

**WISCONSIN'S NEW CARRYING CONCEALED WEAPON LAW  
QUESTIONS AND ANSWERS  
AUGUST 1, 2011**

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 Carrying a concealed firearm while intoxicated.  
 Carry a firearm while unlawfully using controlled substances.  
 Intentionally point a firearm at another unless such conduct is privileged.  
 Intentionally point a firearm at a law enforcement officer, fire fighter, EMT, first  
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 capacity.  
 Intentionally discharge a firearm into a vehicle or building under circumstances in  
 which the person should realize there might be a human being present unless  
 privileged. Intentionally discharges a firearm from a vehicle while on a highway or  
 in a parking lot unless justified or privileged.  
 Possess, purchase, sell, offer to sell, manufacture, or goes armed with a switchblade  
 knife. Possess tear gas or similar substance except for pepper spray.  
 Use tear gas or similar substances or pepper spray against a law enforcement officer  
 or during a crime.  
 Possess, purchase, sell, transport or use a machinegun unless authorized by law.  
 Possess, purchase, sell, transport or use a short-barreled shotgun or rifle  
 (shotgun with a barrel length of less than 18 inches or an overall length of less  
 than 26 inches and a rifle with a barrel length of less than 16 inches or an overall  
 length of less than 26 inches). Sell or distribute an imitation firearm.  
 Carry or display a facsimile firearm in a manner that could reasonably be expected to  
 alarm, intimidate, threaten or terrify another person.  
 Possess, sell or deliver a firearm silencer unless specifically allowed by law.  
 Endanger the safety of another by the negligent operation of handling of a dangerous  
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 If I do not get a CCW license can I carry a firearm openly?  
 How do I transport weapons if I do not have a CCW license?*

**DISCLAIMER:** *This document broadly discusses—in question-and-answer format—the laws and procedures governing licenses to carry concealed weapons in Wisconsin. Every effort has been made to be as accurate as possible. However, this document does not constitute either an informal or formal opinion of the Wisconsin Attorney General, does not constitute legal advice or guidance and does not create an attorney-client relationship. And it creates no rights beyond those established under the constitutions, statutes, regulations and administrative rules of the United States and the State of Wisconsin. Nor does it attempt to provide answers to every question that may arise regarding carrying concealed weapons. Many factors may affect your decision whether to apply for a license to carry concealed weapons in Wisconsin. You should review the statutes governing CCW and consult a private attorney for specific information and advice. This document also only reflects the law as of the date of its publication and may be superseded or affected by other versions or changes in the law.*

**Wisconsin Act 35:** <http://legis.wisconsin.gov/2011/data/acts/11Act35.pdf>

## EFFECTIVE DATE

*When does Wisconsin's carrying concealed law become effective?*

Wisconsin Act 35 was signed into law on July 8, 2011, and published on July 22, 2011. However, the provisions regarding CCW licenses do not take effect until November 1, 2011.

**Wisconsin Act 35:** <http://legis.wisconsin.gov/2011/data/acts/11Act35.pdf>

*Can I legally carry a concealed weapon before that date?*

No.

*When can I start carrying a concealed weapon?*

Once you have received a CCW license. The application process begins November 1, 2011.

DOJ is required to establish, by rule, a list of states that issue CCW licenses or permits that either requires or designates that the holder of the license or permit chose to submit to a background check that is comparable to the check conducted under Wisconsin law. *Wis. Stat. § 165.25(12)*. A person who possesses a CCW license or permit from one of the states designated by DOJ may carry concealed in Wisconsin. *Wis. Stat. § 15.60((1)(f) and (2g)(a)*. Such a person may begin carrying concealed as soon as DOJ lists the state by rule but no earlier than the effective date of the law of November 1, 2011.

Out-of-state CCW licenses issued to Wisconsin residents are not valid in Wisconsin. All Wisconsin residents must obtain a Wisconsin CCW license in order to carry concealed in Wisconsin.

