

# State of Wisconsin



2011 Senate Bill 93

Date of enactment:  
Date of publication\*:

## 2011 WISCONSIN ACT

**AN ACT** *to repeal* 941.237 (4) and 948.605 (2) (b) 1., 2., 4., 5. and 7.; *to renumber* 167.30, 941.295 (1), 943.13 (1e) (a) and 947.01; *to renumber and amend* 29.089 (2), 29.091, 29.621 (4), 167.31 (3) (a), 440.26 (3m), 941.23, 941.235 (2), 941.295 (2) (d), 941.295 (4), 943.13 (2), 948.605 (2) (b) 6. and 948.605 (2) (b) 8.; *to amend* 23.33 (3) (e), 48.685 (2) (bb), 50.065 (2) (bb), 59.54 (6), 66.0409 (3) (b), 165.60, 165.81 (2), 165.82 (1) (intro.), 165.82 (2), 167.31 (1) (b), 167.31 (2) (a), 167.31 (2) (b), 167.31 (2) (c), 813.12 (6) (am) 1., 813.122 (9) (am) 1., 813.125 (5r) (a), 895.527 (5) (a), 938.396 (2g) (n), 939.22 (10), 941.295 (2) (intro.), 943.13 (1m) (b), 943.13 (3), 947.011 (2) (a) 1., 947.011 (2) (c) 1., 947.011 (2) (d), 948.60 (1), 948.605 (2) (a), 948.605 (2) (b) (intro.), 968.255 (1) (a) 2., 971.37 (1m) (a) 2. and 973.055 (1) (a) 1.; and *to create* 20.455 (2) (gs), 20.455 (2) (gu), 29.089 (2) (a), 29.089 (2) (b), 29.089 (2) (c), 29.089 (2) (d), 29.091 (2), 29.621 (4) (a), 29.621 (4) (b), 29.621 (4) (c), 29.621 (4) (d), 29.621 (6), 66.0409 (6), 165.25 (12), 167.30 (2), 167.31 (3) (a) 2., 167.31 (4) (at), 175.48, 175.49, 175.60, 440.26 (3m) (a), 440.26 (3m) (b), 440.26 (3m) (c), 440.26 (3m) (d), 941.23 (1), 941.23 (2) (b), 941.23 (2) (c), 941.23 (2) (d), 941.23 (2) (e), 941.23 (3), 941.235 (2) (c), 941.235 (2) (d), 941.235 (2) (e), 941.237 (3) (cr), 941.237 (3) (ct), 941.237 (3) (cx), 941.295 (1c) (b) and (c), 941.295 (2) (d) 2., 941.295 (2g), 941.295 (2r), 943.13 (1e) (aL), 943.13 (1e) (bm), 943.13 (1e) (cm), 943.13 (1e) (g), 943.13 (1e) (h), 943.13 (1m) (c), 943.13 (2) (bm), 946.71, 947.01 (2) and 948.605 (2) (b) 1m. and 1r. of the statutes; **relating to:** carrying a concealed weapon; licenses authorizing persons to carry concealed weapons; possessing or transporting a firearm, bow, or crossbow under certain circumstances; disorderly conduct limitations; photographic identification cards for former law enforcement officers; providing an exemption from emergency rule procedures; requiring the exercise of rule-making authority; making appropriations; and providing penalties.

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

**SECTION 1.** 20.455 (2) (gs) of the statutes is created to read:

20.455 (2) (gs) *Background check for licenses to carry concealed weapons.* The amounts in the schedule to provide services under s. 175.60. All moneys received as fee payments under s. 175.60 (7) (c) and (d), (13), and (15) (b) 4. a. and b. shall be credited to this appropriation.

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

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

**SECTION 3.** 23.33 (3) (e) of the statutes is amended to read:

23.33 (3) (e) With any firearm in his or her possession unless it is unloaded and enclosed in a carrying case or unless the firearm is a handgun, as defined in s. 175.60 (1) (bm), or any bow unless it is unstrung or enclosed in a carrying case.

\* Section 991.11, WISCONSIN STATUTES 2009-10: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

**SECTION 4.** 29.089 (2) of the statutes is renumbered 29.089 (2) (intro.) and amended to read:

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

**SECTION 5.** 29.089 (2) (a) of the statutes is created to read:

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

**SECTION 6.** 29.089 (2) (b) of the statutes is created to read:

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

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

29.089 (2) (c) A former officer, as defined in s. 941.23 (1) (c), to whom s. 941.23 (2) (c) 1. to 7. applies.

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

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

**SECTION 9.** 29.091 of the statutes is renumbered 29.091 (1) and amended to read:

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

**SECTION 10.** 29.091 (2) of the statutes is created to read:

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

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

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

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

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

**SECTION 11.** 29.621 (4) of the statutes is renumbered 29.621 (4) (intro.) and amended to read:

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

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

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

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

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

**SECTION 14.** 29.621 (4) (c) of the statutes is created to read:

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

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

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

**SECTION 16.** 29.621 (6) of the statutes is created to read:

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

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

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

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

**SECTION 18.** 50.065 (2) (bb) of the statutes is amended to read:

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

**SECTION 19.** 59.54 (6) of the statutes is amended to read:

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

**SECTION 20.** 66.0409 (3) (b) of the statutes is amended to read:

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

**SECTION 21.** 66.0409 (6) of the statutes is created to read:

66.0409 (6) Unless other facts and circumstances that indicate a criminal or malicious intent on the part of the person apply, no person may be in violation of, or be charged with a violation of, an ordinance of a political subdivision relating to disorderly conduct or other inappropriate behavior for loading, carrying, or going armed with a firearm, without regard to whether the firearm is loaded or is concealed or openly carried. Any ordinance in violation of this subsection does not apply and may not be enforced.

**SECTION 22.** 165.25 (12) of the statutes is created to read:

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

**SECTION 23.** 165.60 of the statutes is amended to read:

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

**SECTION 24.** 165.81 (2) of the statutes is amended to read:

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

**SECTION 25.** 165.82 (1) (intro.) of the statutes is amended to read:

165.82 (1) (intro.) Notwithstanding s. 19.35 (3), the department of justice shall impose the following fees, plus any surcharge required under sub. (1m), for criminal

history searches for purposes unrelated to criminal justice or to s. 175.35, 175.49, or 175.60:

**SECTION 26.** 165.82 (2) of the statutes is amended to read:

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

**SECTION 27.** 167.30 of the statutes is renumbered 167.30 (1).

**SECTION 28.** 167.30 (2) of the statutes is created to read:

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

**SECTION 29.** 167.31 (1) (b) of the statutes is amended to read:

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

**SECTION 30.** 167.31 (2) (a) of the statutes is amended to read:

167.31 (2) (a) Except as provided in sub. (4), no person may place, possess, or transport a firearm, bow, or crossbow in or on a motorboat with the motor running, ~~unless the firearm is a handgun, as defined in s. 175.60 (1) (bm), unless~~ the firearm is unloaded, or unless the bow or crossbow is unstrung or is enclosed in a carrying case.

**SECTION 31.** 167.31 (2) (b) of the statutes is amended to read:

167.31 (2) (b) Except as provided in sub. (4), no person may place, possess, or transport a firearm, bow, or crossbow in or on a vehicle, ~~unless the firearm is a handgun, as defined in s. 175.60 (1) (bm), unless~~ the firearm is unloaded and encased, or unless the bow or crossbow is unstrung or is enclosed in a carrying case.

**SECTION 32.** 167.31 (2) (c) of the statutes is amended to read:

167.31 (2) (c) Except as provided in sub. (4), no person may load a firearm, other than a handgun, as defined in s. 175.60 (1) (bm), in a vehicle or discharge a firearm or shoot a bolt or an arrow from a bow or crossbow in or from a vehicle.

**SECTION 33.** 167.31 (3) (a) of the statutes is renumbered 167.31 (3) (a) (intro.) and amended to read:

167.31 (3) (a) (intro.) Except as provided in sub. (4), no person may place, do any of the following:

1. Place, possess, or transport a firearm, bow, or crossbow in or on ~~an~~ a commercial aircraft, unless the firearm is unloaded and encased or unless the bow or crossbow is unstrung or is enclosed in a carrying case.

**SECTION 34.** 167.31 (3) (a) 2. of the statutes is created to read:

167.31 (3) (a) 2. Place, possess, or transport a firearm, bow, or crossbow in or on a noncommercial aircraft, unless the firearm is unloaded and encased or the firearm is a handgun, as defined in s. 175.60 (1) (bm), or unless the bow or crossbow is unstrung or is enclosed in a carrying case.

**SECTION 35.** 167.31 (4) (at) of the statutes is created to read:

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

**SECTION 36.** 175.48 of the statutes is created to read:

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

(2) If a Wisconsin law enforcement agency issues photographic identification cards to its officers, it may not require an officer to relinquish his or her card when the officer separates from service with the Wisconsin law enforcement agency unless one of the following applies:

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

(b) The officer did not separate from service in good standing as a law enforcement officer with the agency.

(c) The officer served as a law enforcement officer for an aggregate of less than 10 years. This paragraph does not apply if the officer, after completing any applicable probationary period of service with the agency, separated from service with the agency due to a service-connected disability, as determined by the agency.

(d) Either of the following applies:

1. A qualified medical professional employed by the law enforcement agency has found the officer to be unqualified to be a law enforcement officer for reasons related to the officer's mental health.

2. The officer has entered into an agreement with the law enforcement agency from which he or she is separating from service in which the officer acknowledges that he or she is not qualified to be a law enforcement officer for reasons related to the officer's mental health and in which the officer declines the photographic identification for that reason.

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

(4) This section does not restrict the right of an officer who has separated from service to go armed with a firearm that is not concealed.

**SECTION 37.** 175.49 of the statutes is created to read:

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

- (a) “Department” means the department of justice.
- (b) “Destructive device” has the meaning given in 18 USC 921 (a) (4).
- (c) “Firearm silencer” has the meaning given in s. 941.298 (1).
- (d) “Former federal law enforcement officer” means a person who separated from service as a law enforcement officer at a federal law enforcement agency and who resides in Wisconsin.
- (e) “Former law enforcement officer” means a person who separated from service as a law enforcement officer at a state or local law enforcement agency in Wisconsin.
- (f) “Law enforcement agency” means an agency that consists of one or more persons employed by the federal government, including any agency described under 18 USC 926C (e) (2); a state, or a political subdivision of a state; the U.S. armed forces; or the national guard, that has as its purposes the prevention and detection of crime and the enforcement of laws or ordinances, and that is authorized to make arrests for crimes.
- (g) “Law enforcement officer” means a person who is employed by a law enforcement agency for the purpose of engaging in, or supervising others engaging in, the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law and who has statutory powers of arrest.
- (h) “Machine gun” has the meaning given in s. 941.27 (1).

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

- 1. The type of firearm the former law enforcement officer is certified to carry, but no former law enforcement officer may be certified to carry a machine gun, a firearm silencer, or a destructive device.
- 2. The former law enforcement officer has been found by the state, or by a certified firearms instructor if such an instructor is qualified to conduct a firearms qualification test for active law enforcement officers in the state, to meet the standards for qualification in firearms training for active law enforcement officers to carry a firearm of the type under subd. 1., that are established by the state or, if the state does not establish standards, by the law enforcement agency from which the former law enforcement officer separated.

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

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

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

- 1. The former law enforcement officer separated from service as a law enforcement officer with the law enforcement agency in good standing.
- 2. The former law enforcement officer served as a law enforcement officer for an aggregate of at least 10 years or the former law enforcement officer separated from law enforcement service due to a service-connected disability, as determined by the law enforcement agency, after completing any applicable probationary period.
- 3. Both of the following:
  - a. A qualified medical professional employed by the law enforcement agency has not found the former law enforcement officer to be unqualified to be a law enforcement officer for reasons related to the former officer’s mental health.
  - b. The former law enforcement officer has not entered into an agreement with the law enforcement agency from which he or she separated from service in which the former officer acknowledges that he or she is not qualified to be a law enforcement officer for reasons related to his or her mental health and in which he or she declines the photographic identification for that reason.
- 4. The former law enforcement officer is not prohibited under federal law from possessing a firearm as indicated by a search of the transaction information for management of enforcement system and the national criminal background check system.
- 5. The former law enforcement officer has, during the previous 12 months at his or her own expense, been found by the state, or by a certified firearms instructor if such an instructor is qualified to conduct a firearms qualification test for active law enforcement officers in the state, to meet the standards for qualification in firearms training for active law enforcement officers to carry a firearm of the type under par. (a) 1., that are established by the state or, if the state does not establish standards, by the law enforcement agency from which the former law enforcement officer separated.

(3) **CERTIFICATION OF FORMER FEDERAL LAW ENFORCEMENT OFFICERS.** (a) Upon the request of a former federal law enforcement officer and at the expense of the former federal law enforcement officer, the department may, except as provided in par. (b), issue the former federal law enforcement officer a certification card as described in sub. (4) stating all of the following:

1. The type of firearm the former federal law enforcement officer is certified to carry, but no former federal law enforcement officer may be certified to carry a machine gun, a firearm silencer, or a destructive device.

2. The former federal law enforcement officer been found by the state, or by a certified firearms instructor if such an instructor is qualified to conduct a firearms qualification test for active law enforcement officers in the state, to meet the standards for qualification in firearms training for active law enforcement officers to carry a firearm of the type under subd. 1., that are established by the state or, if the state does not establish standards, by any law enforcement agency in the state.

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

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

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

1. The former federal law enforcement officer separated from service as a law enforcement officer with the law enforcement agency in good standing.

2. The former federal law enforcement officer served as a law enforcement officer for an aggregate of at least 10 years or the former federal law enforcement officer separated from law enforcement service due to a service-connected disability, as determined by the law enforcement agency from which the former federal law enforcement officer separated, after completing any applicable probationary period.

3. a. A qualified medical professional employed by the law enforcement agency from which the former federal law enforcement officer separated has not found the former federal law enforcement officer to be unqualified to be a law enforcement officer for reasons related to the former officer's mental health.

b. The former federal law enforcement officer has not entered into an agreement with the law enforcement agency from which he or she separated from service in which the former officer acknowledges that he or she is not qualified to be a law enforcement officer for reasons related to his or her mental health.

4. The former federal law enforcement officer is not prohibited under federal law from possessing a firearm as indicated by a search of the transaction information for management of enforcement system and the national criminal background check system.

5. The former federal law enforcement officer has, during the previous 12 months at his or her own expense, been found by the state, or by a certified firearms instructor if such an instructor is qualified to conduct a firearms qualification test for active law enforcement officers in the state, to meet the standards for qualification in fire-

arms training for active law enforcement officers to carry a firearm of the type under par. (a) 1., that are established by the state or, if the state does not establish standards, by any law enforcement agency in the state.

(c) If, under par. (a), the department issues a former federal law enforcement officer a certification card, the department shall add the former federal law enforcement officer's information to the list the department maintains under s. 175.60 (12) (a).

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

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

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

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

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

3. The name of this state.

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

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

(5) RENEWAL OF CERTIFICATION CARDS. A person who holds a current certification card issued under sub. (2) or (3) may renew the certification card by requesting the law enforcement agency or the department, whichever issued the current certification card, to renew the certification card at the expense of the person holding the card, if, before the date the certification card expires, the law enforcement agency verifies sub. (2) (b) 4. and 5. if the certification card holder is a former law enforcement officer, or the department verifies sub. (3) (b) 4. and 5. if the certification card holder is a former federal law enforcement officer, and the certification card holder provides any information necessary for the verification. The renewal shall state the date on which verification was made and an expiration date that is 12 months later than that date.

(5m) FEES. The department may charge a fee to verify eligibility for a certification card under this section, for the issuance of a certification card under sub. (3), or for the renewal of a certification card under sub. (5), but the fee may not exceed the costs the department incurs in verifying eligibility or for issuing or renewing a certification card. Payments made to the department

under this subsection shall be credited to the appropriation account under s. 20.455 (2) (gu).

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

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

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

**SECTION 38.** 175.60 of the statutes is created to read:  
**175.60 License to carry a concealed weapon. (1)**

DEFINITIONS. In this section:

(ac) "Background check" means the searches the department conducts under sub. (9g) to determine a person's eligibility for a license to carry a concealed weapon.

(ag) "Carry" means to go armed with.

(b) "Department" means the department of justice.

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

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

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

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

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

(f) "Out-of-state license" means a valid permit, license, approval, or other authorization issued by another state if all of the following apply:

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

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

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

(h) "Photographic identification card" means one of the following:

1. An operator's license issued under ch. 343 or an identification card issued under s. 343.50.

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

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

(j) "Weapon" means a handgun, an electric weapon, as defined in s. 941.295 (1c) (a), a knife other than a switchblade knife under s. 941.24, or a billy club.

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

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

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

(d) For purposes of 18 USC 922 (q) (2) (B) (ii), an out-of-state licensee is licensed by this state.

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

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

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

enforcement officer is acting in an official capacity and with lawful authority.

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

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

1. The full name, date of birth, and residence address of the licensee.
2. A physical description of the licensee, including sex, height, and eye color.
3. The date on which the license was issued.
4. The date on which the license expires.
5. The name of this state.
6. A unique identification number for each licensee.

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

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

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

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

(e) The department of justice may contract with the department of transportation to produce and issue license documents under this section. Neither the department of transportation nor any employee of the department of transportation may store, maintain, or access the information provided by the department of justice for the production or issuance of license documents other than to the extent necessary to produce or issue the license documents.

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

- (a) The individual is less than 21 years of age.
- (b) The individual is prohibited under federal law from possessing a firearm that has been transported in interstate or foreign commerce.
- (c) The individual is prohibited from possessing a firearm under s. 941.29.
- (d) The court has prohibited the individual from possessing a dangerous weapon under s. 969.02 (3) (c) or 969.03 (1) (c).

(e) The individual is on release under s. 969.01 and the individual may not possess a dangerous weapon as a condition of the release.

(f) The individual is not a Wisconsin resident.

(g) The individual has not provided proof of training as described under sub. (4) (a).

**(4) TRAINING REQUIREMENTS.** (a) The proof of training requirement under sub. (7) (e) may be met by any of the following:

1. A copy of a document, or an affidavit from an instructor or organization that conducted the course or program, that indicates the individual completed any of the following:

a. The hunter education program established under s. 29.591 or a substantially similar program that is established by another state, country, or province and that is recognized by the department of natural resources.

b. A firearms safety or training course that is conducted by a national or state organization that certifies firearms instructors.

c. A firearms safety or training course that is available to the public and is offered by a law enforcement agency or, if the course is taught by an instructor who is certified by a national or state organization that certifies firearms instructors or by the department, by a technical college, a college or a university, a private or public institution or organization, or a firearms training school.

d. A firearms safety or training course that is offered to law enforcement officers or to owners and employees of licensed private detective and security agencies.

e. A firearms safety or training course that is conducted by a firearms instructor who is certified by a national or state organization that certifies firearms instructors or who is certified by the department.

2. Documentation that the individual completed military, law enforcement, or security training that gave the individual experience with firearms that is substantially equivalent to a course or program under subd. 1.

3. A current or expired license, or a photocopy of a current or expired license, that the individual holds or has held that indicates that the individual is licensed or has been licensed to carry a firearm in this state or in another state or in a county or municipality of this state or of another state unless the license has been revoked for cause.

4. Documentation of completion of small arms training while serving in the U.S. armed forces, reserves, or national guard as demonstrated by an honorable discharge or general discharge under honorable conditions or a certificate of completion of basic training with a service record of successful completion of small arms training and certification.

(b) 1. The department shall certify instructors for the purposes of par. (a) 1. c. and e. and shall maintain a list of instructors that it certifies. To be certified by the



department as an instructor, a person must meet all of the following criteria:

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

b. Be able to demonstrate the ability and knowledge required for providing firearms safety and training.

2. The department may not require firing live ammunition to meet the training requirements under par. (a).

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

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

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

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

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

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

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

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

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

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

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

(c) A license fee in an amount, as determined by the department by rule, that is equal to the cost of issuing the license but does not exceed \$37. The department shall determine the costs of issuing a license by using a 5-year planning period.

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

(e) Proof of training as described under sub. (4) (a).

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

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

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

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

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

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

2. The department shall conduct a criminal history record search and shall search its records and conduct a search in the national instant criminal background check system to determine whether the applicant is prohibited from possessing a firearm under federal law; whether the applicant is prohibited from possessing a firearm under s. 941.29; whether the applicant is prohibited from possessing a firearm under s. 51.20 (13) (cv) 1., 2007 stats.; whether the applicant has been ordered not to possess a firearm under s. 51.20 (13) (cv) 1., 51.45 (13) (i) 1., 54.10 (3) (f) 1., or 55.12 (10) (a); whether the applicant is subject to an injunction under s. 813.12 or 813.122, or a tribal injunction, as defined in s. 813.12 (1) (e), issued by a court established by any federally recognized Wisconsin Indian tribe or band, except the Menominee Indian tribe of Wisconsin, that includes notice to the respondent that he or she is subject to the requirements and penalties under s. 941.29 and that has been filed with the circuit court under s. 806.247 (3); and whether the applicant is prohibited from possessing a firearm under s. 813.125 (4m); and to determine if the court has prohibited the applicant from possessing a dangerous weapon under s. 969.02 (3) (c) or 969.03 (1) (c) and if the applicant is pro-

hibited from possessing a dangerous weapon as a condition of release under s. 969.01.

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

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

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

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

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

(b) An emergency license issued under this subsection is valid for 30 days unless it is revoked under par. (bm) or it is void under par. (c).

(bm) If the court determines that a holder of an emergency license issued under par. (a) is ineligible under sub. (3) for a license, the court shall revoke the emergency license.

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

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

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

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

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

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

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

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

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

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

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

g. A court has prohibited the individual from possessing a dangerous weapon under s. 969.02 (3) (c) or 969.03 (1) (c).

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

i. The individual is on release under s. 969.01 and the individual may not possess a dangerous weapon as a condition of the release.

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

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

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

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

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

**(12) MAINTENANCE, USE, AND PUBLICATION OF RECORDS BY THE DEPARTMENT.** (a) The department shall maintain a computerized record listing the names and the information specified in sub. (2m) (b) of all individuals who have been issued a license under this section and all individuals issued a certification card under s. 175.49 (3). Subject to par. (b) 1. b., neither the department nor any employee of the department may store, maintain, format, sort, or access the information in any way other than by the names, dates of birth, or sex of licensees or individuals or by the identification numbers assigned to licensees under sub. (2m) (b) 6.

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

a. To confirm that a license or certification card produced by an individual at the request of a law enforcement officer is valid.

b. If an individual is carrying a concealed weapon and claims to hold a valid license issued under this section or a valid certification card issued under s. 175.49 (3) but does not have his or her license document or certifica-

tion card, to confirm that the individual holds a valid license or certification card.

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

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

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

(c) Notwithstanding s. 19.35, the department of justice, the department of transportation, or any employee of either department may not make information obtained under this section available to the public except in the context of a prosecution for an offense in which the person's status as a licensee or holder of a certification card is relevant or through a report created under sub. (19).

**(12g) PROVIDING LICENSEE INFORMATION TO LAW ENFORCEMENT AGENCIES.** (a) The department shall provide information concerning a specific individual on the list maintained under sub. (12) (a) to a law enforcement agency, but only if the law enforcement agency is requesting the information for any of the following purposes:

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

2. If an individual is carrying a concealed weapon and claims to hold a valid license issued under this section or a valid certification card issued under s. 175.49 (3) but does not have his or her license document or certification card, to confirm that an individual holds a valid license or certification card.

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

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

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

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

**(13) LOST OR DESTROYED LICENSE.** If a license document is lost, a licensee no longer has possession of his or her license, or a license document is destroyed, unreadable, or unusable, a licensee may submit to the department a statement requesting a replacement license document, the license document or any portions of the license document if available, and a \$12 replacement fee. The department shall issue a replacement license document to the licensee within 14 days of receiving the statement and fee. If the licensee does not submit the original license document to the department, the department shall terminate the unique approval number of the original request and issue a new unique approval number for the replacement request.

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

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

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

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

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

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

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

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

**(14m) APPEALS TO THE CIRCUIT COURT.** (a) An individual aggrieved by any action by the department denying an application for, or suspending or revoking, a

license under this section, may appeal directly to the circuit court of the county in which the individual resides without regard to whether the individual has sought review under the process established in sub. (14g).

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

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

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

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

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

1. That the department failed to follow any procedure, or take any action, prescribed under this section.
2. That the department erroneously interpreted a provision of law and a correct interpretation compels a different action.
3. That the department's action depends on a finding of fact that is not supported by substantial evidence in the record.

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

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

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

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

**(15) LICENSE EXPIRATION AND RENEWAL.** (a) Except as provided in par. (e) and sub. (9r) (b), a license issued under this section is valid for a period of 5 years from the

date on which the license is issued unless the license is suspended or revoked under sub. (14).

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

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

2. Submits a statement reporting that the information provided under subd. 1. is true and complete to the best of his or her knowledge and that he or she is not disqualified under sub. (3).

4. Pays all of the following:

a. A renewal fee in an amount, as determined by the department by rule, that is equal to the cost of renewing the license but does not exceed \$12. The department shall determine the costs of renewing a license by using a 5-year planning period.

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

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

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

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

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

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

**(16) PROHIBITED ACTIVITY.** (a) Except as provided in par. (b), neither a licensee nor an out-of-state licensee may knowingly carry a concealed weapon, a weapon that

is not concealed, or a firearm that is not a weapon in any of the following places:

1. Any portion of a building that is a police station, sheriff's office, state patrol station, or the office of a division of criminal investigation special agent of the department.
2. Any portion of a building that is a prison, jail, house of correction, or secured correctional facility.
3. The facility established under s. 46.055.
4. The center established under s. 46.056.
5. Any secured unit or secured portion of a mental health institute under s. 51.05, including a facility designated as the Maximum Security Facility at Mendota Mental Health Institute.
6. Any portion of a building that is a county, state, or federal courthouse.
7. Any portion of a building that is a municipal courtroom if court is in session.
8. A place beyond a security checkpoint in an airport.

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

1. A weapon in a vehicle driven or parked in a parking facility located in a building that is used as, or any portion of which is used as, a location under par. (a).
2. A weapon in a courthouse or courtroom if a judge who is a licensee is carrying the weapon or if another licensee or out-of-state licensee, whom a judge has permitted in writing to carry a weapon, is carrying the weapon.
3. A weapon in a courthouse or courtroom if a district attorney, or an assistant district attorney, who is a licensee is carrying the weapon.

(17) PENALTIES. (a) Any person who violates sub. (2g) (b) or (c) may be required to forfeit not more than \$25, except that the person shall be exempted from the forfeiture if the person presents, within 48 hours, his or her license document or out-of-state license and photographic identification to the law enforcement agency that employs the requesting law enforcement officer.

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

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

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

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

(c) An instructor of a training course under sub. (4) (a) who intentionally submits false documentation indicating that an individual has met the training requirements under sub. (4) (a) may be prosecuted for a violation of s. 946.32.

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

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

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

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

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

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

(d) A person providing a firearms training course in good faith is immune from liability arising from any act or omission related to the course if the course is one described in sub. (4) (a).

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

440.26 (3m) RULES CONCERNING DANGEROUS WEAPONS. (intro.) The department shall promulgate rules relating to the carrying of dangerous weapons by a person who holds a license or permit issued under this section or who is employed by a person licensed under this section. The rules shall meet the minimum requirements speci-

fied in 15 USC 5902 (b)- and shall allow all of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

813.125 (5r) (a) If an order prohibiting a respondent from possessing a firearm is issued under sub. (4m), the clerk of the circuit court shall notify the department of justice of the existence of the order prohibiting a respondent from possessing a firearm and shall provide the department of justice with information concerning the

period during which the order is in effect and information necessary to identify the respondent for purposes of a firearms restrictions record search under s. 175.35 (2g) (c) or a background check under s. 175.60 (9g) (a).

**SECTION 47.** 895.527 (5) (a) of the statutes is amended to read:

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

**SECTION 48.** 938.396 (2g) (n) of the statutes is amended to read:

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

**SECTION 49.** 939.22 (10) of the statutes is amended to read:

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

**SECTION 50.** 941.23 of the statutes is renumbered 941.23 (2) (intro.) and amended to read:

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

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

**SECTION 51.** 941.23 (1) of the statutes is created to read:

941.23 (1) In this section:

(ag) "Carry" has the meaning given in s. 175.60 (1) (ag).

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

(b) "Firearm silencer" has the meaning given in s. 941.298 (1).

(c) "Former officer" means a person who served as a law enforcement officer with a law enforcement agency before separating from law enforcement service.

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

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

(f) “Machine gun” has the meaning given in s. 941.27 (1).

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

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

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

3. The person is not the subject of any disciplinary action by the agency that could result in the suspension or loss of the person’s law enforcement authority.

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

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

**SECTION 52.** 941.23 (2) (b) of the statutes is created to read:

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

1. The weapon is a firearm but is not a machine gun or a destructive device.

2. The officer is not carrying a firearm silencer.

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

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

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

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

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

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

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

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

4. The weapon is not a machine gun or a destructive device.

5. The former officer is not carrying a firearm silencer.

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

7. The former officer is not prohibited under federal law from possessing a firearm.

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

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

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

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

**SECTION 56.** 941.23 (3) of the statutes is created to read:

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

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

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

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

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

b. A certification issued by the state in which the former officer resides, if the former officer resides in another state, that indicates that, within the 12 months preceding the date on which the former officer is carrying the concealed firearm, he or she has been found by the state in which he or she resides, or by a certified firearms instructor if such an instructor is qualified to conduct a firearms qualification test for active law enforcement officers in that state, to meet the standards for qualification in firearms training for active law enforcement offi-

cers to carry a firearm of the type he or she is carrying, that are established by his or her state of residence or, if that state does not establish standards, by any law enforcement agency in his or her state of residence.

(c) A person who violates this subsection may be required to forfeit not more than \$25, except that the person shall be exempted from the forfeiture if the person presents, within 48 hours, his or her license document or out-of-state license and photographic identification to the law enforcement agency that employs the requesting law enforcement officer.

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

**SECTION 57.** 941.235 (2) of the statutes is renumbered 941.235 (2) (intro.) and amended to read:

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

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

**SECTION 58.** 941.235 (2) (c) of the statutes is created to read:

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

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

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

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

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

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

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

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

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

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

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

**SECTION 64.** 941.237 (4) of the statutes is repealed.

**SECTION 65.** 941.295 (1) of the statutes is renumbered 941.295 (1m).

**SECTION 66.** 941.295 (1c) (b) and (c) of the statutes are created to read:

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

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

**SECTION 67.** 941.295 (2) (intro.) of the statutes is amended to read:

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

**SECTION 68.** 941.295 (2) (d) of the statutes is renumbered 941.295 (2) (d) (intro.) and amended to read:

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

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

**SECTION 69.** 941.295 (2) (d) 2. of the statutes is created to read:

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

**SECTION 70.** 941.295 (2g) of the statutes is created to read:

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

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

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

**SECTION 71.** 941.295 (2r) of the statutes is created to read:

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

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

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

**SECTION 72.** 941.295 (4) of the statutes is renumbered 941.295 (1c) (intro.) and amended to read:

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

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

**SECTION 73.** 943.13 (1e) (a) of the statutes is renumbered 943.13 (1e) (ar).



**SECTION 74.** 943.13 (1e) (aL) of the statutes is created to read:

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

**SECTION 75.** 943.13 (1e) (bm) of the statutes is created to read:

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

**SECTION 76.** 943.13 (1e) (cm) of the statutes is created to read:

943.13 (1e) (cm) “Nonresidential building” includes a nursing home as defined in s. 50.01 (3), a community-based residential facility as defined in s. 50.01 (1g), a residential care apartment complex as defined in s. 50.01 (1d), an adult family home as defined in s. 50.01 (1), and a hospice as defined in s. 50.90 (1).

