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2015 WI S 102

Author: Moulton
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2015 - 2016 LEGISLATURE

2015 Senate BILL 102

March 27, 2015 - Introduced by Senators Moulton, Wanggaard and Harsdorf, cosponsored by Representatives Bernier, Kleefisch, Horlacher, Kremer, Gannon, T. Larson, Mursau, Edming, Ripp, Murtha, Thiesfeldt, Kapenga, Tittl and Krug. Referred to Committee on Judiciary and Public Safety.

An Act **to repeal** 941.24 (2); **to renumber and amend** 941.24 (1); **to amend** 175.60 (1) (j); and **to create** 941.24 (1g) and 941.24 (2m) of the statutes;

relating to: going armed with a switchblade.

Analysis by the Legislative Reference Bureau

Current law generally prohibits a person from manufacturing, selling, transporting, purchasing, or possessing a switchblade knife. This bill excludes from the definition of switchblade knife a knife with closure-biased springs that require physical force to be applied to the blade in order to open the knife. This bill exempts from the prohibition qualified law enforcement officers, qualified former law enforcement officers, and persons who have a license to carry a concealed weapon, including certain out-of-state licenses.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section 1. 175.60 (1) (j) of the statutes is amended to read:

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

Section 2. 941.24 (1) of the statutes is renumbered 941.24 (1m) and amended to read:

941.24 (1m) Whoever manufactures, sells or offers to sell, transports, purchases, possesses or goes armed with ~~any~~ a switchblade is guilty of a Class A misdemeanor.

(1g) (c) "Switchblade" means any knife having a blade which opens by pressing a button, spring, or other device in the handle or by gravity or by a thrust or movement ~~is guilty of a Class A misdemeanor and does not include a knife that has a closure-biased spring or other mechanism designed to keep the blade closed and that requires exertion applied to the blade by a hand, wrist, or arm to assist in opening the knife.~~

Section 3. 941.24 (1g) of the statutes is created to read:

941.24 (1g) In this section:

- (a) "Licensee" has the meaning given in s. 175.60 (1) (d).
- (b) "Out-of-state licensee" has the meaning given in s. 175.60 (1) (g).

Section 4. 941.24 (2) of the statutes is repealed.

Section 5. 941.24 (2m) of the statutes is created to read:

941.24 (2m) (a) The prohibition under sub. (1m) does not apply to any of the following:

1. A law enforcement officer; a qualified out-of-state law enforcement officer, as defined in s. 941.23 (1) (g); or

a former officer, as defined in s. 941.23 (1) (c).

2. Any manufacturer or seller of a switchblade unless the manufacturer or seller engages in the conduct described in sub. (1m) with the intent to provide the switchblade to someone other than a person specified in subd. 1., another manufacturer or seller, or a licensee or an out-of-state licensee.

(b) The prohibition under sub. (1m) against transporting, purchasing, possessing, or going armed with a switchblade does not apply to a licensee or an out-of-state licensee.

(c) The prohibition under sub. (1m) against transporting a switchblade does not apply to a common carrier.

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