

# State of Wisconsin



2009 Assembly Bill 47

Date of enactment: **February 17, 2010**

Date of publication\*: **March 3, 2010**

## 2009 WISCONSIN ACT 130

AN ACT *to amend* 440.03 (13) (c) and 440.08 (2) (a) (intro.); and *to create* 440.03 (13) (b) 32m., 440.03 (17) and 440.08 (2) (a) 38j. of the statutes; **relating to**: prohibiting persons convicted of certain felonies from providing martial arts instruction to minors.

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

**SECTION 1.** 440.03 (13) (b) 32m. of the statutes is created to read:

440.03 (13) (b) 32m. Juvenile martial arts instructor.

**SECTION 2.** 440.03 (13) (c) of the statutes is amended to read:

440.03 (13) (c) The department shall require an applicant for a private detective license or a private security permit under s. 440.26, an applicant for a juvenile martial arts instructor permit under sub. (17), and a person for whom the department conducts an investigation under par. (b), to be photographed and fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's fingerprints. The department of justice may submit the fingerprint cards to the federal bureau of investigation for the purpose of verifying the identity of the persons fingerprinted and obtaining records of their criminal arrests and convictions.

**SECTION 3.** 440.03 (17) of the statutes is created to read:

440.03 (17) (a) In this subsection:

1. "Disqualified offender" means any of the following:

a. A person who is required to comply with the reporting requirements under s. 301.45 (1g).

b. A person who has been convicted of a violation of s. 940.01 or a violation of the law of another state or the United States that would be a violation of s. 940.01 if committed in this state.

2. "Martial arts instruction" means instruction in self-defense or combat, but does not include instruction in the use of a firearm, bow and arrow, or crossbow.

(b) No person may, for a fee, provide martial arts instruction to a minor if the person is a disqualified offender.

(c) No person may, for a fee, provide martial arts instruction to a minor unless the person has been issued a permit under this subsection.

(d) Except as provided in par. (e), the department shall grant a juvenile martial arts instructor permit to a person if the person pays the fee specified in s. 440.05 (1).

(e) Pursuant to s. 440.03 (13) (b), the department shall investigate an applicant for a permit under this subsection. Notwithstanding ss. 111.321, 111.322, and 111.335, the department may not issue a juvenile martial arts instructor permit to a person who is a disqualified offender and shall revoke a permit issued to a person under this subsection if, after the permit is issued, the person becomes a disqualified offender.

\* Section 991.11, WISCONSIN STATUTES 2007-08 : 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].

(f) If a person who holds a permit under this subsection becomes a disqualified offender, the person shall notify the department within 14 days of the date of the conviction.

(g) The department may conduct periodic audits to determine whether any person who holds a permit under this subsection is a disqualified offender.

**SECTION 4.** 440.08 (2) (a) (intro.) of the statutes, as affected by 2007 Wisconsin Acts 20 and 189, is amended to read:

440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.51, 442.04, 444.03, 444.11, ~~448.065,~~

447.04 (2) (c) 2., ~~448.065,~~ 449.17 (1m) (d), 449.18 (2) (d), and 461.02 (3) (a) and (b) and (4), the renewal dates for credentials are as follows:

**SECTION 5.** 440.08 (2) (a) 38j. of the statutes is created to read:

440.08 (2) (a) 38j. Juvenile martial arts instructor: September 1 of each even-numbered year.

**SECTION 6. Effective date.**

(1) The treatment of section 440.03 (17) (b) and (c) of the statutes takes effect on the first day of the 4th month beginning after the effective date of this subsection.

