (e) of the statutes is created to read:

7 941.235 (2) (e) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state
8 licensee, as defined in s. 175.60 (1) (g).

9 **SECTION 71.** 941.237 (3) (cr) of the statutes is created to read:

10 941.237 (3) (cr) A qualified out-of-state law enforcement officer, as defined in
11 s. 941.23 (1) (e), to whom s. 941.23 (2) (b) 1. to 3. applies.

12 **SECTION 72.** 941.237 (3) (ct) of the statutes is created to read:

13 941.237 (3) (ct) A retired officer, as defined in s. 941.23 (1) (d), to whom s. 941.23
14 (2) (c) 1. to 7. applies.

15 **SECTION 73.** 941.237 (3) (cx) of the statutes is created to read:

16 941.237 (3) (cx) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state
17 licensee, as defined in s. 175.60 (1) (g), if the licensee or out-of-state licensee is not
18 consuming alcohol on the premises.

19 **SECTION 74.** 941.237 (4) of the statutes is repealed.

20 **SECTION 75.** 941.295 (1) of the statutes is renumbered 941.295 (1m).

21 **SECTION 76.** 941.295 (1c) (b) and (c) of the statutes are created to read:

22 941.295 (1c) (b) “Licensee” has the meaning given in s. 175.60 (1) (d).

23 (c) “Out-of-state licensee” has the meaning given in s. 175.60 (1) (g).

24 **SECTION 77.** 941.295 (2) (intro.) of the statutes is amended to read:

25 941.295 (2) (intro.) Subsection (1) (1m) does not apply to any of the following:

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1 **SECTION 78.** 941.295 (2) (d) of the statutes is renumbered 941.295 (2) (d) (intro.)
2 and amended to read:

3 941.295 **(2)** (d) (intro.) Any manufacturer or seller whose of electric weapons
4 are used in this state solely by persons, unless the manufacturer or seller engages
5 in the conduct described in sub. (1m) with the intent to provide an electric weapon
6 to someone other than one of the following:

7 1. A person specified in pars. (a) to (c), a licensee, or an out-of-state licensee.

8 **SECTION 79.** 941.295 (2) (d) 2. of the statutes is created to read:

9 941.295 **(2)** (d) 2. A person for use in his or her dwelling or place of business
10 or on land that he or she owns, leases, or legally occupies.

11 **SECTION 80.** 941.295 (2g) of the statutes is created to read:

12 941.295 **(2g)** The prohibition in sub. (1m) on possessing or going armed with
13 an electric weapon does not apply to any of the following:

14 (a) A licensee or an out-of-state licensee.

15 (b) An individual who goes armed with an electric weapon in his or her own
16 dwelling or place of business or on land that he or she owns, leases, or legally
17 occupies.

18 **SECTION 81.** 941.295 (2r) of the statutes is created to read:

19 941.295 **(2r)** The prohibition in sub. (1m) on transporting an electric weapon
20 does not apply to any of the following:

21 (a) A licensee or an out-of-state licensee.

22 (b) An individual who is not a licensee or an out-of-state licensee who
23 transports an electric weapon if the electric weapon is enclosed within a carrying
24 case.

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1 **SECTION 82.** 941.295 (4) of the statutes is renumbered 941.295 (1c) (intro.) and
2 amended to read:

3 941.295 **(1c)** (intro.) In this section, ~~“electric;~~

4 (a) “Electric weapon” means any device which is designed, redesigned, used or
5 intended to be used, offensively or defensively, to immobilize or incapacitate persons
6 by the use of electric current.

7 **SECTION 83.** 943.13 (1e) (a) of the statutes is renumbered 943.13 (1e) (ar).

8 **SECTION 84.** 943.13 (1e) (aL) of the statutes is created to read:

9 943.13 **(1e)** (aL) “Carry” has the meaning given in s. 175.60 (1) (ag).

10 **SECTION 85.** 943.13 (1e) (bm) of the statutes is created to read:

11 943.13 **(1e)** (bm) “Licensee” means a licensee, as defined in s. 176.60 (1) (d), or
12 an out-of-state licensee, as defined in s. 175.60 (1) (g).

13 **SECTION 86.** 943.13 (1e) (cm) of the statutes is created to read:

14 943.13 **(1e)** (cm) “Nonresidential building” includes any privately or publicly
15 owned building on the grounds of a university or college.

16 **SECTION 87.** 943.13 (1e) (g) of the statutes is created to read:

17 943.13 **(1e)** (g) “Out-of-state licensee” has the meaning given in s. 175.60 (1)
18 (g).

