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November 7, 2011

Molly Dwyer, Clerk of Court  
Office of the Clerk  
U.S. Court of Appeals for the Ninth  
Circuit  
95 Seventh Street  
San Francisco, CA 941103  
**VIA E-FILING**

**Re: *Peruta v. County of San Diego*, Case No. 10-56971  
Appellants' Citation of Supplemental Authority Pursuant to Rule 28(j)**

Dear Ms. Dwyer:

Pursuant to Federal Rule of Appellate Procedure 28(j), this letter provides an additional citation of supplemental authority relevant to the issues presented for consideration by the court in the above-referenced matter.

Appellants submit the following citation, which supports their arguments found at pages 48-49 and 56-57 of Appellants' Opening Brief (AOB), and pages 2-3 and 17-22 of Appellants' Reply Brief (RB): **Wis. Stat. § 175.60**.

Wis. Stat. § 175.60 was created as part of the 2011 Wisconsin Act 35 ("Act 35"). The statute was signed into law on July 8, 2011, and took effect on November 1, 2011.

Wis. Stat. § 175.60 creates a concealed carry licensing scheme, transforming Wisconsin from a state that previously issued no firearm carry licenses into one that, with few exceptions, generally issues such licenses to any law-abiding Wisconsin resident requesting one (*i.e.*, a "shall-issue" state).

Ms. Dwyer  
November 7, 2011

Wisconsin's adoption of a "shall-issue" concealed carry licensing scheme further supports Appellants' assertion that:

County's and its amici's assertion of a compelling interest being furthered by restricting license issuance based on speculation that violence and crime will ensue otherwise is inconsistent with the reality that the overwhelming majority of states in this country, and even the majority of counties in this State, issue carry licenses for self-defense to applicants who meet non-discretionary standards.

RB at 21. *See also id.* at n.13.

Additionally, Wis. Stat. § 175.60 provides that licensing the carriage of concealed firearms "does not limit an individual's right to carry a firearm that is not concealed." Wis. Stat. § 175.60(2)(c). This supports arguments found at in Appellants' Reply Brief. *See* RB at 1-2, 7, 9-10 (explaining that states may choose the manner their residents carry firearms, but cannot prohibit carrying firearms altogether).

For the convenience of the Court and opposing counsel, a true and accurate copy of Wis. Stat. § 175.60 is attached hereto as Exhibit "A."

Date: November 7, 2011

Respectfully submitted,

          /s C. D. Michel          

C. D. Michel

Attorney for *Plaintiffs-Appellants*

### **CERTIFICATE OF SERVICE**

I hereby certify that on November 7, 2011, an electronic PDF of this Appellants' Citation of Supplemental Authority Pursuant to FRAP 28(j) was uploaded to the Court's CM/ECF system, which will automatically generate and send by electronic mail a Notice of Docket Activity to all registered attorneys participating in the case. Such notice constitutes service on those registered attorneys.

/s C. D. Michel  
C. D. Michel  
Attorney for *Plaintiffs-Appellants*

**EXHIBIT A**  
**Case No.: 10-56971**

West's Wisconsin Statutes Annotated

Police Regulations (Ch. 163 to 177)

Chapter 175. Miscellaneous Police Provisions

W.S.A. 175.60

175.60. License to carry a concealed weapon

Currentness

<<Text of subsecs. (1) to (2g) eff. Nov. 1, 2011>>

**(1) Definitions.** In this section:

(ac) "Background check" means the searches the department conducts under sub. (9g) to determine a person's eligibility for a license to carry a concealed weapon.

(ag) "Carry" means to go armed with.

(b) "Department" means the department of justice.

(bm) "Handgun" means any weapon designed or redesigned, or made or remade, and intended to be fired while held in one hand and to use the energy of an explosive to expel a projectile through a smooth or rifled bore. "Handgun" does not include a machine gun, as defined in s. 941.27(1), a short-barreled rifle, as defined in s. 941.28(1)(b), or a short-barreled shotgun, as defined in s. 941.28(1)(c).

(bv) "Law enforcement agency" does not include the department.

(c) "Law enforcement officer" has the meaning given in s. 165.85(2)(c).

(d) "Licensee" means an individual holding a valid license to carry a concealed weapon issued under this section.

(e) "Motor vehicle" has the meaning given in s. 340.01(35).

(f) "Out-of-state license" means a valid permit, license, approval, or other authorization issued by another state if all of the following apply:

1. The permit, license, approval, or other authorization is for the carrying of a concealed weapon.
2. The state is listed in the rule promulgated by the department under s. 165.25(12) and, if that state does not require a background search for the permit, license, approval, or authorization, the permit, license, approval, or authorization designates that the holder chose to submit to a background search.

(g) "Out-of-state licensee" means an individual who is 21 years of age or over, who is not a Wisconsin resident, and who has been issued an out-of-state license.

(h) "Photographic identification card" means one of the following:

1. An operator's license issued under ch. 343 or an identification card issued under s. 343.50.
2. A license or card issued by a state other than Wisconsin that is substantially equivalent to a license or card under subd. 1.

(i) "State identification card number" means the unique identifying driver number assigned to a person by the department of transportation under s. 343.17(3)(a)4. or, if the person has no driver number, the number assigned to the person on an identification card issued under s. 343.50.

(j) "Weapon" means a handgun, an electric weapon, as defined in s. 941.295(1c)(a), a knife other than a switchblade knife under s. 941.24, or a billy club.

**(2) Issuance and scope of license.** (a) The department shall issue a license to carry a concealed weapon to any individual who is not disqualified under sub. (3) and who completes the application process specified in sub. (7). A license to carry a concealed weapon issued under this section shall meet the requirements specified in sub. (2m).

(b) The department may not impose conditions, limitations, or requirements that are not expressly provided for in this section on the issuance, scope, effect, or content of a license.

(c) Unless expressly provided in this section, this section does not limit an individual's right to carry a firearm that is not concealed.

(d) For purposes of 18 USC 922(q)(2)(B)(ii), an out-of-state licensee is licensed by this state.

**(2g) Carrying a concealed weapon; possession and display of license document or authorization.** (a) A licensee or an out-of-state licensee may carry a concealed weapon anywhere in this state except as provided under subs. (15m) and (16) and ss. 943.13(1m)(c) and 948.605(2)(b)1r.

(b) Unless the licensee or out-of-state licensee is carrying a concealed weapon in a manner described under s. 941.23(2)(e), a licensee shall have with him or her his or her license document and photographic identification card and an out-of-state licensee shall have with him or her his or her out-of-state license and photographic identification card at all times during which he or she is carrying a concealed weapon.

(c) Unless the licensee or out-of-state licensee is carrying a concealed weapon in a manner described under s. 941.23(2)(e), a licensee who is carrying a concealed weapon shall display his or her license document and photographic identification card and an out-of-state licensee who is carrying a concealed weapon shall display his or her out-of-state license and photographic identification card to a law enforcement officer upon the request of the law enforcement officer while the law enforcement officer is acting in an official capacity and with lawful authority.

**(2m) License document; content of license.** (a) Subject to pars. (b), (bm), (c), and (d), the department shall design a single license document for licenses issued and renewed under this section. The department shall complete the design of the license document no later than the first day of the 2nd month beginning after July 23, 2011.

(b) A license document for a license issued under this section shall contain all of the following on one side:

1. The full name, date of birth, and residence address of the licensee.
2. A physical description of the licensee, including sex, height, and eye color.
3. The date on which the license was issued.
4. The date on which the license expires.
5. The name of this state.
6. A unique identification number for each licensee.

(bm) The reverse side of a license document issued under this section shall contain the requirement under sub. (11)(b) that the licensee shall inform the department of any address change no later than 30 days after his or her address changes and the penalty for a violation of the requirement.

(c) The license document may not contain the licensee's social security number.

(d)1. The contents of the license document shall be included in the document in substantially the same way that the contents of an operator's license document issued under s. 343.17 are included in that document.

2. The license document issued under this section shall be tamper proof in substantially the same way that the operator's license is tamper proof under s. 343.17(2).

(e) The department of justice may contract with the department of transportation to produce and issue license documents under this section. Neither the department of transportation nor any employee of the department of transportation may store, maintain, or access the information provided by the department of justice for the production or issuance of license documents other than to the extent necessary to produce or issue the license documents.

<<Text of subsecs. (3) to (4) eff. Nov. 1, 2011>>

**(3) Restrictions on issuing a license.** The department shall issue a license under this section to an individual who submits an application under sub. (7) unless any of the following applies:

(a) The individual is less than 21 years of age.

(b) The individual is prohibited under federal law from possessing a firearm that has been transported in interstate or foreign commerce.

(c) The individual is prohibited from possessing a firearm under s. 941.29.

(d) The court has prohibited the individual from possessing a dangerous weapon under s. 969.02(3)(c) or 969.03(1)(c).

(e) The individual is on release under s. 969.01 and the individual may not possess a dangerous weapon as a condition of the release.

(f) The individual is not a Wisconsin resident.

(g) The individual has not provided proof of training as described under sub. (4)(a).

**(4) Training requirements.** (a) The proof of training requirement under sub. (7)(e) may be met by any of the following:

1. A copy of a document, or an affidavit from an instructor or organization that conducted the course or program, that indicates the individual completed any of the following:

a. The hunter education program established under s. 29.591 or a substantially similar program that is established by another state, country, or province and that is recognized by the department of natural resources.

b. A firearms safety or training course that is conducted by a national or state organization that certifies firearms instructors.

c. A firearms safety or training course that is available to the public and is offered by a law enforcement agency or, if the course is taught by an instructor who is certified by a national or state organization that certifies firearms instructors or by the department, by a technical college, a college or a university, a private or public institution or organization, or a firearms training school.

d. A firearms safety or training course that is offered to law enforcement officers or to owners and employees of licensed private detective and security agencies.

e. A firearms safety or training course that is conducted by a firearms instructor who is certified by a national or state organization that certifies firearms instructors or who is certified by the department.

2. Documentation that the individual completed military, law enforcement, or security training that gave the individual experience with firearms that is substantially equivalent to a course or program under subd. 1.

3. A current or expired license, or a photocopy of a current or expired license, that the individual holds or has held that indicates that the individual is licensed or has been licensed to carry a firearm in this state or in another state or in a county or municipality of this state or of another state unless the license has been revoked for cause.

4. Documentation of completion of small arms training while serving in the U.S. armed forces, reserves, or national guard as demonstrated by an honorable discharge or general discharge under honorable conditions or a certificate of completion of basic training with a service record of successful completion of small arms training and certification.

(b)1. The department shall certify instructors for the purposes of par. (a)1. c. and e. and shall maintain a list of instructors that it certifies. To be certified by the department as an instructor, a person must meet all of the following criteria:

a. Be qualified under sub. (3) to carry a concealed weapon.

b. Be able to demonstrate the ability and knowledge required for providing firearms safety and training.

2. The department may not require firing live ammunition to meet the training requirements under par. (a).

**(5) Application and renewal forms.** (a) The department shall design an application form for use by individuals who apply for a license under this section and a renewal form for use by individuals applying for renewal of a license under sub. (15). The department shall complete the design of the application form no later than the first day of the 2nd month beginning after July 23, 2011, and shall complete the design of the renewal form no later than the first day of the 36th month beginning after July 23, 2011. The forms shall require the applicant to provide only his or her name, address, date of birth, state identification card number, race, sex, height, and eye color and shall include all of the following:

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

2. A statement explaining self-defense and defense of others under s. 939.48, with a place for the applicant to sign his or her name to indicate that he or she has read and understands the statement.

3. A statement, with a place for the applicant to sign his or her name, to indicate that the applicant has read and understands the requirements of this section.

4. A statement that an applicant may be prosecuted if he or she intentionally gives a false answer to any question on the application or intentionally submits a falsified document with the application.

5. A statement of the penalties for intentionally giving a false answer to any question on the application or intentionally submitting a falsified document with the application.

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

(b) The department shall make the forms described in this subsection available on the Internet and, upon request, by mail.

<<Text of subsecs. (7) to (21) eff. Nov. 1, 2011>>



**(7) Submission of application.** An individual may apply for a license under this section with the department by submitting, by mail or other means made available by the department, to the department all of the following:

- (a) A completed application in the form prescribed under sub. (5)(a).
- (b) A statement that states that the information that he or she is providing in the application submitted under par. (a) and any document submitted with the application is true and complete to the best of his or her knowledge.
- (c) A license fee in an amount, as determined by the department by rule, that is equal to the cost of issuing the license but does not exceed \$37. The department shall determine the costs of issuing a license by using a 5-year planning period.
- (d) A fee for a background check that is equal to the fee charged under s. 175.35(2i).
- (e) Proof of training as described under sub. (4)(a).

**(9) Processing of application.** (a) Upon receiving an application submitted under sub. (7), the department shall conduct a background check.

(b) Within 21 days after receiving a complete application under sub. (7), the department shall do one of the following:

- 1. Issue the license and promptly send the licensee his or her license document by 1st class mail.
- 2. Deny the application, but only if sub. (3)(a), (b), (c), (d), (e), (f), or (g) applies to the applicant. If the department denies the application, the department shall inform the applicant in writing, stating the reason and factual basis for the denial.

**(9g) Background checks.** (a) The department shall conduct a background check regarding an applicant for a license using the following procedure:

- 1. The department shall create a confirmation number associated with the applicant.
- 2. The department shall conduct a criminal history record search and shall search its records and conduct a search in the national instant criminal background check system to determine whether the applicant is prohibited from possessing a firearm under federal law; whether the applicant is prohibited from possessing a firearm under s. 941.29; whether the applicant is prohibited from possessing a firearm under s. 51.20(13)(cv) 1., 2007 stats.; whether the applicant has been ordered not to possess a firearm under s. 51.20(13)(cv)1., 51.45(13)(i)1., 54.10(3)(f)1., or 55.12(10)(a); whether the applicant is subject to an injunction under s. 813.12 or 813.122, or a tribal injunction, as defined in s. 813.12(1)(e), issued by a court established by any federally recognized Wisconsin Indian tribe or band, except the Menominee Indian tribe of Wisconsin, that includes notice to the respondent that he or she is subject to the requirements and penalties under s. 941.29 and that has been filed with the circuit court under s. 806.247(3); and whether the applicant is prohibited from possessing a firearm under s. 813.125(4m); and to determine if the court has prohibited the applicant from possessing a dangerous weapon under s. 969.02(3)(c) or 969.03(1)(c) and if the applicant is prohibited from possessing a dangerous weapon as a condition of release under s. 969.01.
- 3. As soon as practicable, the department shall do the following:
  - a. If the background check indicates sub. (3)(b), (c), (d), or (e) applies to the applicant, create a unique nonapproval number for the applicant.
  - b. If the completed background check does not indicate that sub. (3)(b), (c), (d), or (e) applies to the applicant, create a unique approval number for the applicant.
- (b) The department shall maintain a record of all completed application forms and a record of all approval or nonapproval numbers regarding background checks under this subsection.

**(9r) Emergency license.** (a) An individual who requires an immediate license may petition the court in the county in which he or she resides for such a license. Unless the court knows that the individual is ineligible for a license under sub. (3), a court may issue an emergency license to an individual if the court determines that immediate licensure is warranted to protect the individual from death or great bodily harm, as defined in s. 939.22(14).

(b) An emergency license issued under this subsection is valid for 30 days unless it is revoked under par. (bm) or it is void under par. (c).

(bm) If the court determines that a holder of an emergency license issued under par. (a) is ineligible under sub. (3) for a license, the court shall revoke the emergency license.

(c) If the holder of an emergency license issued under par. (a) applies for a license under sub. (7) and is determined to be ineligible under sub. (3) for a license, the emergency license is void.

**(11) Updated information.** (a)1. In this paragraph:

a. "Clerk" means the clerk of the circuit court or, if it has enacted a law or an ordinance in conformity with s. 346.63, the clerk of the court for a federally recognized American Indian tribe or band in this state, a city, a village, or a town.

b. "Court automated information systems" means the systems under s. 758.19(4).

2. The court automated information systems, or the clerk or register in probate, if the information is not contained in or cannot be transmitted by the court automated information systems, shall promptly notify the department of the name of any individual with respect to whom any of the following occurs and the specific reason for the notification:

a. The individual is found by a court to have committed a felony or any other crime that would disqualify the individual from having a license under this section.

b. The individual is found incompetent under s. 971.14.

c. The individual is found not guilty of any crime by reason of mental disease or mental defect under s. 971.17.

d. The individual is involuntarily committed for treatment under s. 51.20 or 51.45.

e. The individual is found incompetent under ch. 54.

f. The individual becomes subject to an injunction described in s. 941.29(1)(f) or is ordered not to possess a firearm under s. 813.125(4m).

g. A court has prohibited the individual from possessing a dangerous weapon under s. 969.02(3)(c) or 969.03(1)(c).

h. A court has ordered the individual not to possess a firearm under s. 51.20(13)(cv)1., 51.45(13)(i)1., 54.10(3)(f)1., or 55.12(10)(a).

i. The individual is on release under s. 969.01 and the individual may not possess a dangerous weapon as a condition of the release.

3. Upon receiving a notice under subd. 2., the department shall immediately determine if the individual who is the subject of the notice is a licensee, using the list maintained under sub. (12)(a).

(b)1. No later than 30 days after changing his or her address, a licensee shall inform the department of the new address. The department shall include the individual's new address in the list under sub. (12)(a).

2. Except as provided in subd. 3., for a first violation of subd. 1., the department must issue the licensee a warning.

3. If an individual is in violation of subd. 1. and his or her license has been suspended or revoked under sub. (14), the individual is subject to the penalty under sub. (17)(ac).

4. A licensee may not be charged with a violation of subd. 1. if the department learns of the violation when the licensee informs the department of the address change.

**(12) Maintenance, use, and publication of records by the department.** (a) The department shall maintain a computerized record listing the names and the information specified in sub. (2m)(b) of all individuals who have been issued a license under this section and all individuals issued a certification card under s. 175.49(3). Subject to par. (b)1.b., neither the department nor any employee of the department may store, maintain, format, sort, or access the information in any way other than by the names, dates of birth, or sex of licensees or individuals or by the identification numbers assigned to licensees under sub. (2m)(b)6.

(b)1. A law enforcement officer may not request or be provided information under par. (a) concerning a specific individual except for one of the following purposes:

a. To confirm that a license or certification card produced by an individual at the request of a law enforcement officer is valid.

b. If an individual is carrying a concealed weapon and claims to hold a valid license issued under this section or a valid certification card issued under s. 175.49(3) but does not have his or her license document or certification card, to confirm that the individual holds a valid license or certification card.

c. To investigate whether an individual submitted an intentionally false statement under sub. (7)(b) or (15)(b)2.

d. To investigate whether an individual complied with sub. (14)(b)3.

2. A person who is a law enforcement officer in a state other than Wisconsin may request and be provided information under subd. 1.a. and b.

(c) Notwithstanding s. 19.35, the department of justice, the department of transportation, or any employee of either department may not make information obtained under this section available to the public except in the context of a prosecution for an offense in which the person's status as a licensee or holder of a certification card is relevant or through a report created under sub. (19).

**(12g) Providing licensee information to law enforcement agencies.** (a) The department shall provide information concerning a specific individual on the list maintained under sub. (12)(a) to a law enforcement agency, but only if the law enforcement agency is requesting the information for any of the following purposes:

1. To confirm that a license or certification card produced by an individual at the request of a law enforcement officer is valid.

2. If an individual is carrying a concealed weapon and claims to hold a valid license issued under this section or a valid certification card issued under s. 175.49(3) but does not have his or her license document or certification card, to confirm that an individual holds a valid license or certification card.

3. If the law enforcement agency is a Wisconsin law enforcement agency, to investigate whether an individual submitted an intentionally false statement under sub. (7)(b) or (15)(b)2.

(b)1. Notwithstanding s. 19.35, neither a law enforcement agency nor any of its employees may make information regarding an individual that was obtained from the department under this subsection available to the public except in the context of a prosecution for an offense in which the person's status as a licensee or holder of a certification card is relevant.

2. Neither a law enforcement agency nor any of its employees may store or maintain information regarding an individual that was obtained from the department under this subsection based on the individual's status as a licensee or holder of a certificate card.

3. Neither a law enforcement agency nor any of its employees may sort or access information regarding vehicle stops, investigations, civil or criminal offenses, or other activities involving the agency based on the status as licensees or holders of certification cards of any individuals involved.

**(13) Lost or destroyed license.** If a license document is lost, a licensee no longer has possession of his or her license, or a license document is destroyed, unreadable, or unusable, a licensee may submit to the department a statement requesting a replacement license document, the license document or any portions of the license document if available, and a \$12 replacement fee. The department shall issue a replacement license document to the licensee within 14 days of receiving the statement and fee. If the licensee does not submit the original license document to the department, the department shall terminate the unique approval number of the original request and issue a new unique approval number for the replacement request.

**(14) License revocation and suspension.** (a) The department shall revoke a license issued under this section if the department determines that sub. (3)(b), (c), (d), (e), (f), or (g) applies to the licensee.

(am) The department shall suspend a license issued under this section if a court has prohibited the licensee from possessing a dangerous weapon under s. 969.02(3)(c) or 969.03(1)(c). If the individual whose license was suspended is no longer subject to the prohibition under s. 969.02(3)(c) or 969.03(1)(c), whichever is applicable, sub. (3)(b), (c), (d), (e), (f), or (g) does not apply to the individual, and the suspended license would not have expired under sub. (15)(a) had it not been suspended, the department shall restore the license within 5 business days of notification that the licensee is no longer subject to the prohibition.

(b)1. If the department suspends or revokes a license issued under this section, the department shall send by mail the individual whose license has been suspended or revoked notice of the suspension or revocation within one day after the suspension or revocation.

2. If the department suspends or revokes a license under this section, the suspension or revocation takes effect when the individual whose license has been suspended or revoked receives the notice under subd. 1.

3. Within 7 days after receiving the notice, the individual whose license has been suspended or revoked shall do one of the following:

- a. Deliver the license document personally or by certified mail to the department.
- b. Mail a signed statement to the department stating that he or she no longer has possession of his or her license document and stating the reasons why he or she no longer has possession.

**(14g) Departmental review.** The department shall promulgate rules providing for the review of any action by the department denying an application for, or suspending or revoking, a license under this section.

**(14m) Appeals to the circuit court.** (a) An individual aggrieved by any action by the department denying an application for, or suspending or revoking, a license under this section, may appeal directly to the circuit court of the county in which the individual resides without regard to whether the individual has sought review under the process established in sub. (14g).

(b) To begin an appeal under this subsection, the aggrieved individual shall file a petition for review with the clerk of the applicable circuit court within 30 days of receiving notice of denial of an application for a license or of suspension or revocation of a license. The petition shall state the substance of the department's action from which the individual is appealing and the grounds upon which the individual believes the department's action to be improper. The petition may include a copy of any records or documents that are relevant to the grounds upon which the individual believes the department's action to be improper.

(c) A copy of the petition shall be served upon the department either personally or by registered or certified mail within 5 days after the individual files his or her petition under par. (b).

(d) The department shall file an answer within 15 days after being served with the petition under par. (c). The answer shall include a brief statement of the actions taken by the department. The department shall include with the answer when filed a copy of any documents or records on which the department based its action.

(e) The court shall review the petition, the answer, and any records or documents submitted with the petition or the answer. The review under this paragraph shall be conducted by the court without a jury but the court may schedule a hearing and take testimony.

(f) The court shall reverse the department's action if the court finds any of the following:

1. That the department failed to follow any procedure, or take any action, prescribed under this section.
2. That the department erroneously interpreted a provision of law and a correct interpretation compels a different action.
3. That the department's action depends on a finding of fact that is not supported by substantial evidence in the record.
4. a. If the appeal is regarding a denial, that the denial was based on factors other than the factors under sub. (3).  
b. If the appeal is regarding a suspension or revocation, that the suspension or revocation was based on criteria other than those under sub. (14)(a) or (am).

(g)1. The court's decision shall provide whatever relief is appropriate regardless of the original form of the petition.

2. If the court reverses the department's action, the court may order the department to pay the aggrieved individual all court costs and reasonable attorney fees.

**(15) License expiration and renewal.** (a) Except as provided in par. (e) and sub. (9r)(b), a license issued under this section is valid for a period of 5 years from the date on which the license is issued unless the license is suspended or revoked under sub. (14).

(b) The department shall design a notice of expiration form. At least 90 days before the expiration date of a license issued under this section, the department shall mail to the licensee a notice of expiration form and a form for renewing the license. The department shall renew the license if, no later than 90 days after the expiration date of the license, the licensee does all of the following:

1. Submits a renewal application on the form provided by the department.
2. Submits a statement reporting that the information provided under subd. 1. is true and complete to the best of his or her knowledge and that he or she is not disqualified under sub. (3).
4. Pays all of the following:
  - a. A renewal fee in an amount, as determined by the department by rule, that is equal to the cost of renewing the license but does not exceed \$12. The department shall determine the costs of renewing a license by using a 5-year planning period.
  - b. A fee for a background check that is equal to the fee charged under s. 175.35(2i).

(c) The department shall conduct a background check of a licensee as provided under sub. (9g) before renewing the licensee's license under par. (b).

(d) The department shall issue a renewal license by 1st class mail within 21 days of receiving a renewal application, statement, and fees under par. (b).

(e) The license of a member of the U.S. armed forces, a reserve unit of the armed forces, or the national guard who is deployed overseas while on active duty may not expire until at least 90 days after the end of the licensee's overseas deployment unless the license is suspended or revoked under sub. (14).

**(15m) Employer restrictions.** (a) Except as provided in par. (b), an employer may prohibit a licensee or an out-of-state licensee that it employs from carrying a concealed weapon or a particular type of concealed weapon in the course of the licensee's or out-of-state licensee's employment or during any part of the licensee's or out-of-state licensee's course of employment.

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

**(16) Prohibited activity.** (a) Except as provided in par. (b), neither a licensee nor an out-of-state licensee may knowingly carry a concealed weapon, a weapon that is not concealed, or a firearm that is not a weapon in any of the following places:

1. Any portion of a building that is a police station, sheriff's office, state patrol station, or the office of a division of criminal investigation special agent of the department.
2. Any portion of a building that is a prison, jail, house of correction, or secured correctional facility.
3. The facility established under s. 46.055.
4. The center established under s. 46.056.
5. Any secured unit or secured portion of a mental health institute under s. 51.05, including a facility designated as the Maximum Security Facility at Mendota Mental Health Institute.
6. Any portion of a building that is a county, state, or federal courthouse.
7. Any portion of a building that is a municipal courtroom if court is in session.
8. A place beyond a security checkpoint in an airport.

(b) The prohibitions under par. (a) do not apply to any of the following:

1. A weapon in a vehicle driven or parked in a parking facility located in a building that is used as, or any portion of which is used as, a location under par. (a).
2. A weapon in a courthouse or courtroom if a judge who is a licensee is carrying the weapon or if another licensee or out-of-state licensee, whom a judge has permitted in writing to carry a weapon, is carrying the weapon.
3. A weapon in a courthouse or courtroom if a district attorney, or an assistant district attorney, who is a licensee is carrying the weapon.

**(17) Penalties.** (a) Any person who violates sub. (2g)(b) or (c) may be required to forfeit not more than \$25, except that the person shall be exempted from the forfeiture if the person presents, within 48 hours, his or her license document or out-of-state license and photographic identification to the law enforcement agency that employs the requesting law enforcement officer.

(ac) Except as provided in sub. (11)(b)2., any person who violates sub. (11)(b)1. may be required to forfeit \$50.

(ag) Any person who violates sub. (2m)(e), (12), or (12g) may be fined not more than \$500 or sentenced to a term of imprisonment of not more than 30 days or both.

(ar) Any law enforcement officer who uses excessive force based solely on an individual's status as a licensee may be fined not more than \$500 or sentenced to a term of imprisonment of not more than 30 days or both. The application of the criminal penalty under this paragraph does not preclude the application of any other civil or criminal remedy.

(b) Any person who violates sub. (16) may be fined not more than \$500 or imprisoned for not more than 30 days or both.

(c) An instructor of a training course under sub. (4)(a) who intentionally submits false documentation indicating that an individual has met the training requirements under sub. (4)(a) may be prosecuted for a violation of s. 946.32.

(e) Any person required under sub. (14)(b)3. to relinquish or deliver a license document to the department who intentionally violates the requirements of that subdivision shall be fined not more than \$500 and may be imprisoned for not more than 30 days or both.

**(18) Reciprocity agreements.** The department may enter into reciprocity agreements with other states as to matters relating to licenses or other authorization to carry concealed weapons.

**(19) Statistical report.** By March 1 of each year, the department shall submit a statistical report to the legislature under s. 13.172(2) and to the governor that indicates the number of licenses applied for, issued, denied, suspended, and revoked under this section during the previous calendar year. For the licenses denied, the report shall indicate the reasons for the denials and the part of the application process in which the reasons for denial were discovered. For the licenses suspended or revoked, the report shall indicate the reasons for the suspensions and revocations. The department may not include in the report any information that may be used to identify an applicant or a licensee, including, but not limited to, a name, address, birth date, or social security number.

**(21) Immunity.** (a) The department of justice, the department of transportation, and the employees of each department; clerks, as defined in sub. (11)(a)1.a., and their staff; and court automated information systems, as defined under sub. (11)(a)1. b., and their employees are immune from liability arising from any act or omission under this section, if done so in good faith.

(b) A person that does not prohibit an individual from carrying a concealed weapon on property that the person owns or occupies is immune from any liability arising from its decision.

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

(d) A person providing a firearms training course in good faith is immune from liability arising from any act or omission related to the course if the course is one described in sub. (4)(a).

**Credits**

<<For credits, see Historical Note field.>>

Current through 2011 Act 31, Acts 33 to 36, and Acts 38 to 44, published 08/23/2011

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