## CARRYING CONCEALED WEAPON LICENSE PROCESS AND REQUIREMENTS

### A. Eligibility for a CCW license

*Who is eligible to apply for a CCW license?*

In order to obtain a CCW license, the applicant must:

- Be 21 years of age or older.
- Not be prohibited from possessing a firearm under state or federal law.
- Not have been ordered as a condition of bail or release in a criminal case from possessing a dangerous weapon.
- Be a Wisconsin resident.
- Have provided proof of the firearms training required for a license. (see **Training Requirement** below)

*Wis. Stat. § 175.60(3)(a) through (g).*

*Who cannot get a CCW license?*

- A person under 21 years of age. *Wis. Stat. § 175.60(3)(a)*.
- A person who is prohibited from possessing a firearm under state or federal law. *Wis. Stat. § 175.60(3)(b) and (c)*.

- A person who has been ordered as a condition of bail or release in a criminal case from possessing a dangerous weapon. *Wis. Stat. § 175.60(3)(d) and (e).*
- A person who is not a Wisconsin resident. *Wis. Stat. § 175.60(3)(f).*
- A person who has not provided proof of the training required for the issuance of a license. *Wis. Stat. § 175.60(3)(g).*

*Who is prohibited from possessing a firearm under state and federal law?*

**Under state law the following persons are prohibited from possessing a firearm: *Wis. Stat. § 941.29.***

In addition to persons a court has ordered as a condition of release on bail to be prohibited from possessing a dangerous weapon (see above), a person is prohibited under §§ 941.29(1) and (2) from possessing a firearm if any of the following apply:

1. The person has been **convicted of a felony in Wisconsin**. *Wis. Stat. § 941.29(1)(a).* Unless the person has been pardoned of the felony and has been expressly authorized to possess a firearm under 18 USC app. 1203; or has been relieved of disabilities under 18 USC 925(c). *Wis. Stat. § 941.29(5).*
2. The person has been **convicted of a crime elsewhere that would be a felony if convicted in Wisconsin**. *Wis. Stat. § 941.29(1)(b).* Unless the person has been pardoned of the felony and has been expressly authorized to possess a firearm under 18 USC app. 1203; or has been relieved of disabilities under 18 USC 925(c). *Wis. Stat. § 941.29(5).*
3. The person was **adjudicated delinquent for an act committed on or after April 21, 1994, that if committed by an adult in this state would be a felony**. *Wis. Stat. § 941.29(1)(bm).* Unless a court subsequently determines that the person is not likely to act in a manner dangerous to public safety. *Wis. Stat. § 941.29(8).*
4. The person **was found not guilty of a felony in Wisconsin by reason of mental disease or defect**. *Wis. Stat. § 941.29(1)(c).* Unless, a court subsequently determines that: 1) the person is no longer insane or no longer has a mental disease, defect or illness, AND 2) the person is not likely to act in a manner dangerous to public safety. *Wis. Stat. § 941.29(7).*
5. The person **was found not guilty or not responsible for a crime elsewhere that would be a felony in this state by reason of insanity or mental illness, disease or defect**. *Wis. Stat. § 941.29(1)(d).* Unless, a court subsequently determines that: 1) the person is no longer insane or no longer has a mental disease, defect or illness, AND 2) the person is not likely to act in a manner dangerous to public safety. *Wis. Stat. § 941.29(7).*
6. The person **has been committed to treatment under s. 51.20(13)(a) and ordered not to possess a firearm** under § 51.20(13)(cv)1. *Wis. Stat. § 941.29(1)(e).* Unless the prohibition has been cancelled. *Wis. Stat. § 941.20(9)(a).*
7. The person **has been ordered not to possess a firearm under any of §§ 51.20(13)(cv)1, 51.45(13)(i)1, 54.10(3)(f)1, or 55.12(10)(a) (mental**

**health commitments).** *Wis. Stat. § 941.20(1)(em).* Unless the court order has been cancelled. *Wis. Stat. § 941.20(9b).*

8. The person **is enjoined under an injunction issued under § 813.12 or 813.122 (harassment or domestic abuse) or under a tribal injunction**, as defined in § 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 § 941.29 and that has been filed under § 806.247(3). *Wis. Stat. § 941.29(1)(f).* Unless the person is a peace officer and the person possesses a firearm while in the line of duty or, if required to do so as a condition of employment, while off duty; OR, 2) the person is a member of the U.S. armed forces or national guard and the person possesses a firearm while in the line of duty. *Wis. Stat. § 941.29(10).*

