

Chapter Jus 17

LICENSES TO CARRY CONCEALED WEAPONS

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Note: Chapter Jus 17 was created by emergency rule EmR1206, effective March 21, 2012, and by emergency rule EmR1217, effective December 15, 2012.

Jus 17.01 Purpose. The purpose of this chapter is to establish standards and procedures, as required under s. 175.60, Stats., for the issuance and administration of licenses authorizing persons to carry concealed weapons, the review of licensing decisions by the department, the recognition by Wisconsin of concealed carry licenses issued by other states, and the certification of firearms safety and training instructors.

History: CR 12-030: cr. Register May 2013 No. 689, eff. 6-1-13.

Jus 17.02 Applicability. (1) Except as provided in sub. (2), this chapter applies to the issuance and administration of all licenses to carry concealed weapons issued by the department pursuant to s. 175.60, Stats.

(2) This chapter does not apply to any of the following:

(a) Certification of former law enforcement officers to carry concealed weapons pursuant to s. 175.49 (2), Stats.

(b) Certification of former federal law enforcement officers to carry concealed weapons pursuant to s. 175.49 (3), Stats.

(c) The carrying of concealed weapons by active law enforcement officers pursuant to 18 USC 926B.

(d) The carrying of concealed weapons by law enforcement officers acting in their official capacity.

History: CR 12-030: cr. Register May 2013 No. 689, eff. 6-1-13.

Jus 17.03 Definitions. In this chapter:

(1) “Applicant” means an individual applying for a license to carry a concealed weapon pursuant to s. 175.60, Stats., who does not currently hold a valid license and is not applying for replacement or renewal.

(2) “Approval number” means the unique number the department assigns to an applicant pursuant to s. 175.60 (9g) (a) 3. b., Stats., when a completed background check on the applicant indicates that s. 175.60 (3) (b), (c), (d), and (e), Stats., do not apply to the applicant.

(3) “Background check” has the meaning given in s. 175.60 (1) (ac), Stats.

(4) “Confirmation number” means the unique number the department issues pursuant to s. 175.60 (9g) (a) 1., Stats., to identify every accepted application for a license to carry a concealed weapon.

(5) “Department” means the Wisconsin department of justice.

(6) “FBI” means the federal bureau of investigation.

(7) “Firearms safety or training course” means a course of instructor-led training that provides a certificate or affidavit of successful completion that includes the items specified in s. Jus

17.05 (2) (a) and that, at a minimum, instructs on, and practices the student’s comprehension of, firearm safety rules; safe firearm and ammunition use, handling, transport, and storage; legally permissible possession, transportation, and use of firearms, including use of deadly force; and techniques for avoiding and controlling violent confrontations.

(8) “Instructor-led” means training that is conducted face-to-face individually or in groups with an instructor-student ratio that does not exceed 50 students per instructor and in which instructors actively guide students through each lesson, answer questions, facilitate discussion, and provide feedback on activities and assignments. Learner-led or self-directed learning — the delivery of learning experiences to independent learners who lead and manage their own experience, delivered via web pages, multimedia presentations, computer applications, online presentations, or similar methods — is not instructor-led.

(9) “Law enforcement agency” has the meaning given in s. 165.83 (1) (b), Stats.

(10) “License number” means the unique identification number the department assigns to a licensee pursuant to s. 175.60 (2m) (b) 6., Stats., when it issues a license.

(11) “Licensee” means a person who has been issued a license to carry a concealed weapon under s. 175.60, Stats.

(12) “National or state organization that certifies firearms instructors” means any association, partnership, corporation, or limited liability company that is registered, certified, or has an appointed agent on file with the department of financial institutions or has equivalent legal recognition in another state; that customarily or regularly provides training and certification for firearms instructors; and that requires its certified instructors to demonstrate the ability and knowledge required to teach a firearms safety or training course, as defined in sub. (7).

(13) “NICS” means the National Instant Criminal Background Check System of the FBI.

(14) “Non-approval number” means the unique number the department assigns to an applicant pursuant to s. 175.60 (9g) (a) 3. a., Stats., when a completed background check on the applicant indicates that s. 175.60 (3) (b), (c), (d), or (e), Stats., applies to the applicant.

(15) “Weapon” has the meaning given in s. 175.60 (1) (j), Stats.

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Note: INITIAL APPLICABILITY. The definition of “Firearms safety or training course” in s. Jus 17.03 (7), the definition of “Instructor-led” in s. Jus 17.03 (8), and the requirements for documenting proof of training in s. Jus 17.05 (2) shall first apply to a firearms safety or training course that commences on June 1, 2013.

Jus 17.04 Application procedures for concealed weapon licenses. (1) PROCESSING OF APPLICATION. When the department receives an application for a license to carry con-

cealed weapons under s. 175.60 (7), Stats., the department shall do the following in the sequence listed:

(a) Review the application for completeness. An application is complete when the department has received all of the items listed in s. 175.60 (7) (a) to (e), Stats.:

1. A completed version of the application form prescribed by the department pursuant to s. 175.60 (5) (a), Stats.
2. A statement that the information submitted in the application and any supporting documents are true and complete to the best of the applicant's knowledge.
3. The license replacement, or renewal fee prescribed in s. Jus 17.12 (1) or (3).
4. The background check fee prescribed in s. Jus 17.12 (2).
5. Proof of training, as provided in s. Jus 17.05.

(am) If an application is complete, the department shall proceed under par. (b). If an application is incomplete, the department shall reject it and shall send written notice of the rejection to the applicant at the residence address provided by the applicant in the application form. The notice of rejection shall explain why the application was found to be incomplete and what must be submitted to complete the application.

Note: The application form is available on the department's Internet site: www.doj.state.wi.us/.

(b) Confirm that the state identification card number submitted by the applicant has been issued to that person by the department of transportation under s. 343.17 (3) (a) 4. or 343.50, Stats., and that the number does not correspond to a driver's license or state identification card that is either expired or cancelled. If the applicant's state identification number meets these requirements, the department shall proceed under par. (c). If the applicant's state identification number does not meet these requirements, the department shall deny the application and proceed under sub. (2).

(c) Review the application for age and residence eligibility under s. 175.60 (3) (a) and (f), Stats. If the applicant is at least 21 years of age and is a Wisconsin resident, the department shall proceed under par. (d). If the applicant is less than 21 years of age or is not a Wisconsin resident, the department shall deny the application and proceed under sub. (2).

(d) Review the proof of training submitted by the applicant for compliance with the requirements of s. 175.60 (4) (a), Stats., and s. Jus 17.05. If the proof of training meets all of those requirements, the department shall proceed under par. (e). If the proof of training fails to meet any of those requirements, the department shall deny the application and proceed under sub. (2).

(e) Enter the application data into the department's license record keeping system, assign the applicant a confirmation number, and proceed under par. (f).

(f) Conduct a background check of the applicant pursuant to s. 175.60 (9g), Stats., for the purpose of determining whether issuance of a license to the applicant is prohibited under s. 175.60 (3) (b), (c), (d), or (e), Stats. If issuance of a license is not prohibited under s. 175.60 (3) (b), (c), (d), or (e), Stats., the department shall issue the license, assign a license number to the licensee, and promptly send the license document to the licensee by 1st class mail. If issuance of a license is prohibited under s. 175.60 (3) (b), (c), (d), or (e), Stats., the department shall deny the application and proceed under sub. (2).

(2) DENIAL OF APPLICATION. If an application is denied under sub. (1) (b), (c), (d), or (f), the department shall inform the applicant in writing of the denial. The notice of denial shall state the reasons and factual basis for the denial decision. The notice of denial shall also advise the applicant of the right to seek administrative review of the denial decision under s. Jus 17.09 or judicial review under s. 175.60 (14m), Stats. The notice of denial

shall be sent to the applicant by a method of shipment that provides confirmation of delivery, including the date of delivery.

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Jus 17.05 Training and documentation requirements. **(1) TRAINING DOCUMENTATION TO BE FURNISHED BY APPLICANT.** The following forms of documentation shall be accepted by the department as adequate proof of training sufficient to satisfy the training requirements of s. 175.60 (4) (a), Stats., and of this section:

(a) A certificate or affidavit documenting that the applicant has successfully completed the department of natural resources' hunter education program or a substantially similar program that is established by another state, country, or province and is recognized by the department of natural resources.

(b) A certificate or affidavit documenting that the applicant has successfully completed a firearms safety or training course conducted by a national or state organization that certifies firearms instructors. The documentation shall include the items specified in sub. (2) and shall affirm that the organization that conducted the course is an organization that certifies firearms instructors.

(c) A certificate or affidavit documenting that the applicant has successfully completed a firearms safety or training course that is available to the public and offered by a law enforcement agency. The documentation shall include the items specified in sub. (2) and shall affirm that the course is one that is available to the public.

(d) A certificate or affidavit documenting that the applicant has successfully completed a firearms safety or training course that is available to the public and offered by a technical college, college, university, private or public institution or organization, or firearms training school. The documentation shall include the items specified in sub. (2), shall affirm that the course was taught by an instructor who is certified either by the department or by a national or state organization that certifies firearms instructors, and shall identify the certifying organization by name.

(e) A certificate or affidavit documenting that the applicant has successfully completed a firearms training course that is offered to law enforcement officers and is certified by the law enforcement standards board or a certificate from an agency of another state documenting that the applicant has successfully completed substantially equivalent training. The documentation shall include the items specified in sub. (2) except that, notwithstanding the requirements of sub. (2), a copy of an educational transcript of the applicant showing successful completion of the requisite training shall suffice to satisfy this requirement.

(f) A certificate or affidavit documenting that the applicant has successfully completed a firearms training course that is offered to owners and employees of private detective and security agencies licensed by the department of safety and professional services under s. 440.26, Stats., or a certificate from an agency of another state documenting that the applicant has successfully completed substantially equivalent training. The documentation shall include the items specified in sub. (2).

(g) A certificate or affidavit documenting that the applicant has successfully completed a firearms safety or training course that is conducted by an instructor who is certified either by the department or by a national or state organization that certifies firearms instructors. The documentation shall include the items specified in sub. (2), shall affirm that the instructor is certified either by the department or by a national or state organization that certifies firearms instructors, and shall identify the certifying organization by name.

(h) A copy of a current or expired license held by the applicant indicating that the applicant is or has been licensed to carry a firearm in this state, in another state, or in a county or municipality of this state or of another state, provided that the current or expired license has not been revoked for cause. The copy of the current or expired license shall be accompanied by the applicant's signed affirmation that the current or expired license has not been revoked for cause. This affirmation shall be submitted on an affirmation form that shall be prepared by the department and made available to the public on the department's Internet site.

(i) A copy of a DD-214 form, "Certificate of Release or Discharge from Active Duty," issued by the United States Department of Defense, showing that the applicant has received an honorable discharge or a general discharge under honorable conditions from the United States armed forces, reserves, or national guard after completion of basic or officer training or a certificate of completion of basic or officer training with a service record of successful completion of small arms training and certification.

(2) CONTENT REQUIREMENTS FOR TRAINING CERTIFICATE OR AFFIDAVIT. (a) A certificate or affidavit supplied by the instructor or organization that is submitted to the department under sub. (1) (b), (c), (d), (e), (f), or (g) for the purpose of documenting that the applicant has successfully completed a firearms safety or training course shall include all of the following information:

1. The applicant's name.
2. The name of the firearms safety or training course.
3. The date on which the applicant completed the firearms safety or training course.
4. The name of the instructor who taught the firearms safety or training course to the applicant and the name of the agency or organization that certified the instructor.

(b) In addition to a certificate or affidavit meeting the requirements of par. (a), the documentation of training submitted by an applicant shall include evidence sufficient to establish that the course completed by the applicant was a firearms safety and training course as defined in s. Jus 17.03 (7). Sufficient evidence shall include one of the following:

1. A signed statement by the instructor who taught the firearms safety or training course to the applicant affirming that the course completed by the applicant was a firearms safety and training course as defined in s. Jus 17.03 (7).

2. Information on the certificate or affidavit described in sub. (2) (a) sufficient to establish that the course completed by the applicant was a firearms safety and training course as defined in s. Jus 17.03 (7).

3. A signed statement by the applicant as part of the application affirming that the applicant successfully completed a firearms safety or training course and describing the scope and contents of that course in a manner sufficient to determine that the course was a firearms safety and training course as defined in s. Jus 17.03 (7).

(3) MODEL TRAINING CERTIFICATE. The department shall prepare and make available to the public on its Internet site a model training certificate that provides for the information required under sub. (2).

(4) MODEL TRAINING CURRICULUM. The department shall prepare a training curriculum for a firearms safety or training course, as that term is defined in s. Jus 17.03 (7), and shall make that curriculum available for the use of firearms instructors who are certified by the department pursuant to s. Jus 17.06. Instructors who are not certified by the department may use that curriculum in preparing and conducting their own courses, but they shall

not represent themselves or their courses as certified or approved by the department.

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Note: INITIAL APPLICABILITY. The definition of "Firearms safety or training course" in s. Jus 17.03 (7), the definition of "Instructor-led" in s. Jus 17.03 (8), and the requirements for documenting proof of training in s. Jus 17.05 (2) shall first apply to a firearms safety or training course that commences on June 1, 2013.

Jus 17.06 Firearms instructors certified by the department. (1) An individual shall be certified by the department as a firearms instructor for purposes of s. 175.60 (4) (b) 1., Stats., if the individual is certified as a law enforcement firearms instructor by the law enforcement standards board and the individual is eligible to carry a concealed weapon under s. 175.60 (3), Stats. The individual's certification by the department under s. 175.60 (4) (b) 1., Stats., shall be in effect only when the individual's certification by the law enforcement standards board is in effect. Renewal of an individual's instructor certification by the law enforcement standards board shall automatically renew the individual's certification under this section.

(2) If a firearms instructor certified by the department under sub. (1) at any time becomes ineligible to carry a concealed weapon under s. 175.60 (3), Stats., the instructor shall, within 48 hours, notify the department's training and standards bureau of the circumstances giving rise to the ineligibility. The training and standards bureau shall immediately suspend the instructor's certification under sub. (1) and shall provide notice of that suspension to the department's crime information bureau. The suspension shall remain in effect for as long as the individual remains ineligible to carry a concealed weapon under s. 175.60 (3), Stats.

(3) (a) A firearms instructor certified by the department under sub. (1), when teaching a firearms safety or training course under the authority of that certification, shall use the training curriculum provided by the department pursuant to s. Jus 17.05 (4) and a training certificate in a form approved and supplied by the department.

(b) If the department determines that a firearms instructor certified by the department under sub. (1) has not satisfied the requirements of par. (a) or sub. (2), the department may revoke the instructor's certification under sub. (1). The department shall send the instructor written notification of any such revocation and shall afford the instructor the opportunity to request a hearing pursuant to s. 227.42, Stats.

History: CR 12-030: cr. Register May 2013 No. 689, eff. 6-1-13.

Jus 17.07 License revocation or suspension. (1) DEPARTMENT TO REVOKE OR SUSPEND AS REQUIRED. Upon receiving a notice about an individual pursuant to s. 175.60 (11) (a) 2., Stats., the department shall immediately check its computerized license records to determine if the individual who is the subject of the notice is a licensee. If the individual is found to be a licensee, the department shall determine whether revocation or suspension of the individual's license is required under s. 175.60 (14) (a) or (am), Stats., and shall revoke or suspend the license as required.

(2) NOTICE OF REVOCATION OR SUSPENSION. (a) If the department at any time revokes or suspends a license under s. 175.60 (14) (a) or (am), Stats., the department, within one day, shall send to the individual written notice of the revocation or suspension. The notice shall include a statement of the reasons and factual basis for the revocation or suspension and shall be accompanied by a copy of any pertinent records supporting the revocation or suspension. The notice shall also advise the individual of the right to seek administrative review of the revocation or suspension under s. Jus 17.09 or judicial review under s. 175.60 (14m), Stats. The notice shall be sent to the individual by a

method of shipment that provides confirmation of delivery, including the date of delivery.

(b) Any notice of a suspension of a license pursuant to s. 175.60 (14) (am), Stats., shall also include a statement that if the licensee, at any time, ceases to be subject to the prohibition underlying the suspension, the licensee may submit to the department authenticated documentation establishing that fact.

(3) RETURN OF REVOKED OR SUSPENDED LICENSE. Any notice of revocation or suspension issued by the department under sub. (2) shall instruct the individual whose license has been revoked or suspended to do one of the following within 7 days:

(a) Deliver the revoked or suspended license document to the department either personally or by certified mail.

(b) Mail to the department a signed statement indicating that the individual no longer has possession of the revoked or suspended license document and explaining the reasons why he or she no longer has possession.

(4) EFFECTIVE DATE OF REVOCATION OR SUSPENSION. Any suspension or revocation of a license under s. 175.60 (14) (a) or (am), Stats., shall take effect on the date when the individual whose license has been revoked or suspended receives the notice of revocation or suspension under sub. (2).

(5) REINSTATEMENT OF SUSPENDED LICENSE. If the department receives information, pursuant to sub. (2) (b) or by other means, establishing that an individual whose license has been suspended under s. 175.60 (14) (am) is no longer subject to the prohibition underlying that suspension, the department shall, within 5 business days of receiving that information, do the following in the sequence listed:

(a) Determine whether the suspended license has expired under s. 175.60 (15) (a), Stats. If the suspended license has not expired, the department shall proceed under par. (b). If the suspended license has expired, the department shall notify the individual that the suspended license cannot be reinstated unless the individual first complies with the license renewal requirements of s. 175.60 (15), Stats.

(b) Conduct a background check of the individual for the purpose of determining whether reinstatement of the suspended license is prohibited under s. 175.60 (3) (b), (c), (d), or (e), Stats. If reinstatement of the suspended license is not prohibited, the department shall proceed under par. (c). If reinstatement of the suspended license is prohibited, the department shall notify the individual in writing of the reason why the suspended license cannot be reinstated and shall include a copy of any background check records supporting the denial of reinstatement. Notice of a denial of reinstatement shall also advise the applicant of the right to seek administrative review under s. Jus 17.09 or judicial review under s. 175.60 (14m), Stats., and shall be sent to the applicant by a method of shipment that provides confirmation of delivery, including the date of delivery.

(c) Reinstatement of the suspended license and mail to the individual written notification of that reinstatement. If the individual has previously delivered the suspended license document to the department pursuant to sub. (3) (a), the department shall also promptly return the reinstated license document to the individual by 1st class mail.

(6) REAPPLICATION FOLLOWING REVOCATION. If an individual whose concealed carry license has been properly revoked by the department pursuant to s. 175.60 (14) (a), Stats., wishes to again carry a concealed weapon pursuant to s. 175.60, Stats., the individual shall apply for a new license pursuant to s. Jus 17.04 and satisfy all requirements of that section, including the payment of all applicable fees.

History: CR 12-030: cr. Register May 2013 No. 689, eff. 6-1-13.

Jus 17.08 Changes, updates, replacements, or renewals of licenses. (1) CHANGE OF ADDRESS. Written notice of a change of address from a licensee pursuant to s. 175.60 (11) (b) 1., Stats., shall be submitted on a form provided by the department. Upon receiving such notice of a change of address, the department shall update its license records with the new information. At the request of a licensee whose address has changed, the department shall issue the licensee a new license document containing the new address.

Note: The change of address form is available on the department's Internet site: www.doj.state.wi.us. The mailing address for the department is Wisconsin Department of Justice, Attention: Firearms Unit, Post Office Box 7130, Madison, WI, 53707-7130.

(2) NAME CHANGE. No later than 30 days after legally changing his or her name, a licensee shall provide the department with written notification of the name change on a form provided by the department. Upon receiving such notification, the department shall process the name change as a new application under s. Jus 17.04 and shall conduct a background check of the licensee under the new name. If the background check shows that s. 175.60 (3) (b), (c), (d), or (e), Stats., applies to the licensee, the department shall revoke or suspend the licensee's previous license under s. 175.60 (14) (a) or (am), Stats., as appropriate. If the background check shows that s. 175.60 (3) (b), (c), (d), and (e), Stats., do not apply to the licensee, the department shall issue the licensee a new license document containing the licensee's updated information. If the licensee receives a new license from the department under this section, the licensee shall immediately deliver his or her previous license to the department either personally or by certified mail.

Note: The name change form is available on the department's Internet site: www.doj.state.wi.us. The mailing address for the department is Wisconsin Department of Justice, Attention: Firearms Unit, Post Office Box 7130, Madison, WI, 53707-7130.

(3) LOST OR DESTROYED LICENSE. Pursuant to s. 175.60 (13), Stats., upon the request of a licensee the department may replace a license document that has been lost, destroyed, or has become unreadable or unusable. The request shall be accompanied by all or any portion of the license document that is available. If the licensee does not submit the original license document, the department shall issue a new unique approval number and terminate the existing approval number.

Note: The mailing address for the department is Wisconsin Department of Justice, Attention: Firearms Unit, Post Office Box 7130, Madison, WI, 53707-7130.

(4) LICENSE RENEWAL. Unless revoked or suspended, any license other than an emergency license is valid for five years from the date of issuance by the department. Pursuant to s. 175.60 (5) (a), Stats., the department "shall complete the design of the renewal form no later than July 1, 2014."

(5) FEES. (a) For any license document issued under this section, the department shall charge the replacement or renewal fee provided in s. Jus 17.12 (3).

(b) For any background check conducted under this section, the department shall charge the background check fee provided in s. Jus 17.12 (2).

History: CR 12-030: cr. Register May 2013 No. 689, eff. 6-1-13.

Jus 17.09 Administrative review after denial, suspension, or revocation. (1) (a) After receiving written notice of denial of a license application under s. Jus 17.04 (2), written notice of a license revocation or suspension under s. Jus 17.07 (2), or written notice of denial of reinstatement of a license under s. Jus 17.07 (5) (b), an applicant or licensee may submit to the department a written petition for administrative review of the denial, revocation, or suspension decision. A petition for administrative review is timely only if received by the department within 30 days after the date on which the denial, revocation, or suspension

sion decision was mailed to the applicant or licensee. There is no fee for administrative review of the denial, revocation, or suspension of a license.

Note: The mailing address for the department is Wisconsin Department of Justice, Attention: Firearms Unit, Post Office Box 7130, Madison, WI, 53707-7130.

(b) 1. A petition for administrative review under par. (a) shall specifically identify any alleged errors in the decision to be reviewed and shall be accompanied by a copy of the decision to be reviewed and by authenticated copies of all supporting documentation that the applicant or licensee wishes the department to consider when conducting the review.

2. If a petition for administrative review alleges that the department has incorrectly determined that the applicant or licensee is prohibited from possessing a firearm or dangerous weapon under s. 175.60 (3) (b), (c), (d), or (e), Stats., the supporting materials submitted with the petition shall include proof of the identity of the applicant or licensee. Satisfactory proof of identity shall include a set of rolled-ink fingerprints of the applicant or licensee prepared by a law enforcement agency on a state or FBI fingerprint card. Fingerprints are not required if the petition for administrative review does not allege that the department has incorrectly determined that the applicant or licensee is prohibited from possessing a firearm or dangerous weapon under s. 175.60 (3) (b), (c), (d), or (e), Stats.

3. If any alleged error identified in a petition for administrative review is based on the existence or disposition of an apparent criminal arrest or conviction, the petition shall specifically identify any error in any pertinent background check records and shall be accompanied by authenticated copies of any court documents establishing the alleged error.

4. If a petition for administrative review claims that the department has erroneously suspended a license pursuant to s. 175.60 (14) (am), Stats., the supporting materials submitted with the petition shall include authenticated copies of any pertinent court records or other pertinent records.

5. If any alleged error identified under subd. 1. is based on a claim that the applicant or licensee has received a pardon or has obtained relief under s. 51.20 (13) (cv) 1m., 51.45 (13) (i) 2., 54.10 (3) (f) 2., 55.12 (10) (b), or 941.29, Stats., the petition shall be accompanied by authenticated copies of the pardon or court documents establishing any such relief.

(c) 1. If the department receives a timely petition for administrative review, a review proceeding shall be conducted by the attorney general or the attorney general's designee. The review shall be based on consideration of all items and records in the department's possession related to the decision under review, including the written notice of denial, revocation, or suspension under review; the petition for administrative review and any supporting documentation submitted by the applicant or licensee.

2. If in the course of a review proceeding under subd. 1., the department determines that additional supporting documentation is needed from the applicant or licensee, the department shall send the applicant or licensee a written request for the additional documentation. While any such request is pending, the time for the department to complete the review proceeding under par. (d) shall be tolled and shall not begin to run again until the applicant or licensee has provided the requested documentation.

(d) 1. No later than 30 days after receiving a petition for administrative review and supporting documentation, the attorney general or the attorney general's designee shall complete the review under par. (c) and shall issue a written decision on behalf of the department either affirming or reversing the denial, revocation, or suspension under review. The written decision shall include the reasons and factual basis for the department's decision and shall advise the applicant or licensee of the right to seek judi-

cial review under s. 175.60 (14m), Stats. The written decision shall be sent to the applicant or licensee by a method of shipment that provides confirmation of delivery, including the date of delivery.

2. If the written decision issued under subd. 1. affirms the denial of a license application, the written decision shall include notification to the applicant that any non-approval number previously issued remains in effect.

3. If the written decision issued under subd. 1. affirms the revocation or suspension of a license, the written decision shall include notification to the licensee that the previously imposed revocation or suspension remains in effect.

4. If the written decision issued under subd. 1. reverses the denial of a license application, the department shall withdraw any previously issued non-approval number and shall issue the license, assign a license number to the licensee, and promptly send the license document to the licensee by 1st class mail. If the department has previously received a set of fingerprints from the applicant, the department shall return those fingerprints to the applicant.

5. If the written decision issued under subd. 1. reverses the revocation or suspension of a license, the department shall reinstate the revoked or suspended license and the written decision shall include notification to the licensee of such reinstatement. If the licensee has previously delivered the revoked or suspended license document to the department pursuant to s. Jus 17.07 (3) (a), the department shall promptly return the reinstated license document to the licensee by 1st class mail. If the department has previously received a set of fingerprints from the licensee, the department shall return those fingerprints to the licensee.

6. If the written decision issued under subd. 1. includes a finding that any pertinent background check record is erroneous or incomplete, the department shall take appropriate steps to correct that record.

(e) If the written decision under par. (d) 1. affirms the denial, revocation, or suspension of a license and the applicant or licensee does not file a timely petition for judicial review under s. 175.60 (14m), Stats., the department shall return to the applicant or licensee any set of fingerprints previously submitted to the department by the applicant or licensee.

History: CR 12-030: cr. Register May 2013 No. 689, eff. 6-1-13.

Jus 17.10 Emergency Licenses. (1) If a court that is considering a petition for an emergency concealed carry license pursuant to s. 175.60 (9r), Stats., or a court that has issued such an emergency license asks the department to conduct a background check for the purpose of determining whether s. 175.60 (3) (b), (c), (d), or (e), Stats., applies to the person requesting or holding the emergency license, the department shall conduct the background check as soon as reasonably practicable and shall report the results to the requesting court.

(2) Any information that the department receives from a court regarding the issuance or revocation of an emergency concealed carry license under s. 175.60 (9r), Stats., shall be entered by the department into its computerized license records and shall be available to law enforcement as provided in s. 175.60 (12) and (12g), Stats.

History: CR 12-030: cr. Register May 2013 No. 689, eff. 6-1-13.

Jus 17.11 Documentation. (1) The department shall create and keep the following items related to the issuance and administration of concealed carry licenses under s. 175.60, Stats., the review of licensing decisions by the department, and the certification of firearms safety and training instructors:

(a) All of the information submitted to the department by ap-

plicants pursuant to s. 175.60 (7), Stats., and notes related to that information.

(b) A log of each rejected application including the reasons for rejection and a count of the number of rejected applications.

(c) The confirmation number for each applicant.

(d) The approval or non-approval number for each applicant on whom the department has conducted a background check.

(e) The license number for each licensee to whom the department has issued a concealed carry license.

(f) A log of each record search of the department's computerized license records, including the date or dates of the search and any confirmation number, license number, or approval or non-approval number associated with the search.

(g) Documentation concerning the cost to the department of issuing concealed carry licenses under s. 175.60, Stats., and this chapter.

(h) All records that the department is required to keep by applicable state or federal laws.

(2) The department may create and keep any other items reasonably necessary for the department to perform its responsibilities under s. 175.60, Stats., and this chapter.

History: CR 12-030: cr. Register May 2013 No. 689, eff. 6-1-13.

Jus 17.12 Fees. (1) **LICENSE FEE.** The license fee charged by the department pursuant to s. 175.60 (7) (c), Stats., shall be \$30.

(2) **BACKGROUND CHECK FEE.** The fee for any background check conducted by the department pursuant to s. Jus 17.04 (1) (f) or 17.07 (5) (b) shall be \$13.

(3) **REPLACEMENT OR RENEWAL FEE.** The fee charged by the department for replacing a lost or destroyed license pursuant to s. 175.60 (13), Stats., or for renewing a license pursuant to s. 175.60 (15) (b) 4. a., Stats., shall be \$12.

History: CR 12-030: cr. Register May 2013 No. 689, eff. 6-1-13.

Jus 17.13 Recognition of out-of-state licenses. (1) **DEFINITIONS.** In this section:

(a) "Concealed carry license" means a current, valid permit, license, approval, or other authorization to carry a concealed weapon that is issued by a state other than Wisconsin.

(b) "Out-of-state license" has the meaning given in s. 175.60 (1) (f), Stats.

(c) "State" has the meaning given in s. 990.01 (40), Stats.

(2) **RECOGNITION OF MANDATORY BACKGROUND CHECKS.** A background search required by another state for the issuance of a concealed carry license shall be recognized as comparable to a background check under s. 175.60 (1) (ac), Stats., if the license is issued by one of the following:

(a) A state that by statute or administrative rule expressly re-

quires a background check that includes a NICS search as a prerequisite for obtaining a concealed carry license.

(b) A state that, through the office of its attorney general or another appropriate state agency or official, has informed the department that the state, as a matter of policy, requires a background check that includes a NICS search as a prerequisite for obtaining a concealed carry license.

(3) **RECOGNITION OF VOLUNTARY BACKGROUND CHECKS.** If a state is not covered by sub. (2), but issues a concealed carry license that designates that the holder chose to voluntarily submit to a background check, the voluntary background check shall be recognized as comparable to a background check under s. 175.60 (1) (ac), Stats., if that state, through the office of its attorney general or another appropriate state agency or official, has informed the department that the background check includes a NICS search.

(4) **LICENSES ISSUED BY OTHER STATES THAT ARE VALID IN WISCONSIN.** (a) A concealed carry license issued by any of the states to which sub. (2) (a) or (b) applies is a valid out-of-state license. A person who has been issued such an out-of-state license, who is 21 years of age or over, and who is not a Wisconsin resident is an out-of-state licensee as defined in s. 175.60 (1) (g), Stats.

(b) A concealed carry license issued by any of the states to which sub. (3) applies is a valid out-of-state license, if the license indicates that the holder of that license has chosen to submit to a background check. A person who has been issued such a license, who is 21 years of age or over, and who is not a Wisconsin resident is an out-of-state licensee as defined in s. 175.60 (1) (g), Stats.

(5) **LIST OF STATES CURRENTLY ISSUING LICENSES VALID IN WISCONSIN.** The department shall create and maintain a list of the names of all the states to which sub. (2) (a) or (b) or (3) applies and shall make the list available to the public on the department's Internet site.

(6) **MODIFICATIONS TO LIST OF STATES CURRENTLY ISSUING LICENSES VALID IN WISCONSIN.** (a) If the department determines that a state whose name is not included in the list created under sub. (5) is a state to which sub. (2) (a) or (b) or (3) applies, the department shall add that state to the list.

(b) If the department determines that a state whose name is included in the list created under sub. (5) is a state to which sub. (2) (a) or (b) or (3) does not apply, the department shall remove that state from the list.

(c) Any person possessing information indicating that the list created under sub. (5) is not accurate may submit that information to the department. Upon receiving such information, the department shall take reasonably necessary and appropriate steps to review the accuracy of the list and correct any inaccuracies.

History: CR 12-030: cr. Register May 2013 No. 689, eff. 6-1-13.