**SECTION 77.** 943.13 (1e) (g) of the statutes is created to read:

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

**SECTION 78.** 943.13 (1e) (h) of the statutes is created to read:

943.13 (1e) (h) “Special event” means an event that is open to the public, is for a duration of not more than 3 weeks, and either has designated entrances to and from the event that are locked when the event is closed or requires an admission.

**SECTION 79.** 943.13 (1m) (b) of the statutes is amended to read:

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

**SECTION 80.** 943.13 (1m) (c) of the statutes is created to read:

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

1m. While carrying a firearm, enters or remains in a common area in a building, or on the grounds of a building, that is a residence that is not a single-family residence if the actor does not own the residence or does not occupy any part of the residence, if the owner of the residence has notified the actor not to enter or remain in the common area or on the grounds while carrying a firearm or with that type of firearm. This subdivision does not apply to a part of the grounds of the building if that part is used for parking and the firearm is in a vehicle driven or parked in that part.

2. While carrying a firearm, enters or remains in any part of a nonresidential building, grounds of a nonresidential building, or land that the actor does not own or occupy after the owner of the building, grounds, or land, if that part of the building, grounds, or land has not been leased to another person, or the occupant of that part of the building, grounds, or land has notified the actor not to enter or remain in that part of the building, grounds, or land while carrying a firearm or with that type of firearm. This subdivision does not apply to a part of a building, grounds, or land occupied by the state or by a local governmental unit, to a privately or publicly owned building on the grounds of a university or college, or to the grounds of or land owned or occupied by a university or college, or, if the firearm is in a vehicle driven or parked in the parking facility, to any part of a building, grounds, or land used as a parking facility.

3. While carrying a firearm, enters or remains at a special event if the organizers of the special event have notified the actor not to enter or remain at the special event while carrying a firearm or with that type of firearm. This subdivision does not apply, if the firearm is in a vehicle driven or parked in the parking facility, to any part of the special event grounds or building used as a parking facility.

4. Enters or remains in any part of a building that is owned, occupied, or controlled by the state or any local governmental unit, excluding any building or portion of a building under s. 175.60 (16) (a), if the state or local governmental unit has notified the actor not to enter or remain in the building while carrying a firearm or with that type of firearm. This subdivision does not apply to a person who leases residential or business premises in the building or, if the firearm is in a vehicle driven or parked in the parking facility, to any part of the building used as a parking facility.

5. Enters or remains in any privately or publicly owned building on the grounds of a university or college, if the university or college has notified the actor not to enter or remain in the building while carrying a firearm or with that type of firearm. This subdivision does not apply to a person who leases residential or business premises in the building or, if the firearm is in a vehicle driven

or parked in the parking facility, to any part of the building used as a parking facility.

**SECTION 81.** 943.13 (2) of the statutes is renumbered 943.13 (2) (am), and 943.13 (2) (am) (intro.) and 1., as renumbered, are amended to read:

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

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

**SECTION 82.** 943.13 (2) (bm) of the statutes is created to read:

943.13 (2) (bm) 1. In this paragraph, “sign” means a sign that states a restriction imposed under subd. 2. that is at least 5 inches by 7 inches.

2. a. For the purposes of sub. (1m) (c) 1m., an owner of a residence that is not a single-family residence has notified an individual not to enter or remain in a part of that building, or on the grounds of that building, while carrying a firearm or with a particular type of firearm if the owner has posted a sign that is located in a prominent place near all of the entrances to the part of the building to which the restriction applies or near all probable access points to the grounds to which the restriction applies and any individual entering the building or the grounds can be reasonably expected to see the sign.

am. For the purposes of sub. (1m) (c) 2., 4., and 5., an owner or occupant of a part of a nonresidential building, the state or a local governmental unit, or a university or a college has notified an individual not to enter or remain in a part of the building while carrying a firearm or with a particular type of firearm if the owner, occupant, state, local governmental unit, university, or college has posted a sign that is located in a prominent place near all of the entrances to the part of the building to which the restriction applies and any individual entering the building can be reasonably expected to see the sign.

b. For the purposes of sub. (1m) (c) 2., an owner or occupant of the grounds of a nonresidential building or of land has notified an individual not to enter or remain on the grounds or land while carrying a firearm or with a particular type of firearm if the owner or occupant has posted

a sign that is located in a prominent place near all probable access points to the grounds or land to which the restriction applies and any individual entering the grounds or land can be reasonably expected to see the sign.

c. For the purposes of sub. (1m) (c) 3., the organizers of the special event have notified an individual not to enter or remain at the special event while carrying a firearm or with a particular type of firearm if the organizers have posted a sign that is located in a prominent place near all of the entrances to the special event and any individual attending the special event can be reasonably expected to see the sign.

**SECTION 83.** 943.13 (3) of the statutes is amended to read:

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

**SECTION 84.** 946.71 of the statutes is created to read:

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

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

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

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

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

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

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

(f) Intentionally defaces or intentionally alters a license.

**SECTION 85.** 947.01 of the statutes is renumbered 947.01 (1).

**SECTION 86.** 947.01 (2) of the statutes is created to read:

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

**SECTION 87.** 947.011 (2) (a) 1. of the statutes is amended to read:

947.011 (2) (a) 1. Engage in conduct that is prohibited under s. 947.01 (1) within 500 feet of any entrance

to a facility being used for the service with the intent to disrupt the service.

**SECTION 88.** 947.011 (2) (c) 1. of the statutes is amended to read:

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

**SECTION 89.** 947.011 (2) (d) of the statutes is amended to read:

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

**SECTION 90.** 948.60 (1) of the statutes is amended to read:

948.60 (1) In this section, "dangerous weapon" means any firearm, loaded or unloaded; any electric weapon, as defined in s. 941.295 (4) (1c) (a); metallic knuckles or knuckles of any substance which could be put to the same use with the same or similar effect as metallic knuckles; a nunchaku or any similar weapon consisting of 2 sticks of wood, plastic or metal connected at one end by a length of rope, chain, wire or leather; a cestus or similar material weighted with metal or other substance and worn on the hand; a shuriken or any similar pointed star-like object intended to injure a person when thrown; or a manrikigusari or similar length of chain having weighted ends.

**SECTION 91.** 948.605 (2) (a) of the statutes is amended to read:

948.605 (2) (a) Any individual who knowingly possesses a firearm at a place that the individual knows, or has reasonable cause to believe, is a school zone in or on the grounds of a school is guilty of a Class I felony. Any individual who knowingly possesses a firearm at a place that the individual knows, or has reasonable cause to believe, is within 1,000 feet of the grounds of a school is subject to a Class B forfeiture.

**SECTION 92.** 948.605 (2) (b) (intro.) of the statutes is amended to read:

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

**SECTION 93.** 948.605 (2) (b) 1., 2., 4., 5. and 7. of the statutes are repealed.

**SECTION 94.** 948.605 (2) (b) 1m. and 1r. of the statutes are created to read:

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

1r. Except if the person is in or on the grounds of a school, a licensee, as defined in s. 175.60 (1) (d), or an out-of-state licensee, as defined in s. 175.60 (1) (g).

**SECTION 95.** 948.605 (2) (b) 6. of the statutes is renumbered 948.605 (2) (b) 2m. and amended to read:

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

**SECTION 96.** 948.605 (2) (b) 8. of the statutes is renumbered 948.605 (2) (b) 3m. and amended to read:

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

**SECTION 97.** 968.255 (1) (a) 2. of the statutes is amended to read:

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

**SECTION 98.** 971.37 (1m) (a) 2. of the statutes is amended to read:

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

**SECTION 99.** 973.055 (1) (a) 1. of the statutes is amended to read:

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

**SECTION 100. Nonstatutory provisions.**

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

(2) Notwithstanding section 175.60 (9) (b) of the statutes, as created by this act, beginning on the effective date of this subsection and ending on the first day of the 5th month beginning after the effective date of this subsection, the department of justice shall, as soon as practica-

ble and without delay, but no longer than 45 days, after receiving a complete application under section 175.60 (7) of the statutes, as created by this act, for a license to carry a concealed weapon, do one of the following:

(a) Issue the license and promptly send the licensee his or her license document by 1st class mail.

(b) Deny the application, but only if section 175.60 (3) (a), (b), (c), (d), (e), (f), or (g) of the statutes, as created by this act, applies to the applicant. If the department denies the application, the department shall inform the applicant in writing, stating the reason and factual basis for the denial.

**SECTION 100h. Fiscal changes.**

(1m) In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of justice under section 20.455 (2) (gs) of the statutes, as affected by the acts of 2011, the dollar amount is increased by \$62,300 for the first fiscal year of the fiscal biennium in which this subsection takes effect to increase the authorized FTE positions by 1.0 PR position. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of justice under section 20.455 (2) (gs) of the statutes, as affected by the acts of 2011, the dollar amount is increased by \$62,300 for the second fiscal year of the fiscal biennium in which this subsection takes

effect to increase the authorized FTE positions by 1.0 PR position.

(2m) In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of justice under section 20.455 (2) (gs) of the statutes, as affected by the acts of 2011, the dollar amount is increased by \$174,400 for the first fiscal year of the fiscal biennium in which this subsection takes effect to fund 10.0 LTE positions for 6 months.

(3m) In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of justice under section 20.455 (2) (gs) of the statutes, as affected by the acts of 2011, the dollar amount is increased by \$77,100 for the first fiscal year of the fiscal biennium in which this subsection takes effect for the purpose of providing supplies and services.

**SECTION 101. Effective dates.** This act takes effect on the first day of the 4th month beginning after publication, except as follows:

(1) The treatment of sections 66.0409 (6), 165.25 (12), 175.49 (4), 175.60 (2m) and (5), and 947.01 (2) of the statutes and SECTION 100 (1) and (2) of this act take effect on the day after publication.

(2c) The treatment of section 20.455 (2) (gs) of the statutes and SECTION 100h of this act take effect on July 1, 2011.

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