19 **SECTION 88.** 943.13 (1m) (b) of the statutes is amended to read:

20 943.13 **(1m)** (b) Enters or remains on any land of another after having been
21 notified by the owner or occupant not to enter or remain on the premises. This
22 paragraph does not apply to a licensee or out-of-state licensee if the owner’s or
23 occupant’s intent is to prevent the licensee or out-of-state licensee from carrying a
24 firearm on the owner’s or occupant’s land.

25 **SECTION 89.** 943.13 (1m) (c) of the statutes is created to read:

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

11 2. While carrying a firearm, enters or remains in any part of a nonresidential
12 building that the actor does not own or occupy after the owner of the building, if that
13 part of the building has not been leased to another person, or the occupant of that
14 part of the building has notified the actor not to enter or remain in that part of the
15 building while carrying a firearm or with that type of firearm. This subdivision does
16 not apply to a part of a building occupied by the state or by a local governmental unit
17 or, if the firearm is in a vehicle driven or parked in the parking facility, to any part
18 of a building used as a parking facility.

19 **SECTION 90.** 943.13 (1n) of the statutes is created to read:

20 943.13 **(1n)** A person is guilty of a Class C misdemeanor if he or she, while
21 carrying a firearm, enters or remains in any part of a building that is owned,
22 occupied, or controlled by the state or any local governmental unit, excluding any
23 building or portion of a building under s. 175.60 (16) (am) 1., if the state or local
24 governmental unit has notified the actor not to enter or remain in the building while
25 carrying a firearm or with that type of firearm. This subsection does not apply to a

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1 person who leases residential or business premises in the building or, if the firearm
2 is in a vehicle driven or parked in the parking facility, to any part of the building used
3 as a parking facility.

4 **SECTION 91.** 943.13 (2) of the statutes is renumbered 943.13 (2) (am), and
5 943.13 (2) (am) (intro.) and 1., as renumbered, are amended to read:

6 943.13 (2) (am) (intro.) A person has received notice from the owner or occupant
7 within the meaning of sub. (1m) (b), (e) or (f) if he or she has been notified personally,
8 either orally or in writing, or if the land is posted. Land is considered to be posted
9 under this subsection paragraph under either of the following procedures:

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

19 **SECTION 92.** 943.13 (2) (bm) of the statutes is created to read:

20 943.13 (2) (bm) 1. In this paragraph, “sign” means a sign that states a
21 restriction imposed under subd. 2. that is at least 8.5 inches by 11 inches and colored
22 orange as described in s. 29.301 (2).

23 2. For the purposes of subs. (1m) (c) 2. and (1n), an owner or occupant of a part
24 of a nonresidential building or the state or a local governmental unit has notified an
25 individual not to enter or remain in that part of the building while carrying a firearm

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1 or with a particular type of firearm if the owner, occupant, state, or local
2 governmental unit has posted a sign that is located in a prominent place near all of
3 the entrances to the part of the building to which the restriction applies and any
4 individual entering the building can be reasonably expected to see the sign.

5 **SECTION 93.** 943.13 (3) of the statutes is amended to read:

6 943.13 (3) Whoever erects on the land of another signs which are the same as
7 or similar to those described in sub. (2) (am) without obtaining the express consent
8 of the lawful occupant of or holder of legal title to such land is subject to a Class C
9 forfeiture.

10 **SECTION 94.** 946.71 of the statutes is created to read:

11 **946.71 Unlawful use of license for carrying concealed weapons. (1)** In
12 this section, “license” means a license issued under s. 175.60 (2) or (9r).

13 **(2)** Whoever does any of the following is guilty of a Class A misdemeanor:

14 (a) Intentionally represents as valid any revoked, suspended, fictitious, or
15 fraudulently altered license.

16 (b) If the actor holds a license, intentionally sells or lends the license to any
17 other individual or knowingly permits another individual to use the license.

18 (c) Intentionally represents as one’s own any license not issued to him or her.

19 (d) If the actor holds a license, intentionally permits any unlawful use of that
20 license.

21 (e) Intentionally reproduces by any means a copy of a license for a purpose that
22 is prohibited under this subsection.

23 (f) Intentionally defaces or intentionally alters a license.

24 **SECTION 95.** 947.01 of the statutes is renumbered 947.01 (1).

25 **SECTION 96.** 947.01 (2) of the statutes is created to read:

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

4 **SECTION 97.** 947.011 (2) (a) 1. of the statutes is amended to read:

5 947.011 **(2)** (a) 1. Engage in conduct that is prohibited under s. 947.01 (1) within
6 500 feet of any entrance to a facility being used for the service with the intent to
7 disrupt the service.

8 **SECTION 98.** 947.011 (2) (c) 1. of the statutes is amended to read:

9 947.011 **(2)** (c) 1. Engage in conduct that is prohibited under s. 947.01 (1) within
10 500 feet of any entrance to a facility being used for the service.

11 **SECTION 99.** 947.011 (2) (d) of the statutes is amended to read:

12 947.011 **(2)** (d) No person may impede vehicles that are part of a funeral
13 procession if the person's conduct violates s. 947.01 (1).

14 **SECTION 100.** 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 ~~(4)~~ (1c) (a); metallic knuckles
17 or 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 101.** 948.605 (1) (a) and (am) of the statutes are repealed.

25 **SECTION 102.** 948.605 (2) (b) (intro.) of the statutes is amended to read:

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1 948.605 (2) (b) (intro.) Paragraph (a) does not apply to the possession of a
2 firearm by any of the following:

3 **SECTION 103.** 948.605 (2) (b) 1. to 5. and 7. of the statutes are repealed.

4 **SECTION 104.** 948.605 (2) (b) 1m. and 1r. of the statutes are created to read:

5 948.605 (2) (b) 1m. A person who possesses the firearm in accordance with 18
6 USC 922 (q) (2) (B) (i), (iii), (iv), (v), (vi), or (vii).

7 1r. Except if the person is in or on the grounds of a school, a person who
8 possesses the firearm in accordance with 18 USC 922 (q) (2) (B) ii. for purposes of 18
9 USC 922 (q) (2) (B) (ii), an out-of-state licensee, as defined in s. 175.60 (1) (g), is fully
10 licensed under the laws of this state.

11 **SECTION 105.** 948.605 (2) (b) 6. of the statutes is renumbered 948.605 (2) (b) 2m.
12 and amended to read:

13 948.605 (2) (b) 2m. ~~By a law enforcement officer or~~ A state-certified
14 commission warden acting in his or her official capacity; ~~or,~~

15 **SECTION 106.** 948.605 (2) (b) 8. of the statutes is renumbered 948.605 (2) (b) 3m.
16 and amended to read:

17 948.605 (2) (b) 3m. ~~By a~~ A person who is legally hunting in a school forest if
18 the school board has decided that hunting may be allowed in the school forest under
19 s. 120.13 (38).

20 **SECTION 107.** 968.255 (1) (a) 2. of the statutes is amended to read:

21 968.255 (1) (a) 2. Arrested for any misdemeanor under s. 167.30 (1), 940.19,
22 941.20 (1), 941.23, 941.237, 941.24, 948.60, or 948.61.

23 **SECTION 108.** 971.37 (1m) (a) 2. of the statutes is amended to read:

24 971.37 (1m) (a) 2. An adult accused of or charged with a criminal violation of
25 s. 940.19, 940.20 (1m), 940.201, 940.225, 940.23, 940.285, 940.30, 940.42, 940.43,

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1 940.44, 940.45, 940.48, 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49,
2 947.01 (1), 947.012 or 947.0125 and the conduct constituting the violation involved
3 an act by the adult person against his or her spouse or former spouse, against an
4 adult with whom the adult person resides or formerly resided or against an adult
5 with whom the adult person has created a child.

6 **SECTION 109.** 973.055 (1) (a) 1. of the statutes is amended to read:

7 973.055 **(1)** (a) 1. The court convicts the person of a violation of a crime specified
8 in s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.19, 940.20 (1m), 940.201, 940.21,
9 940.225, 940.23, 940.235, 940.285, 940.30, 940.305, 940.31, 940.42, 940.43, 940.44,
10 940.45, 940.48, 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49, 947.01 (1),
11 947.012 or 947.0125 or of a municipal ordinance conforming to s. 940.201, 941.20,
12 941.30, 943.01, 943.011, 943.14, 943.15, 946.49, 947.01 (1), 947.012 or 947.0125; and

13 **SECTION 110. Nonstatutory provisions.**

14 (1) Using the procedure under section 227.24 of the statutes, the department
15 of justice shall promulgate rules required under section 165.25 (12) of the statutes,
16 as created by this act, for the period before the effective date of the permanent rules
17 promulgated under those sections, but not to exceed the period authorized under
18 section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a),
19 (2) (b), and (3) of the statutes, the department is not required to provide evidence that
20 promulgating a rule under this subsection as an emergency rule is necessary for the
21 preservation of public peace, health, safety, or welfare and is not required to provide
22 a finding of an emergency for a rule promulgated under this subsection.

23 **SECTION 111. Effective dates.** This act takes effect on the first day of the 4th
24 month beginning after publication, except as follows:

