



2011 ASSEMBLY BILL 479

January 19, 2012 - Introduced by Representatives STEINEKE, KNILANS, BROOKS, ENDSLEY, JACQUE, KAUFERT, MARKLEIN, NYGREN, STROEBEL and WEININGER, cosponsored by Senators LASEE, SCHULTZ and TAYLOR. Referred to Committee on Criminal Justice and Corrections.

1 **AN ACT** *to renumber* 175.60 (15) (b) 1. and 2.; *to renumber and amend* 175.60
2 (2) (a), 175.60 (13), 175.60 (15) (b) (intro.), 175.60 (15) (c) and 175.60 (15) (d);
3 ***to consolidate, renumber and amend*** 175.60 (15) (b) 4. (intro.), a. and b.; ***to***
4 ***amend*** 20.455 (2) (gs), 165.60, 175.60 (5) (a) (intro.), 175.60 (7) (intro.), 175.60
5 (9g) (a) (intro.), 175.60 (12) (b) 1. c. and 175.60 (12g) (a) 3.; and ***to create*** 175.60
6 (2) (a) 2., 175.60 (13) (a) 2., 175.60 (15) (bm) and 175.60 (16) (b) 4. of the statutes;
7 **relating to:** law enforcement officers and licenses to carry concealed weapons.

Analysis by the Legislative Reference Bureau

Under current federal law, with certain exceptions, a law enforcement officer may carry a concealed weapon if he or she is also carrying an identification issued by the law enforcement agency that employs him or her; this federal provision explicitly preempts any state prohibition. Under current state law, any person may apply for a license to carry a concealed weapon. When the person submits an application, the Department of Justice (DOJ) must run a background check on the applicant to see if he or she is prohibited from possessing a firearm. The person must also submit a fee to cover the costs of the application and the background check and must submit proof of training. Under this bill, DOJ must provide a license to carry a concealed weapon to all law enforcement officers without the fee, background check, or training required by applicants who are not law enforcement officers.

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

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

1 **SECTION 1.** 20.455 (2) (gs) of the statutes, as created by 2011 Wisconsin Act 35,
2 is amended to read:

3 20.455 (2) (gs) *Background check for licenses to carry concealed weapons.* The
4 amounts in the schedule to provide services under s. 175.60. All moneys received as
5 fee payments under s. 175.60 (7) (c) and (d), (13) (a) 1., and (15) (b) ~~4. a. and b.~~ 1m.
6 c. shall be credited to this appropriation.

7 **SECTION 2.** 165.60 of the statutes, as affected by 2011 Wisconsin Act 35, is
8 amended to read:

9 **165.60 Law enforcement.** The department of justice is authorized to enforce
10 ss. 101.123 (2), (2m), and (8), 175.60 (17) (e), 944.30, 944.31, 944.33, 944.34, 945.02
11 (2), 945.03 (1m), and 945.04 (1m) and ch. 108 and, with respect to a false statement
12 submitted or made under s. 175.60 (7) (b) or (15) (b) ~~2.~~ 1m. b. or as described under
13 s. 175.60 (17) (c), to enforce s. 946.32 and is invested with the powers conferred by
14 law upon sheriffs and municipal police officers in the performance of those duties.
15 This section does not deprive or relieve sheriffs, constables, and other local police
16 officers of the power and duty to enforce those sections, and those officers shall
17 likewise enforce those sections.

18 **SECTION 3.** 175.60 (2) (a) of the statutes, as created by 2011 Wisconsin Act 35,
19 is renumbered 175.60 (2) (a) (intro.) and amended to read:

20 175.60 (2) (a) (intro.) The department shall issue a license to carry a concealed
21 weapon to any of the following:

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1 1. Any individual who is not disqualified under sub. (3) and who completes the
2 application process specified in sub. (7).

3 (am) A license to carry a concealed weapon issued under this section shall meet
4 the requirements specified in sub. (2m).

5 **SECTION 4.** 175.60 (2) (a) 2. of the statutes is created to read:

6 175.60 **(2)** (a) 2. All law enforcement officers, except that, if the law
7 enforcement officer is a licensee on the effective date of this subdivision ... [LRB
8 inserts date], or is a licensee on the date he or she becomes a law enforcement officer,
9 the department may decide not to issue the law enforcement officer another license
10 but shall renew the license as provided under sub. (15) (bm) or replace the license as
11 provided under sub. (13) (a) 2.

12 **SECTION 5.** 175.60 (5) (a) (intro.) of the statutes, as created by 2011 Wisconsin
13 Act 35, is amended to read:

14 175.60 **(5)** (a) (intro.) The department shall design an application form for use
15 by individuals who apply for a license under this section and a renewal form for use
16 by individuals applying for renewal of a license under sub. (15) (b). The department
17 shall complete the design of the application form no later than September 1, 2011,
18 and shall complete the design of the renewal form no later than July 1, 2014. The
19 forms shall require the applicant to provide only his or her name, address, date of
20 birth, state identification card number, race, sex, height, and eye color and shall
21 include all of the following:

22 **SECTION 6.** 175.60 (7) (intro.) of the statutes, as created by 2011 Wisconsin Act
23 35, is amended to read:

24 175.60 **(7)** SUBMISSION OF APPLICATION. (intro.) An individual who is not issued
25 a license under sub. (2) (a) 2. may apply for a license under this section with the

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1 department by submitting, by mail or other means made available by the
2 department, to the department all of the following:

3 **SECTION 7.** 175.60 (9g) (a) (intro.) of the statutes, as created by 2011 Wisconsin
4 Act 35, is amended to read:

5 175.60 **(9g)** (a) (intro.) The department shall conduct a background check on
6 every applicant for a license under sub. (7). The department may not conduct a
7 background check on individuals who are to be issued a license under sub. (2) (a) 2.
8 The department shall conduct a background check regarding an applicant for a
9 license using the following procedure:

10 **SECTION 8.** 175.60 (12) (b) 1. c. of the statutes, as created by 2011 Wisconsin Act
11 35, is amended to read:

12 175.60 **(12)** (b) 1. c. To investigate whether an individual submitted an
13 intentionally false statement under sub. (7) (b) or (15) (b) ~~2.~~ 1m. b.

14 **SECTION 9.** 175.60 (12g) (a) 3. of the statutes, as created by 2011 Wisconsin Act
15 35, is amended to read:

16 175.60 **(12g)** (a) 3. If the law enforcement agency is a Wisconsin law
17 enforcement agency, to investigate whether an individual submitted an
18 intentionally false statement under sub. (7) (b) or (15) (b) ~~2.~~ 1m. b.

19 **SECTION 10.** 175.60 (13) of the statutes, as created by 2011 Wisconsin Act 35,
20 is renumbered 175.60 (13) (a) (intro.) and amended to read:

21 175.60 **(13)** (a) (intro.) If a license document is lost, a licensee no longer has
22 possession of his or her license, or a license document is destroyed, unreadable, or
23 unusable, a licensee may submit to the department ~~a-~~ one of the following:

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1 1. If the licensee was issued a license under sub. (2) (a) 1., a statement
2 requesting a replacement license document, the license document or any portions of
3 the license document if available, and a \$12 replacement fee.

4 (b) The department shall issue a replacement license document to the licensee
5 within 14 days of receiving the statement and fee items under par. (a). If the licensee
6 who was issued a license under sub. (2) (a) 1. does not submit the original license
7 document to the department, the department shall terminate the unique approval
8 number of the original request and issue a new unique approval number for the
9 replacement request.

10 **SECTION 11.** 175.60 (13) (a) 2. of the statutes is created to read:

11 175.60 **(13)** (a) 2. If the licensee was issued a license under sub. (2) (a) 2. or had
12 a license renewed under sub. (15) (bm) or if the individual is a law enforcement
13 officer, a statement requesting a replacement license document and the license
14 document or any portions of the license document if available.

15 **SECTION 12.** 175.60 (15) (b) (intro.) of the statutes, as created by 2011 Wisconsin
16 Act 35, is renumbered 175.60 (15) (b) 1m. (intro.) and amended to read:

17 175.60 **(15)** (b) 1m. (intro.) The department shall design a notice of expiration
18 form for licenses issued under sub. (2) (a) 1. or renewed under this subdivision. At
19 least 90 days before the expiration date of a license issued under ~~this section~~ sub. (2)
20 (a) 1. or renewed under this subdivision, the department shall mail to the licensee
21 a notice of expiration form and a form for renewing the license. The department shall
22 renew the license issued under sub. (2) (a) 1. or renewed under this subdivision if,
23 no later than 90 days after the expiration date of the license, the licensee does all of
24 the following:

ASSEMBLY BILL 479**SECTION 13**

1 **SECTION 13.** 175.60 (15) (b) 1. and 2. of the statutes, as created by 2011
2 Wisconsin Act 35, are renumbered 175.60 (15) (b) 1m. a. and b.

3 **SECTION 14.** 175.60 (15) (b) 4. (intro.), a. and b. of the statutes, as created by
4 2011 Wisconsin Act 35, are consolidated, renumbered 175.60 (15) (b) 1m. c. and
5 amended to read:

6 175.60 (15) (b) 1m. c. Pays all of the following: ~~a. A~~ a renewal fee in an amount,
7 as determined by the department by rule, that is equal to the cost of renewing the
8 license but does not exceed \$12. ~~The department shall determine the costs of~~
9 ~~renewing a license by using a 5-year planning period.~~ ~~b. A~~ and a fee for a
10 background check that is equal to the fee charged under s. 175.35 (2i). The
11 department shall determine the costs of renewing a license by using a 5-year
12 planning period.

13 **SECTION 15.** 175.60 (15) (bm) of the statutes is created to read:

14 175.60 (15) (bm) No later than 21 days before the license expires, the
15 department shall issue a renewal license by 1st class mail to a licensee who was
16 issued a license under sub. (2) (a) 2., to a licensee who is a law enforcement officer,
17 or to a licensee whose license had been renewed under this paragraph.

18 **SECTION 16.** 175.60 (15) (c) of the statutes, as created by 2011 Wisconsin Act
19 35, is renumbered 175.60 (15) (b) 2m. and amended to read:

20 175.60 (15) (b) 2m. The department shall conduct a background check of a
21 licensee as provided under sub. (9g) before renewing the licensee's license under ~~par.~~
22 ~~(b) subd. 1m.~~

23 **SECTION 17.** 175.60 (15) (d) of the statutes, as created by 2011 Wisconsin Act
24 35, is renumbered 175.60 (15) (b) 3m. and amended to read:

