



2013 SENATE BILL 102

March 22, 2013 - Introduced by Senators RISSER, LEHMAN and T. CULLEN, cosponsored by Representatives SARGENT, PASCH, BARNES, OHNSTAD, HEBL, BERCEAU, SINICKI and POPE. Referred to Committee on Transportation, Public Safety, and Veterans and Military Affairs.

1 **AN ACT** *to renumber* 941.235 (2) (c), (d) and (e); *to renumber and amend*
2 941.235 (1); *to consolidate, renumber and amend* 941.235 (2) (intro.) and
3 (a); *to amend* 175.60 (2g) (a), 175.60 (5) (a) 6. and 943.13 (1m) (c) 4.; and *to*
4 **create** 941.235 (1) (b) and 941.235 (2) (b) (intro.) of the statutes; **relating to:**
5 prohibition against carrying firearms in the capitol.

Analysis by the Legislative Reference Bureau

Under current law, with several exceptions, an individual who goes armed with a firearm in any building owned or leased by the state or any political subdivision of the state is guilty of a Class A misdemeanor. Law enforcement officers, former law enforcement officers, members of the armed forces who go armed in the line of duty, and individuals with a license to carry a concealed weapon are exempted from this general prohibition, but the state or a local government may, with proper notice, prevent individuals from going armed with a firearm in a building that is owned, occupied, or controlled by the state or the local government. A person who violates the prohibition is guilty of a Class B forfeiture.

This bill prohibits anyone, except on-duty law enforcement officers and armed forces who go armed in the line of duty, from going armed with a firearm in the state capitol. A person who violates the provision is guilty of a Class A misdemeanor.

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For further information see the *state* 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.** 175.60 (2g) (a) of the statutes is amended to read:

2 175.60 **(2g)** (a) A licensee or an out-of-state licensee may carry a concealed
3 weapon anywhere in this state except as provided under subs. (15m) and (16) and ss.
4 941.235 (1) (b), 943.13 (1m) (c), and 948.605 (2) (b) 1r.

5 **SECTION 2.** 175.60 (5) (a) 6. of the statutes is amended to read:

6 175.60 **(5)** (a) 6. A statement of the places under sub. (16) and s. 941.235 (1) (b)
7 where a licensee is prohibited from carrying a weapon, as well as an explanation of
8 the provisions under sub. (15m) and ss. 943.13 (1m) (c) and 948.605 (2) (b) 1r. that
9 could limit the places where the licensee may carry a weapon, with a place for the
10 applicant to sign his or her name to indicate that he or she has read and understands
11 the statement.

12 **SECTION 3.** 941.235 (1) of the statutes is renumbered 941.235 (1) (a) and
13 amended to read:

14 941.235 **(1)** (a) Any person who goes armed with a firearm in any building,
15 except the state capitol, owned or leased by the state or in any building owned or
16 leased by any political subdivision of the state is guilty of a Class A misdemeanor.

17 **SECTION 4.** 941.235 (1) (b) of the statutes is created to read:

18 941.235 **(1)** (b) Any person who goes armed with a firearm in the capitol
19 building is guilty of a Class A misdemeanor.

20 **SECTION 5.** 941.235 (2) (intro.) and (a) of the statutes are consolidated,
21 renumbered 941.235 (2) (am) and amended to read:

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1 941.235 (2) (am) ~~This section~~ Subsection (1) does not apply to any of the
2 following: ~~(a) Peace~~ peace officers or who go armed while on official duty, armed
3 forces or military personnel who go armed in the line of duty, or to any person duly
4 authorized by the chief of police of any city, village or town, the chief of the capitol
5 police, or the sheriff of any county to possess a firearm in any building under sub. (1).
6 Notwithstanding s. 939.22 (22), for purposes of this paragraph, peace officer does not
7 include a commission warden who is not a state-certified commission warden.

8 **SECTION 6.** 941.235 (2) (b) (intro.) of the statutes is created to read:

9 941.235 (2) (b) (intro.) Subsection (1) (a) does not apply to any of the following:

10 **SECTION 7.** 941.235 (2) (c), (d) and (e) of the statutes are renumbered 941.235
11 (2) (b) 1., 2. and 3.

12 **SECTION 8.** 943.13 (1m) (c) 4. of the statutes is amended to read:

13 943.13 (1m) (c) 4. ~~Enters~~ While carrying a firearm, enters or remains in any
14 part of a building that is owned, occupied, or controlled by the state, ~~except the capitol~~
15 building, or by any local governmental unit, excluding any building or portion of a
16 building under s. 175.60 (16) (a), if the state or local governmental unit has notified
17 the actor not to enter or remain in the building while carrying a firearm or with that
18 type of firearm. This subdivision does not apply to a person who leases residential
19 or business premises in the building or, if the firearm is in a vehicle driven or parked
20 in the parking facility, to any part of the building used as a parking facility.

21 (END)