



State of Wisconsin  
2023 - 2024 LEGISLATURE

LRB-0471/1  
CMH:emw

## 2023 ASSEMBLY BILL 250

May 8, 2023 - Introduced by Representatives ALLEN, BEHNKE, BODDEN, BRANDTJEN, GUNDRUM, GUSTAFSON, MICHALSKI, MURPHY, WICHGERS and GREEN, cosponsored by Senators TOMCZYK, CABRAL-GUEVARA, NASS and QUINN. Referred to Committee on Criminal Justice and Public Safety.

\*\*\*AUTHORS SUBJECT TO CHANGE\*\*\*

1     **AN ACT to repeal** 175.60 (7) (d) and 175.60 (15) (b) 4. (intro.) and b.; **to renumber**  
2             **and amend** 175.60 (7) (c), 175.60 (15) (b) 4. a., 948.605 (2) (a) and 948.605 (2)  
3             (b) 1r.; **to amend** 20.455 (2) (gr), 175.60 (2g) (a) and 175.60 (5) (a) 6.; and **to**  
4             **create** 175.60 (7) (cm) (intro.) and 2., 175.60 (15) (b) 3. (intro.) and b., 948.605  
5             (1) (aj) and 948.605 (2) (bm) 1. of the statutes; **relating to:** possession of a  
6             firearm on school grounds by school employees and fees for licenses to carry a  
7             concealed weapon.

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### *Analysis by the Legislative Reference Bureau*

Both federal law and state law prohibit a person from possessing a firearm on the grounds of a school. Federal and state law provide some identical exceptions to the prohibition, such as for law enforcement and for persons in accordance with a contract between the person and the school. Federal law provides another exception for a person who is licensed to possess a firearm by the state if the state requires a background check to ensure the person is qualified for the license. Since the Department of Justice requires a background check before it issues a person a license to carry a concealed weapon, a licensee is allowed under federal law to possess a firearm on the grounds of a school. State law, however, does not provide an identical exception, so a licensee is prohibited under state law from possessing a firearm on the grounds of a school.

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This bill creates a state exception that is similar to the federal exception. Under the bill, a person who has a license issued by DOJ may possess a firearm on the grounds of a school if the person is employed by the school and the school board or governing entity has adopted a policy that allows employees who are licensees to possess a firearm.

Under current law, a person who applies to DOJ for a license to carry a concealed weapon must pay an application fee and a person who is renewing a license must pay a renewal fee. DOJ must set the fee amount on the basis of the cost it incurs in licensing, but the fee can be no more than \$37 for an initial license and \$12 for a license renewal. In addition, the person must pay for a background check for each initial application and renewal application; that fee amount is currently \$10. The bill waives the initial application fee, renewal fee, and background check fee for teachers who apply for a license.

For further information see the state and local 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.** 20.455 (2) (gr) of the statutes is amended to read:

2           20.455 **(2)** (gr) *Handgun purchaser record check; checks for licenses or*  
3 *certifications to carry concealed weapons.* All moneys received as fee payments under  
4 ss. 175.35 (2i), 175.49 (5m), and 175.60 (7) ~~(e) and (d)~~ **(cm) 1.**, (13), and (15) (b) ~~4.~~ **3.**  
5 a. ~~and b.~~ to provide services under ss. 175.35, 175.49, and 175.60.

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

7           175.60 **(2g)** (a) A licensee or an out-of-state licensee may carry a concealed  
8 weapon anywhere in this state except as provided under subs. (15m) and (16) and ss.  
9 943.13 (1m) (c) and 948.605 (2) ~~(b) 1r.~~

10          **SECTION 3.** 175.60 (5) (a) 6. of the statutes is amended to read:

11          175.60 **(5)** (a) 6. A statement of the places under sub. (16) where a licensee is  
12 prohibited from carrying a weapon, as well as an explanation of the provisions under  
13 sub. (15m) and ss. 943.13 (1m) (c) and 948.605 (2) ~~(b) 1r.~~ that could limit the places

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1 where the licensee may carry a weapon, with a place for the applicant to sign his or  
2 her name to indicate that he or she has read and understands the statement.

3 **SECTION 4.** 175.60 (7) (c) of the statutes is renumbered 175.60 (7) (cm) 1. and  
4 amended to read:

5 175.60 (7) (cm) 1. A fee for a background check that is equal to the fee charged  
6 under s. 175.35 (2i) and a license fee in an amount, as determined by the department  
7 by rule, that is equal to the cost of issuing the license but does not exceed \$37. The  
8 department shall determine the costs of issuing a license by using a 5-year planning  
9 period.

10 **SECTION 5.** 175.60 (7) (cm) (intro.) and 2. of the statutes are created to read:

11 175.60 (7) (cm) (intro.) One of the following:

12 2. A statement that he or she is a teacher who holds a license or permit issued  
13 by the state superintendent of public instruction or proof, as determined by the  
14 department, that he or she is employed as a teacher in a private school or tribal school  
15 located in this state.

16 **SECTION 6.** 175.60 (7) (d) of the statutes is repealed.

17 **SECTION 7.** 175.60 (15) (b) 3. (intro.) and b. of the statutes are created to read:

18 175.60 (15) (b) 3. (intro.) Submits one of the following:

19 b. A statement that the licensee is a teacher who holds a license or permit  
20 issued by the state superintendent of public instruction or proof, as determined by  
21 the department, that the licensee is employed as a teacher in a private school or tribal  
22 school located in this state.

23 **SECTION 8.** 175.60 (15) (b) 4. (intro.) and b. of the statutes are repealed.

24 **SECTION 9.** 175.60 (15) (b) 4. a. of the statutes is renumbered 175.60 (15) (b) 3.

25 a. and amended to read:

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1           175.60 (15) (b) 3. a. A fee for a background check that is equal to the fee charged  
2 under s. 175.35 (2i) and a renewal fee in an amount, as determined by the  
3 department by rule, that is equal to the cost of renewing the license but does not  
4 exceed \$12. The department shall determine the costs of renewing a license by using  
5 a 5-year planning period.

6           **SECTION 10.** 948.605 (1) (aj) of the statutes is created to read:

7           948.605 (1) (aj) “Licensee” has the meaning given in s. 175.60 (1) (d).

8           **SECTION 11.** 948.605 (2) (a) of the statutes is renumbered 948.605 (2) (a) 1. and  
9 amended to read:

10           948.605 (2) (a) 1. Any individual who knowingly possesses a firearm at a place  
11 that the individual knows, or has reasonable cause to believe, is in or on the grounds  
12 of a school is guilty of a Class I felony.

13           2. Any individual who knowingly possesses a firearm at a place that the  
14 individual knows, or has reasonable cause to believe, is within 1,000 feet of the  
15 grounds of a school is subject to a Class B forfeiture.

16           **SECTION 12.** 948.605 (2) (b) 1r. of the statutes is renumbered 948.605 (2) (bm)  
17 2. and amended to read:

18           948.605 (2) (bm) 2. ~~Except if the person is in or on the grounds of a school,~~  
19 Paragraph (a) 2. does not apply to a licensee, as defined in s. 175.60 (1) (d), or an  
20 out-of-state licensee, as defined in s. 175.60 (1) (g).

21           **SECTION 13.** 948.605 (2) (bm) 1. of the statutes is created to read:

22           948.605 (2) (bm) 1. Paragraph (a) 1. does not apply to a licensee who possesses  
23 a firearm in or on the grounds of a school if the licensee is employed by the school and  
24 one of the following applies:

