



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-2766/1  
CMH&EHS:amn&wlj

## 2017 SENATE BILL 169

April 13, 2017 - Introduced by Senators CRAIG, VUKMIR, KAPENGA, FEYEN, LEMAHIEU, MARKLEIN, NASS, STROEBEL, TESTIN, TIFFANY and WANGGAARD, cosponsored by Representatives FELZKOWSKI, BERNIER, DUCHOW, BRANDTJEN, KERKMAN, AUGUST, BORN, R. BROOKS, EDMING, GANNON, HORLACHER, HUTTON, JACQUE, JARCHOW, KATSMA, KLEEFISCH, KNODL, KRUG, KULP, MACCO, MURSAU, QUINN, RIPP, SANFELIPPO, SCHRAA, SKOWRONSKI, STAFSHOLT, SWEARINGEN, TAUCHEN, THIESFELDT, TITTL, VORPAGEL, WEATHERSTON, KREMER, KUGLITSCH, MURPHY, NEYLON, SUMMERFIELD and TUSLER. Referred to Committee on Judiciary and Public Safety.

1     **AN ACT to repeal** 23.33 (3c), 29.089 (2), 29.091 (2), 29.621 (4) (a) to (d), 165.81  
2           (2), 167.31 (1) (cm) and (2) (a) and (b), 167.31 (3) (a) 2., 167.31 (4) (ag), 167.31  
3           (4) (am) 2. and 3., 167.31 (4) (bg), (bn) and (bt), 167.31 (4) (cm) and (d), 173.07  
4           (5) (b), 175.60 (1) (dm) and (h), 175.60 (1) (i) 2., 175.60 (2g), 175.60 (2m) (bm),  
5           175.60 (3) (f), 175.60 (3) (g), 175.60 (11) (b) 2., 3. and 4., 175.60 (16), 175.60 (17)  
6           (a), (ac) and (b), 440.26 (3m), 939.22 (20s), 939.32 (1) (e), 941.23, 941.235,  
7           941.237 (1) (a) to (dr) and (em) to (g), 941.237 (3), 948.605 and 973.137 (1) and  
8           (2); **to renumber** 66.0409 (1) (a), 175.60 (12) (b) 1. a. and b., 175.60 (13) and  
9           943.13 (4m) (am); **to renumber and amend** 29.091 (1), 29.621 (4) (intro.),  
10          167.31 (4) (am) 1., 175.60 (11) (b) 1., 175.60 (12) (b) 2., 175.60 (15m), 175.60 (21)  
11          (c) and 943.13 (4m) (bm); **to consolidate, renumber and amend** 167.31 (3)  
12          (a) (intro.) and 1., 175.60 (1) (i) (intro.) and 1., 941.237 (1) (intro.) and (e) and  
13          973.137 (intro.) and (1m); **to amend** 29.301 (1) (b), 29.314 (3) (title) and (a) and  
14          (4) (title) and (a), 29.921 (1), 66.0409 (2), 66.0409 (3) (a) and (c) and (6), 110.07

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1 (1) (a) 1. and 3. and (b), 167.31 (1) (c), 167.31 (2) (c), (d) and (e), 167.31 (4) (a)  
2 (intro.), 167.31 (4) (b), 167.31 (4) (c) and (cg) (intro.), 167.31 (4) (f) and (i), 175.60  
3 (1) (bm), 175.60 (1) (j), 175.60 (2) (c) and (d), 175.60 (2m) (a), 175.60 (4) (a)  
4 (intro.) and (5) (a) (intro.) and 1., 175.60 (5) (a) 6., 175.60 (7) (e) and (9) (b) 2.,  
5 175.60 (13) (title), 175.60 (14) (a) and (am), 345.11 (1s), 345.20 (2) (f), 895.527  
6 (5) (a), 938.34 (14q), 938.78 (3), 939.22 (10), 939.632 (1) (e) 3., 941.237 (2),  
7 941.299 (1) (a), 943.13 (1m) (c) 2. and 4., 947.01 (2), 948.60 (1) and 968.255 (1)  
8 (a) 2.; **to repeal and recreate** 941.295; and **to create** 66.0409 (1) (ag), 66.0409  
9 (2m), 167.31 (4) (a) 1., 175.60 (2) (e), 175.60 (2m) (am), 175.60 (5) (a) 1m., 175.60  
10 (12) (b) 2. c., 175.60 (12g) (a) 4., 175.60 (13) (b), 939.22 (11m), 939.22 (13), 943.13  
11 (1e) (g), 943.13 (1n), 943.13 (1p) and 943.13 (2) (bm) 3. of the statutes; **relating**  
12 **to:** going armed with a firearm and electric weapons, licenses for carrying a  
13 concealed weapon, trespassing while armed with a firearm, and providing  
14 criminal penalties.

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***Analysis by the Legislative Reference Bureau***

Current law generally prohibits an individual from carrying a concealed weapon unless the individual has a license to carry a concealed weapon that is issued by the Department of Justice or unless the individual has a law enforcement identification card indicating that he or she is a qualified current or former law enforcement officer. This bill eliminates the general prohibition against going armed with a concealed weapon without regard to licensure status.

This bill also eliminates current law prohibitions against carrying firearms in specified places, but retains the current law that allows certain persons to post buildings and grounds so that individuals who carry a firearm in violation of the posting commit trespass. For instance, this bill eliminates the prohibition on carrying a firearm on school grounds and, for persons without a license to carry a concealed weapon, in a school zone. Instead, this bill allows schools to post their buildings and grounds under the trespassing laws. An individual who violates the trespassing provision is guilty of a Class C misdemeanor if the individual is in a posted school building and a Class B forfeiture if the individual is on the posted grounds of a school.

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Likewise, the bill eliminates the general prohibition against carrying a firearm in other buildings, such as a police station, a house of correction, or a secure mental health facility, but allows the appropriate governmental entity to post the buildings against carrying a firearm. This bill also eliminates the prohibitions against carrying a firearm, bow, or crossbow in a wildlife refuge and eliminates the prohibitions against carrying a firearm, bow, or crossbow while engaging in certain activities, such as operating an all-terrain vehicle. In addition, current law prohibits an individual from shining wildlife while the individual is hunting or possessing a firearm, bow and arrow, or crossbow. This bill maintains that the individual may not shine wildlife while hunting but eliminates the prohibition on shining while possessing a firearm, bow and arrow, or crossbow.

The federal gun-free school zone law generally prohibits the possession of a firearm in a school zone but exempts an individual who is licensed to possess a firearm by the state in which the school zone is located if the license involves a background check on the individual. For purposes of being able to possess a firearm in a school zone under federal law, as well as for purposes of being allowed to carry a firearm in other states that require licensure, this bill maintains the license to carry a concealed weapon and the law enforcement identification cards. This bill makes two modifications to the process to obtain a new license to carry a concealed weapon. First, under this bill, DOJ may issue a license to an applicant who is not a Wisconsin resident; under current law, only a resident may be issued a license. Second, although current law requires proof of completing a training program for a license, under this bill, if an otherwise qualified applicant does not provide proof of completing a training program, DOJ must issue the applicant a license that indicates that the license is a basic license. For in-state purposes, the license and the basic license are indistinguishable, and, under this bill, both are optional. The bill also provides that, if the federal government creates standards that would allow a license to carry a concealed weapon to be recognized by other states and the license issued by DOJ does not comply with the federal standards, DOJ must create an optional enhanced license to carry a concealed weapon that complies with the federal standards.

Finally, current law generally prohibits the possession of electric weapons, commonly known as tasers. This bill eliminates that prohibition except the prohibition is maintained for an individual who is prohibited from possessing a firearm. This bill also changes the definition of "firearm" by specifically excluding antique firearms, as defined under federal law, which excludes firearms manufactured before 1898 and muzzleloading firearms.

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

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

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

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

2           **SECTION 3.** 29.091 (1) of the statutes is renumbered 29.091 and amended to  
3 read:

4           **29.091 Hunting or trapping in wildlife refuge.** No person may hunt or trap  
5 within any wildlife refuge established under s. 23.09 (2) (b) or 29.621 (1), ~~or, except~~  
6 ~~as provided in sub. (2), have possession or control of any gun, firearm, bow or~~  
7 ~~crossbow unless the gun or firearm is unloaded, the bow or crossbow is unstrung and~~  
8 ~~the gun, firearm, bow or crossbow is enclosed within a carrying case.~~ The taking of  
9 predatory game birds and animals shall be done as the department directs. All state  
10 wildlife refuge boundary lines shall be marked by posts placed at intervals of not over  
11 500 feet and bearing signs with the words "Wisconsin Wildlife Refuge".

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

13           **SECTION 5.** 29.301 (1) (b) of the statutes is amended to read:

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

18           **SECTION 6.** 29.314 (3) (title) and (a) and (4) (title) and (a) of the statutes are  
19 amended to read:

20           29.314 (3) (title) SHINING DEER, ELK, OR BEAR WHILE HUNTING OR POSSESSING  
21 WEAPONS PROHIBITED. (a) *Prohibition.* No person may use or possess with intent to  
22 use a light for shining deer, elk, or bear while the person is hunting deer, elk, or bear  
23 or in possession of a firearm, bow and arrow, or crossbow.

24           (4) (title) SHINING WILD ANIMALS WHILE HUNTING OR POSSESSING WEAPONS  
25 PROHIBITED. (a) *Prohibition.* No person may use or possess with intent to use a light

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1 for shining wild animals while the person is hunting ~~or in possession of a firearm,~~  
2 ~~bow and arrow or crossbow.~~

3 **SECTION 7.** 29.621 (4) (intro.) of the statutes is renumbered 29.621 (4) and  
4 amended to read:

5 29.621 (4) PROTECTION. Except as provided in s. 29.091 ~~(1)~~, no owner of a  
6 wildlife refuge, and no other person, may hunt or trap within the boundaries of any  
7 wildlife refuge ~~or have in his or her possession or under his or her control in the~~  
8 ~~wildlife refuge a gun, firearm, bow or crossbow, unless the gun or firearm is unloaded,~~  
9 ~~the bow or crossbow is unstrung and the gun, firearm, bow or crossbow is enclosed~~  
10 ~~within a carrying case. This subsection, as it relates to the possession or control of~~  
11 ~~a loaded or unencased firearm, does not apply to any of the following:~~

12 **SECTION 8.** 29.621 (4) (a) to (d) of the statutes are repealed.

13 **SECTION 9.** 29.921 (1) of the statutes is amended to read:

14 29.921 (1) GENERALLY. The department and its wardens may execute and serve  
15 warrants and processes issued under any law enumerated in ss. 23.50 (1), 167.31,  
16 346.19, 940.24, 941.20, 948.60, ~~948.605~~ and 948.61 in the same manner as any  
17 constable may serve and execute the process; and may arrest, with or without a  
18 warrant, any person detected in the actual violation, or whom the officer has  
19 probable cause to believe is guilty of a violation of any of the laws cited in this  
20 subsection, whether the violation is punishable by criminal penalties or by forfeiture,  
21 and may take the person before any court in the county where the offense was  
22 committed and make a proper complaint. For the purpose of enforcing any of the  
23 laws cited in this subsection, any officer may stop and board any boat and stop any  
24 vehicle, if the officer reasonably suspects there is a violation of those sections.

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

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

2           66.0409 (1) (ag) “Electric weapon” has the meaning given in s. 939.22 (11m).

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

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

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

12           66.0409 (2m) No political subdivision or other person may prohibit individuals  
13 from going armed with a firearm, knife, or electric weapon on a vehicle that is part  
14 of a public mass transportation system.

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

16           66.0409 (3) (a) Nothing in this section prohibits a county from imposing a sales  
17 tax or use tax under subch. V of ch. 77 on any knife, any electric weapon, or any  
18 firearm or part of a firearm, including ammunition and reloader components, sold  
19 in the county.

20           (c) Nothing in this section prohibits a political subdivision from enacting or  
21 enforcing an ordinance or adopting a resolution that prohibits the possession of a  
22 knife or an electric weapon in a building, or part of a building, that is owned,  
23 occupied, or controlled by the political subdivision.

24           (6) Unless other facts and circumstances that indicate a criminal or malicious  
25 intent on the part of the person apply, no person may be in violation of, or be charged

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1 with a violation of, an ordinance of a political subdivision relating to disorderly  
2 conduct or other inappropriate behavior for loading a firearm, or for carrying or going  
3 armed with a firearm, an electric weapon, or a knife, without regard to whether the  
4 firearm is loaded or the firearm, the electric weapon, or the knife is concealed or  
5 openly carried. Any ordinance in violation of this subsection does not apply and may  
6 not be enforced.

7 **SECTION 15.** 110.07 (1) (a) 1. and 3. and (b) of the statutes are amended to read:

8 110.07 (1) (a) 1. Enforce and assist in the administration of this chapter and  
9 chs. 194, 218, 341 to 349 and 351, and ss. 23.33, 23.335, 125.07 (4) (b), 125.085 (3)  
10 (b), 167.31 (2) ~~(b) to (c)~~ and (d) and 287.81 and ch. 350 where applicable to highways,  
11 or orders or rules issued pursuant thereto.

12 3. Have authority to enter any place where vehicles subject to this chapter, ss.  
13 167.31 (2) ~~(b) to (c)~~ and (d) and 287.81 and chs. 194, 218 and 341 to 350 are stored  
14 or parked at any time to examine such vehicles, or to stop such vehicles while en route  
15 at any time upon the public highways to examine the same and make arrests for all  
16 violations thereof.

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

22 **SECTION 16.** 165.81 (2) of the statutes is repealed.

23 **SECTION 17.** 167.31 (1) (c) of the statutes is amended to read:

24 167.31 (1) (c) "Firearm" means a weapon that acts by force of gunpowder but  
25 does not include an antique firearm under 18 USC 921 (a) (16).

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1           **SECTION 18.** 167.31 (1) (cm) and (2) (a) and (b) of the statutes are repealed.

2           **SECTION 19.** 167.31 (2) (c), (d) and (e) of the statutes are amended to read:

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

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

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

11           **SECTION 20.** 167.31 (3) (a) (intro.) and 1. of the statutes are consolidated,  
12 renumbered 167.31 (3) (a) and amended to read:

13           167.31 **(3)** (a) Except as provided in sub. (4), no person may ~~do any of the~~  
14 ~~following:~~ 1. ~~Place~~ place, possess, or transport a firearm, bow, or crossbow in or on  
15 a commercial aircraft, unless the firearm is unloaded and encased or unless the bow  
16 or crossbow is unstrung or is enclosed in a carrying case.

17           **SECTION 21.** 167.31 (3) (a) 2. of the statutes is repealed.

18           **SECTION 22.** 167.31 (4) (a) (intro.) of the statutes is amended to read:

19           167.31 **(4)** (a) (intro.) ~~Subsections~~ The prohibitions in subs. (2) and (3) do not  
20 apply to any of the following who, are acting in the line of duty, ~~place, possess,~~  
21 ~~transport, load or discharge a firearm in, on or from a vehicle, motorboat or aircraft~~  
22 ~~or discharge a firearm from or across a highway or within 50 feet of the center of a~~  
23 ~~roadway:~~

24           **SECTION 23.** 167.31 (4) (a) 1. of the statutes is created to read:

25           167.31 **(4)** (a) 1. A peace officer.



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1           **SECTION 24.** 167.31 (4) (ag) of the statutes is repealed.

2           **SECTION 25.** 167.31 (4) (am) 1. of the statutes is renumbered 167.31 (4) (am)  
3 and amended to read:

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

8           **SECTION 26.** 167.31 (4) (am) 2. and 3. of the statutes are repealed.

9           **SECTION 27.** 167.31 (4) (b) of the statutes is amended to read:

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

14          **SECTION 28.** 167.31 (4) (bg), (bn) and (bt) of the statutes are repealed.

15          **SECTION 29.** 167.31 (4) (c) and (cg) (intro.) of the statutes are amended to read:

16          167.31 (4) (c) Subsection (2) ~~(b) and~~ (c) does not apply to the holder of a Class A  
17 or Class B permit under s. 29.193 (2) who is hunting from a stationary vehicle.

18          (cg) (intro.) A holder of a Class A or Class B permit under s. 29.193 (2) who is  
19 hunting from a stationary vehicle may ~~load and~~ discharge a firearm or shoot a bolt  
20 or an arrow within 50 feet of the center of a roadway if all of the following apply:

21          **SECTION 30.** 167.31 (4) (cm) and (d) of the statutes are repealed.

22          **SECTION 31.** 167.31 (4) (f) and (i) of the statutes are amended to read:

23          167.31 (4) (f) Subsection (2) (d) does not prohibit a person from possessing a  
24 loaded firearm within 50 feet of the center of a roadway if the person does not violate  
25 sub. (2) ~~(b) or~~ (c).

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1 (i) Subsection (2) ~~(b) and (c)~~ does not apply to a person legally hunting from a  
2 stationary nonmotorized vehicle that is not attached to a motor vehicle.

3 **SECTION 32.** 173.07 (5) (b) of the statutes is repealed.

4 **SECTION 33.** 175.60 (1) (bm) of the statutes is amended to read:

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

11 **SECTION 34.** 175.60 (1) (dm) and (h) of the statutes are repealed.

12 **SECTION 35.** 175.60 (1) (i) (intro.) and 1. of the statutes are consolidated,  
13 renumbered 175.60 (1) (i) and amended to read:

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

21 **SECTION 36.** 175.60 (1) (i) 2. of the statutes is repealed.

22 **SECTION 37.** 175.60 (1) (j) of the statutes is amended to read:

23 175.60 (1) (j) "Weapon" means a handgun, or an electric weapon, as defined in  
24 s. 941.295 (1e) (a), ~~or a billy club~~ 939.22 (11m).

25 **SECTION 38.** 175.60 (2) (c) and (d) of the statutes are amended to read:

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1           175.60 (2) (c) Unless expressly provided in this section, this section does not  
2           limit an individual's right to carry a firearm, whether that firearm is concealed or is  
3           not concealed or whether or not the individual is a licensee or an out-of-state  
4           licensee.

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

7           **SECTION 39.** 175.60 (2) (e) of the statutes is created to read:

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

14          **SECTION 40.** 175.60 (2g) of the statutes is repealed.

15          **SECTION 41.** 175.60 (2m) (a) of the statutes is amended to read:

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

20          **SECTION 42.** 175.60 (2m) (am) of the statutes is created to read:

21          175.60 (2m) (am) The license document issued under this section shall contain  
22          a notation indicating the license is basic for an applicant who applies without  
23          providing proof of training as described under sub. (4) (a).

24          **SECTION 43.** 175.60 (2m) (bm) of the statutes is repealed.

25          **SECTION 44.** 175.60 (3) (f) of the statutes is repealed.

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1           **SECTION 45.** 175.60 (3) (g) of the statutes is repealed.

2           **SECTION 46.** 175.60 (4) (a) (intro.) and (5) (a) (intro.) and 1. of the statutes are  
3 amended to read:

4           175.60 (4) (a) (intro.) The proof of training requirement under sub. (7) (e) for  
5 a license that is not a basic license may be met by any of the following:

6           **(5)** (a) (intro.) The department shall design an application form for use by  
7 individuals who apply for a license under this section and a renewal form for use by  
8 individuals applying for renewal of a license under sub. (15). ~~The department shall~~  
9 ~~complete the design of the application form no later than September 1, 2011, and~~  
10 ~~shall complete the design of the renewal form no later than July 1, 2014.~~ The forms  
11 shall require the applicant to provide only his or her name, address, date of birth,  
12 state identification card number, race, sex, height, and eye color and shall include all  
13 of the following:

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

16           **SECTION 47.** 175.60 (5) (a) 1m. of the statutes is created to read:

17           175.60 (5) (a) 1m. A statement that the applicant is eligible only for a basic  
18 license if the applicant does not provide proof of training as described under sub. (4)  
19 (a).

20           **SECTION 48.** 175.60 (5) (a) 6. of the statutes is amended to read:

21           175.60 (5) (a) 6. ~~A statement of the places under sub. (16) where a licensee is~~  
22 ~~prohibited from carrying a weapon, as well as an~~ An explanation of the provisions  
23 under ~~sub. (15m) and ss. s. 943.13 (1m) (c) and 948.605 (2) (b) 1r. (1n)~~ that could limit  
24 the places where the licensee may carry a weapon, with a place for the applicant to

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1 sign his or her name to indicate that he or she has read and understands the  
2 statement.

3 **SECTION 49.** 175.60 (7) (e) and (9) (b) 2. of the statutes are amended to read:

4 175.60 (7) (e) ~~Proof~~ Unless the individual is applying for a basic license, proof  
5 of training as described under sub. (4) (a).

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

10 **SECTION 50.** 175.60 (11) (b) 1. of the statutes is renumbered 175.60 (11) (b) and  
11 amended to read:

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

16 **SECTION 51.** 175.60 (11) (b) 2., 3. and 4. of the statutes are repealed.

17 **SECTION 52.** 175.60 (12) (b) 1. a. and b. of the statutes are renumbered 175.60  
18 (12) (b) 2. a. and b.

19 **SECTION 53.** 175.60 (12) (b) 2. of the statutes is renumbered 175.60 (12) (b) 2.  
20 (intro.) and amended to read:

21 175.60 (12) (b) 2. (intro.) A person who is a law enforcement officer in a state  
22 other than Wisconsin may request and be provided information ~~under subd. 1. a. and~~  
23 ~~b.~~ only for one of the following purposes:

24 **SECTION 54.** 175.60 (12) (b) 2. c. of the statutes is created to read:

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1           175.60 (12) (b) 2. c. To confirm that the individual holds a license that is not  
2 a basic license.

3           **SECTION 55.** 175.60 (12g) (a) 4. of the statutes is created to read:

4           175.60 (12g) (a) 4. If the law enforcement agency is not a Wisconsin law  
5 enforcement agency, to confirm if the individual holds a license that is not a basic  
6 license.

7           **SECTION 56.** 175.60 (13) (title) of the statutes is amended to read:

8           175.60 (13) (title) ~~LOST OR DESTROYED~~ REPLACEMENT LICENSE.

9           **SECTION 57.** 175.60 (13) of the statutes is renumbered 175.60 (13) (a).

10          **SECTION 58.** 175.60 (13) (b) of the statutes is created to read:

11          175.60 (13) (b) A licensee who possesses a basic license may exchange the basic  
12 license for a replacement license that is not a basic license if the licensee submits to  
13 the department a statement requesting a replacement license, proof of training as  
14 described under sub. (4) (a), and a \$12 replacement fee. The department shall issue  
15 a replacement license to the licensee within 14 days of receiving the statement, proof,  
16 and fee.

17          **SECTION 59.** 175.60 (14) (a) and (am) of the statutes are amended to read:

18          175.60 (14) (a) The department shall revoke a license issued under this section  
19 if the department determines that sub. (3) (b), (c), or (e), ~~(f), or (g)~~ applies to the  
20 licensee. Unless the license is a basic license, the department shall revoke a license  
21 issued under this section if the department determines that the licensee has not met  
22 the training requirements under sub. (4) (a).

23          (am) The department shall suspend a license issued under this section if a court  
24 has prohibited the licensee from possessing a dangerous weapon under s. 969.02 (3)  
25 (c) or 969.03 (1) (c). If the individual whose license was suspended is no longer subject

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1 to the prohibition under s. 969.02 (3) (c) or 969.03 (1) (c), whichever is applicable, sub.  
2 (3) (b), (c), (d), or (e), ~~(f), or (g)~~ does not apply to the individual, and the suspended  
3 license would not have expired under sub. (15) (a) had it not been suspended, the  
4 department shall restore the license within 5 business days of notification that the  
5 licensee is no longer subject to the prohibition.

6 **SECTION 60.** 175.60 (15m) of the statutes is renumbered 103.08 and amended  
7 to read:

8 **103.08 Employer restrictions on carrying a weapon.** (1) Except as  
9 provided in ~~par. (b)~~ sub. (2), an employer may prohibit ~~a licensee or an out-of-state~~  
10 ~~licensee that it employs~~ an employee from carrying a concealed weapon or a  
11 particular type of concealed weapon in the course of the licensee's ~~or out-of-state~~  
12 ~~licensee's~~ employee's employment or during any part of the licensee's ~~or out-of-state~~  
13 ~~licensee's~~ employee's course of employment.

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

21 **SECTION 61.** 175.60 (16) of the statutes is repealed.

22 **SECTION 62.** 175.60 (17) (a), (ac) and (b) of the statutes are repealed.

23 **SECTION 63.** 175.60 (21) (c) of the statutes is renumbered 103.08 (3) and  
24 amended to read:

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

4           **SECTION 64.** 345.11 (1s) of the statutes is amended to read:

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

8           **SECTION 65.** 345.20 (2) (f) of the statutes is amended to read:

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

14           **SECTION 66.** 440.26 (3m) of the statutes is repealed.

15           **SECTION 67.** 895.527 (5) (a) of the statutes is amended to read:

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

19           **SECTION 68.** 938.34 (14q) of the statutes is amended to read:

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



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1 for 2 years. The court shall immediately forward to the department of transportation  
2 the notice of suspension, stating that the suspension is for a violation of s. 947.015  
3 involving school premises, ~~or for a violation of s. 941.235 or 948.605~~. If otherwise  
4 eligible, the juvenile is eligible for an occupational license under s. 343.10.

5 **SECTION 69.** 938.78 (3) of the statutes is amended to read:

6 938.78 (3) RELEASE OF INFORMATION WHEN ESCAPE OR ABSENCE; RULES. If a juvenile  
7 adjudged delinquent under s. 48.12, 1993 stats., or s. 938.12 or found to be in need  
8 of protection or services under s. 48.13 (12), 1993 stats., or s. 48.13 (14), 1993 stats.,  
9 or s. 938.13 (12) or (14) on the basis of a violation of s. 943.23 (1m) or (1r), 1999 stats.,  
10 or s. 941.10, 941.11, 941.20, 941.21, ~~941.23~~, 941.231, ~~941.235~~, 941.237, 941.26,  
11 941.28, ~~941.295~~, 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03, 943.04,  
12 943.10 (2) (a), 943.23 (1g), 943.32 (2), 948.02, 948.025, 948.03, 948.05, 948.055,  
13 948.085 (2), ~~948.60~~, ~~948.605~~, or 948.61 or any crime specified in ch. 940 has escaped  
14 from a juvenile correctional facility, residential care center for children and youth,  
15 inpatient facility, as defined in s. 51.01 (10), juvenile detention facility, or juvenile  
16 portion of a county jail, or from the custody of a peace officer or a guard of such a  
17 facility, center, or jail, or has been allowed to leave a juvenile correctional facility,  
18 residential care center for children and youth, inpatient facility, juvenile detention  
19 facility, or juvenile portion of a county jail for a specified time period and is absent  
20 from the facility, center, home, or jail for more than 12 hours after the expiration of  
21 the specified period, the department of corrections or county department, whichever  
22 has supervision over the juvenile, may release the juvenile's name and any  
23 information about the juvenile that is necessary for the protection of the public or to  
24 secure the juvenile's return to the facility, center, home, or jail. The department of

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1 corrections shall promulgate rules establishing guidelines for the release of the  
2 juvenile's name or information about the juvenile to the public.

3 **SECTION 70.** 939.22 (10) of the statutes is amended to read:

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

11 **SECTION 71.** 939.22 (11m) of the statutes is created to read:

12 939.22 (11m) "Electric weapon" means any device that is designed, redesigned,  
13 used, or intended to be used, offensively or defensively, to immobilize or incapacitate  
14 persons by the use of electric current.

15 **SECTION 72.** 939.22 (13) of the statutes is created to read:

16 939.22 (13) "Firearm" has the meaning given in s. 167.31 (1) (c).

17 **SECTION 73.** 939.22 (20s) of the statutes is repealed.

18 **SECTION 74.** 939.32 (1) (e) of the statutes is repealed.

19 **SECTION 75.** 939.632 (1) (e) 3. of the statutes is amended to read:

20 939.632 (1) (e) 3. Any misdemeanor under s. 940.19 (1), 940.225 (3m), 940.32  
21 (2), 940.42, 940.44, 941.20 (1), ~~941.23~~, 941.231, 941.235, or 941.38 (3).

22 **SECTION 76.** 941.23 of the statutes is repealed.

23 **SECTION 77.** 941.235 of the statutes is repealed.

24 **SECTION 78.** 941.237 (1) (intro.) and (e) of the statutes are consolidated,  
25 renumbered 941.237 (1) and amended to read:

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

3           **SECTION 79.** 941.237 (1) (a) to (dr) and (em) to (g) of the statutes are repealed.

4           **SECTION 80.** 941.237 (2) of the statutes is amended to read:

5           941.237 (2) Whoever intentionally goes armed with a handgun on any premises  
6 for which a Class “B” or “Class B” license or permit has been issued under ch. 125,  
7 while consuming alcohol on the premises, is guilty of a Class A misdemeanor.

8           **SECTION 81.** 941.237 (3) of the statutes is repealed.

9           **SECTION 82.** 941.295 of the statutes is repealed and recreated to read:

10          **941.295 Possession of electric weapon.** A person prohibited from  
11 possessing a firearm under s. 941.29 who sells, transports, manufactures, possesses,  
12 or goes armed with any electric weapon is guilty of a Class H felony.

13          **SECTION 83.** 941.299 (1) (a) of the statutes is amended to read:

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

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

18          943.13 (1e) (g) “School” has the meaning given in s. 948.61 (1) (b).

19          **SECTION 85.** 943.13 (1m) (c) 2. and 4. of the statutes are amended to read:

20          943.13 (1m) (c) 2. While carrying a firearm, enters or remains in any part of  
21 a nonresidential building, grounds of a nonresidential building, or land that the actor  
22 does not own or occupy after the owner of the building, grounds, or land, if that part  
23 of the building, grounds, or land has not been leased to another person, or the  
24 occupant of that part of the building, grounds, or land has notified the actor not to  
25 enter or remain in that part of the building, grounds, or land while carrying a firearm

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1 or with that type of firearm. This subdivision does not apply to a part of a building,  
2 grounds, or land occupied by a school or by the state or by a local governmental unit;  
3 to a privately or publicly owned building on the grounds of a university or college;  
4 or to the grounds of or land owned or occupied by a university or college; or, if the  
5 firearm is in a vehicle driven or parked in the parking facility, to any part of a  
6 building, grounds, or land used as a parking facility.

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

15 **SECTION 86.** 943.13 (1n) of the statutes is created to read:

16 943.13 **(1n)** (a) A person who, while carrying a firearm, enters or remains in  
17 a building that is owned or leased by a school is guilty of a Class C misdemeanor if  
18 the school has notified the person not to enter or remain in the building while  
19 carrying a firearm or with that type of firearm. This paragraph does not apply to a  
20 building, or part of a building, used for parking if the firearm is in a vehicle driven  
21 or parked in that building or part of the building.

22 (b) A person who, while carrying a firearm, enters or remains on the grounds  
23 of a school is guilty of a Class B forfeiture if the school has notified the person not to  
24 enter or remain on the grounds while carrying a firearm or with that type of firearm.

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1 This paragraph does not apply if the firearm is in a vehicle driven or parked on the  
2 grounds. In this paragraph, “grounds of a school” does not include a school building.

3 **SECTION 87.** 943.13 (1p) of the statutes is created to read:

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

8 **SECTION 88.** 943.13 (2) (bm) 3. of the statutes is created to read:

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

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

20 **SECTION 89.** 943.13 (4m) (am) of the statutes is renumbered 943.13 (4m).

21 **SECTION 90.** 943.13 (4m) (bm) of the statutes is renumbered 943.13 (1n) (c) and  
22 amended to read:

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

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

7 **SECTION 91.** 947.01 (2) of the statutes is amended to read:

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

14 **SECTION 92.** 948.60 (1) of the statutes is amended to read:

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

24 **SECTION 93.** 948.605 of the statutes is repealed.

25 **SECTION 94.** 968.255 (1) (a) 2. of the statutes is amended to read:

