



STATE OF WISCONSIN
Department of Justice

**ORDER ADOPTING EMERGENCY RULE
DOJ-2011-02**

INTRODUCTORY CLAUSE

The State of Wisconsin Department of Justice (“DOJ”) proposes an order to create section Jus 17.13 relating to the recognition by Wisconsin of concealed carry licenses issued by other states.

TEXT OF THE PROPOSED RULE

SECTION 1. Jus 17.13 is created to read:

Jus 17.13 Recognition of out-of-state licenses

(1) DEFINITIONS. In this section:

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

(b) “State” has the meaning given in s. 990.01(40), Stats.

(2) The following states issue a concealed carry license that requires a background search that is comparable to a background check as defined in s. 175.60(1)(ac), Stats.:

(a) Each state that by statute or administrative rule expressly requires a background check that includes a NICS search as a prerequisite for obtaining a concealed carry license.

(b) Each 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) If a state is not covered by sub. (2), but issues concealed carry licenses which designate if the holder chose to voluntarily submit to a background check, that voluntary background check is comparable to a background check as defined in 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)(a) A concealed carry license issued by any of the states to which sub. (2)(a) or (b) applies is an out-of-state license as defined in s. 175.60(1)(f), Stats. 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 an out-of-state license as defined in s. 175.60(1)(f), Stats., 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 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.

(5) The department shall create and maintain a list of the names of all the states to which sub. (2)(a) or (b) applies or to which sub. (3) applies and shall make the list available to the public on the department's Internet site.

(6)(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 sub. (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 sub. (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 will take reasonably necessary and appropriate steps to review the accuracy of the list and correct any inaccuracies.

SECTION 2. EFFECTIVE DATE. This rule shall take effect on November 1, 2011.

Dated this 19th day of October, 2011.

WISCONSIN DEPARTMENT OF JUSTICE

By: _____
J.B. Van Hollen, Attorney General

This emergency rule was approved in writing by the governor on October 14, 2011, pursuant to Wis. Stat. § 227.24(1)(e)1g.