(Note . the prohibition against firearm possession under this subsection does not apply to any correctional officer employed before May 1, 1982, who is required to possess a firearm as a condition of employment. This exemption applies if the officer is eligible to possess a firearm under any federal law and applies while the officer is acting in an official capacity. *Wis. Stat. § 941.29(6).*

**Under federal law** the following persons are prohibited from possessing a firearm that has been shipped or transported in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce. *18 USC Ch. 44 § 922(g)(1)-(9).*

- 1 A person who has been **convicted** in any court of, **a crime punishable by imprisonment for a term exceeding one year;**
2. A person who is a **fugitive** from justice;
3. A person who is an **unlawful user of or addicted to any controlled substance** (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));
4. A person who has been **adjudicated as a mental defective or who has been committed to a mental institution;**
5. A person who, being an **alien**-
  - (A) is **illegally or unlawfully in the United States;** or
  - (B) except as provided in subsection 18 USC 44 § 922(y)(2), **has been admitted to the United States under a nonimmigrant visa** (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(26));
6. A person who has been **discharged from the Armed Forces under dishonorable conditions;**
7. A person who, having been a citizen of the United States, has **renounced his or her citizenship;**
8. A person who is **subject to a court order** that-
  - (A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

- (B) **restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child;** and
- (C) (i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or  
(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

9. A person who has been **convicted in any court of a misdemeanor crime of domestic violence.**

## **B. Application and general requirements**

*When can I apply for a CCW license?*

When the law becomes effective on November 1, 2011.

*Where can I apply for a CCW license?*

License applications will be available from and are to be submitted to the Wisconsin Department of Justice (DOJ). *Wis. Stat. § 175.60(7)*. DOJ is currently developing license applications and intends to have those applications available on the DOJ Website on or about November 1, 2011. Additional details regarding the process will be provided on the DOJ website in the near future as rules are developed and published.

*How do I apply for a CCW license?*

An individual may apply for a license by submitting, by mail, a completed application form, a statement that the information submitted in or with the application is true and complete to the best of his or her knowledge, a license fee in an amount determined by DOJ but which may not exceed \$37, and a \$13 fee for a background check. *Wis. Stat. § 175.60(7)*.

*Where can I get a copy of the application form?*

DOJ shall make the forms available on the Internet and, upon request, by mail. *Wis. Stat. § 175.60(5)(b)*.

*Can I send in my application today or anytime before November 1?*

No. All applications must be made on the form that is provided by DOJ. This form is still being developed. Moreover, applicants will need to receive training that meets the statutory requirements as specified in rules that are currently being promulgated. Finally, DOJ may not process applications before November 1 because when it performs background checks, it must have access to up-to-date criminal history information.

*What is required to apply for a license?*

All of the following:

1. A completed application form. *Wis. Stat. § 175.60(7)(a)*.

2. A statement that the information provided in the application and any document submitted with the application is true and complete to the best of the applicant's knowledge. *Wis. Stat. § 175.60(7)(b)*.
3. A license fee in an amount to be determined by DOJ, but not to exceed \$37. *Wis. Stat. § 175.60(7)(c)*.
4. A fee for a background check. Currently, that fee is \$13. *Wis. Stat. § 175.60(7)(d)*
5. Proof of training. *Wis. Stat. § 175.60(7)(e)*.

*What personal information is required in an application?*

Name, address, date of birth, state identification card number, race, sex, height, and eye color. *Wis. Stat. § 175.60(2m) (b)*.

*What information is contained on the application?*

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 regarding when the applicant is ineligible for a license.
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 where a licensee is prohibited from carrying a weapon, as well as a place for the applicant to sign his or her name to indicate that he or she has read and understands the statement.

*Wis. Stat. § 175.60(5)(a)*.

Applicants will also be asked to answer a series of questions relating to their eligibility to possess firearms under state and federal law, residency and training.

*Are applicants subject to a background check?*

Yes. A background check will be conducted to determine whether the applicant is prohibited from possessing a firearm. *Wis. Stat. § 175.60(9g)*.

*How much does it cost to apply?*

A maximum of \$50: up to \$37 is to cover the application process and \$13 is for a criminal background check fee. *Wis. Stat. § 175.60(7)(c) and (d).*

*What happens if a check used to pay for the CCW license is returned for insufficient funds?*

If a license has not yet been issued the application will be deemed incomplete. If the license has been issued it will be cancelled. *Wis. Stat. § 20.905(2).*

*How long will it take to get a CCW license after I submit an application?*

For completed applications received between November 1 and December 1, 2011, DOJ shall issue or deny as soon as practicable and no longer than 45 days after receiving an application. *Wis. Act 35, § 100(2).*

After December 1, 2011, DOJ must either issue a license or deny the license application within 21 days of receiving the completed application. *Wis. Stat. § 175.60(9)(b).*

The above time limits do not apply to incomplete applications.

*What information is contained on a license?*

- Full name
- Date of birth
- Residence address
- Physical description including sex, height, and eye color.
- Date of issuance of the license
- Date of expiration of the license
- The name of this state
- A unique identification number
- A statement of the requirement to inform DOJ of any change of address within 30 days after moving and the penalty for a violation.

*Wis. Stat. § 175.60(2m)(b).*

*How long is a license good for?*

Five (5) years from the date on which it was issued, unless the license is suspended or revoked. *Wis. Stat. § 175.60(15)(a).*

*What happens if my license is lost or destroyed?*

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. *Wis. Stat. § 175.60(13).*

*What if I currently have a license or permit as a private detective or private security business?*

Under current law a person employed by a private detective agency or private security firm may possess dangerous weapons if in compliance with rules established by the Department of Regulation and Licensing. That law remains the same but the law now requires that the rules shall allow concealed carry for public agency law enforcement officers, qualified out-of-state law enforcement officers, a former law enforcement officer under certain circumstances, and a CCW licensee and out-of-state licensee. *Wis. Stat. § 440.26(3m)(a)-(d)*. Therefore, a person employed by a private detective agency or private security firm may carry concealed **if they have a CCW license** or are qualified current or former law enforcement officers.

The firearms training course required of employees of private detectives or private security companies meets the training requirement necessary to obtain a CCW license. *Wis. Stat. § 175.60(4)(a)(d)*.

### C. Training requirement

*What kind of training is required to get a license?*

In an application for a license, an individual must include proof of having received firearm training. The proof of training requirement may be met by **any** of the following:

**A copy of a document, or an affidavit from an instructor or organization that conducted the course or program, that indicates that the individual completed any of the following (but see note below):**

- The hunter education program established by the Department of Natural Resources (DNR) or a substantially similar program that is established by another state, country, or province and that is recognized by DNR.
- A firearms safety or training course that is conducted by a national or state organization that certifies firearms instructors.
- A firearms safety or training course that is available to the public and is offered by a law enforcement agency
- A firearms safety or training course that is taught by an instructor who is certified by a national or state organization that certifies firearms instructors or by an instructor certified by DOJ, and that is available to the public and offered by any of the following: a technical college, a college or university, a private or public institution or organization, or a firearms training school.
- 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.
- 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 DOJ.

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 described above.

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.

Documentation of completion of small arms training while serving in the U.S. armed forces 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.

*Wis. Stat. § 175.60(4)(a).*

**IMPORTANT NOTE: DOJ is currently in the rule-making process and is evaluating what information will be required on the certificate to substantiate proof of training. We will not have specifics until the rule-making process is complete.**

*Is it unlawful for firearms instructors to provide false information?*

Yes. A firearms instructor who intentionally submits false documentation indicating that a person has met the CCW training requirements is guilty of a crime and may be prosecuted under Wis. Stat. § 946.32 (false swearing). *Wis. Stat. § 175.60(17)(c).*

*Does a trainer have any legal liability or responsibility for the conduct of persons provided training?*

Under the statute a person providing training in good faith is immune from liability arising from any act or omission related to the course if the course is one listed under the statute. *Wis. Stat. § 175.60(21)(d); Wis. Stat. § 175.49(6).*

However, there may be circumstances where such liability may exist and a discussion of such situations is beyond the scope of this brief legal summary.

*Does DOJ certify instructors?*

DOJ will only be certifying law enforcement officers as instructors. It will not be certifying civilian instructors.

Those persons certified by DOJ must also comply with the DOJ approved training program.

*Does DOJ provide training for instructors or students?*

No. While DOJ may certify instructors and develop a suggested curriculum, it will not directly provide training.

*Does DOJ have a recommended firearms training course?*

DOJ will develop a suggested concealed weapons training course to the extent possible under its statutory authority. The program is not required for programs not conducted by DOJ certified instructors.

*Will an on-line training course satisfy the requirements to obtain a concealed carry permit?*

The Department of Justice is aware that some vendors and others have made public statements that on-line courses and other types of training will satisfy the requirements of the law. We are currently studying that issue and will be

promulgating administrative rules that will address the type and manner of training that will be sufficient. We anticipate that those rules will be in place prior to November 1, 2011. It is expected that a variety of existing training programs will be sufficient; however, until the rules are in place, no vendors can guarantee that their training will qualify.

#### **D. Emergency license**

*What if I believe I have an emergency need for a CCW license?*

A person who believes they need a license immediately may petition a court in the county where he or she resides for an emergency license. A court may issue an emergency license if the court determines it is necessary to protect the person from death or great bodily harm unless it knows that the person is ineligible for a license. *Wis. Stat. § 175.60(9r)(a)*.

*How long is an emergency license valid?*

An emergency license is only good for 30 days unless revoked by the court. *Wis. Stat. § 175.60(9r)(b)*.

The court shall revoke an emergency license if it determines that the person is ineligible for a license. *Wis. Stat. § 175.60(9r)(bm)*.

An emergency license is void if the person applies for a regular license and is found ineligible to get a license. *Wis. Stat. § 175.60(9r)(c)*.

*If I am issued an emergency license, must I follow the same laws, rules and restrictions as regular licensees?*

Yes. Your "emergency" license does not give you a greater right to defend yourself or others, nor are you exempted from the other laws and procedures governing concealed carry during the 30-day term of your license.

#### **E. Change of address**

*What happens if I move after I get a CCW license?*

The law requires a licensee to notify DOJ of a new address within 30 days of changing his or her address. *Wis. Stat. § 175.60(11)(b)1*.

#### **F. Former law enforcement officers**

*Is there a different procedure to get a CCW license for a former state or federal law enforcement officer?*

Yes. However, such former officers may also obtain a regular CCW license.

**See: LAW ENFORCEMENT OFFICERS**

#### **G. Appeal of license denial**

*What are my rights if my license application is denied?*

If DOJ denies a completed application, DOJ must inform the applicant in writing, stating the reason and factual basis for the denial. *Wis. Stat. § 175.60(9)(b)2*.

This denial or approval must be completed within 45 days of completed applications submitted between November 1, 2011, and December 1, 2011, and within 21 days for completed applications submitted on or after December 1, 2011. *Wis. Stat. § 175.60(9)(b); Wis. Act 35, § 100(2)*. **These time limits do not apply to incomplete applications.**

DOJ will promulgate rules that provide for the administrative review of any action by DOJ that denies a license application or suspends or revokes a license. *Wis. Stat. § 175.60(14g)*.

A person whose license has been denied, suspended, or revoked by DOJ may also appeal directly to the circuit court of the county in which the individual resides. *Wis. Stat. § 175.60(14m)(a) and (b)*.

A court appeal must be initiated by filing a petition for review within 30 days of receiving notice of the denial, revocation or suspension. *Wis. Stat. § 175.60(14m)(b)*.

#### **H. Penalties for false information**

*What if someone provides false information on a CCW license application?*

*Wis. Stat. §§ 175.60(7)(b) and 15(b)2* require applicants to state that the information the applicant is submitting is true and complete to the best of his or her knowledge.

*Wis. Stat. § 946.32* makes it a crime to make a false statement under oath or affirmation which the person does not believe is true.

*Is it unlawful for firearms instructors to provide false information?*

Yes. A firearms instructor who intentionally submits false documentation indicating that a person has met the CCW training requirements is guilty of a crime and may be prosecuted under *Wis. Stat. § 946.32* (false swearing). *Wis. Stat. § 175.60(17)(c)*.

#### **I. Updates on license qualification**

*Is information on eligibility to have a CCW license updated?*

Yes. Clerks of court are required to notify DOJ of felony convictions and other bases for license disqualification. DOJ will check that information with the list of CCW licensees and, if applicable, either revoke or suspend the license. *Wis. Stat. § 175.60(11)*.

A person who becomes disqualified from possessing a firearm may be prosecuted for such conduct regardless of whether their CCW license has been suspended or revoked.

#### **J. Reciprocity with other states**

*Does a Wisconsin license allow me to carry concealed in another state?*

Maybe. Whether another state will recognize a Wisconsin CCW license is governed by the law of the other state. If the statutes of another state recognize Wisconsin CCW licenses, then a Wisconsin CCW license holder may carry in

that state. In addition, DOJ may enter into reciprocity agreements with other states as to matters relating to licenses or other authorization to carry concealed weapons.+ *Wis. Stat. § 175.60(18)*. If such agreements are created, then a Wisconsin CCW licensee holder may carry in that state. Until and unless that occurs, a Wisconsin CCW licensee should contact the particular state where they wish to carry concealed for information on the laws of that state.

#### **K. Applicability of federal law**

*Does a Wisconsin CCW license allow me to possess or carry firearms or dangerous weapons on the land and buildings of the US government?*

No. Federal law applies to US Government land and property and a Wisconsin CCW license does not necessarily authorize CCW on federal government property.

As of February 22, 2010, it became legal for persons to carry firearms in any unit of the National Park System or the National Wildlife Refuge System **IF**:

- (1) the individual is not otherwise prohibited by law from possessing the firearm; and
- (2) the possession of the firearm is in compliance with the law of the State in which the unit of the National Park System or the National Wildlife Refuge System is located.

*16 USC § 1a-7b.*

However, federal law also prohibits firearms in certain facilities in parks and Wildlife refuges (such as visitor centers, government offices, etc.). The law also does not allow the concealed carry of other weapons.

The possession of firearms and other weapons is also prohibited or restricted at other federal government property. Persons wishing to possess firearms on federal land or buildings should check with the appropriate federal agency authority for the applicable law.

### **LAW ENFORCEMENT OFFICERS**

#### **A. Current Wisconsin Law enforcement officers**

*Has anything changed regarding the ability of current Wisconsin law enforcement officers carrying concealed weapons?*

No. The CCW statute still exempts law enforcement officers (peace officers) from any prohibition on carrying concealed weapons. However, the definition of a peace officer for this purpose does not include a commission warden who is not state certified. *Wis. Stat. §941.23(2)(a)*.

#### **B. Wisconsin Public Agency employees**

*Are employees of other state agencies allowed to carry concealed weapons?*

Employees of other state agencies allowed to carry concealed weapons **only if** they fall within the definition of public agency law enforcement officers. A person

employed by a public agency in Wisconsin as a law enforcement officer can carry a concealed handgun in a state park, state fish hatchery, and wildlife refuge if:

- The agency authorized the person to carry a weapon.
- The person is not subject to any disciplinary action by the agency that could result in the suspension or loss of the person's law enforcement authority.
- The person meets all standards established by the agency to qualify the person on a regular basis to use a firearm.
- The person is not prohibited from possessing a firearm under federal law.

*Wis. Stat § 29.089(2)(a), 29.091(2)(a), 29.621(4)(a).*

*Are there other limits on possession by a public agency employee?*

Yes. A public agency employee who is allowed to carry a concealed firearm may not carry a machinegun, a destructive device as defined under federal law, a firearm silencer, or carry while under the influence of an intoxicant. *Wis. Stat § 29.089(2)(a), 29.621(4)(a) and 941.23(2)(b)1 to 3.*

### **C. Qualified active duty out-of-state law enforcement officers**

*May law enforcement officers from another state carry concealed weapons in Wisconsin?*

Yes, if they meet certain criteria. The law provides that a **qualified** out-of-state law enforcement officer can carry concealed in Wisconsin if they meet certain criteria and follow statutory restrictions. *Wis. Stat. § 941.23(2)(b).*

*Who is considered a qualified out-of-state law enforcement officer?*

A qualified out-of-state law enforcement officer is defined as someone who meets all of the following criteria:

1. Is employed by a state or local government agency in another state.
2. The agency has authorized the person to carry a firearm.
3. The person is not the subject of any disciplinary action by the agency that could result in the suspension or loss of the person's law enforcement authority.
4. The person meets all standards established by the agency to qualify the person on a regular basis to use a firearm.

*Wis. Stat. § 941.23(1)(g).*

*What limits are there on possession by out-of-state law enforcement officers?*

A qualified out-of-state law enforcement officer **cannot**:

1. Carry concealed a machinegun.
2. Carry concealed a destructive device as defined under 18 USC 921(a)(4).

3. Carry a firearm silencer.
4. Carry while under the influence of an intoxicant.
5. Carry a concealed weapon other than a firearm.

*Wis. Stat. § 941.23(2)(b).*

**D. Former law enforcement officers**

*Is there a different procedure to get a CCW license for a former Wisconsin law enforcement officer, former out-of-state law enforcement officer, or federal law enforcement officer?*

A former state, out-of-state, or federal law enforcement officer may obtain a CCW license through the general licensing process described above, but if the former officer chooses, he or she may instead (or also) request his or her former law enforcement employer to issue a **photo ID card and/or certification card** which would permit the former officer to carry a concealed weapon.

**1. Former Wisconsin law enforcement officers**

*Can a former Wisconsin law enforcement officer carry a concealed weapon?*

A former Wisconsin law enforcement officer may obtain a regular CCW license and may carry concealed pursuant to such a license.

In addition, if a former Wisconsin law enforcement officer does not possess a regular CCW license, that former officer still can carry concealed if:

- a) the former officer possesses a photo ID issued by the law enforcement agency from which the former officer separated from service and the ID indicates that within the past 12 months preceding the date of possession the former officer has been tested or found by the law enforcement agency to meet the standards for qualification in firearms training that the agency sets for active law enforcement officers to carry a firearm of the same type as the firearm the former officer is carrying. *Wis. Stat. § 941.23(2)(c)1 and 941.23(3)(b)1.*

**OR**

- b) the former officer possesses a photo ID card issued by the law enforcement agency from which the former officer separated **AND** a certification card issued under s. 175.49(2). *Wis. Stat. § 941.23(2)(c)1a and 941.23(3)(b).*

*Who is considered a former law enforcement officer?*

A former law enforcement officer is a person who separated from service as a law enforcement officer at a state or local law enforcement agency in Wisconsin. *Wis. Stat. § 175.49(1)(e).*

A law enforcement agency means an agency that consists of one or more persons employed by the state or a political subdivision of a state

that has as its purposes the prevention and detection of crime and the enforcement of laws or ordinances, and that is authorized to make arrests for crimes. *Wis. Stat. § 175.49(1)(f)*.

"Law enforcement officer" means a person who is employed by a law enforcement agency for the purpose of engaging in, or supervising others engaging in, the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law and who has statutory powers of arrest. *Wis. Stat. § 175.49(1)(g)*.

*How does a former law enforcement officer obtain a CCW certification card?*

The former officer may request, at his or her expense, that a law enforcement agency that employed the former law enforcement officer (except as otherwise provided) issue the former law enforcement officer a certification card. *Wis. Stat. § 175.49(2)(a)*.

The law enforcement agency shall issue the certification card unless certain statutory disqualifiers exist. *Wis. Stat. § 175.49(2)(b)*.

*What would prevent a former law enforcement officer from receiving a CCW certification card?*

The law enforcement agency may not issue the former law enforcement officer a certification card under [Wis. Stat. § 175.49(2)(a)], unless the law enforcement agency first verifies all of the following:

1. The former law enforcement officer **separated from service** as a law enforcement officer with the law enforcement agency **in good standing**.
2. The former law enforcement officer **served as a law enforcement officer for an aggregate of at least 10 years or the former law enforcement officer separated from law enforcement service due to a service-connected disability**, as determined by the law enforcement agency, **after completing any applicable probationary period**.
3. The former officer has not been found by a qualified medical professional employed by the law enforcement agency to be **unqualified to be a law enforcement officer for reasons related to the former officer's mental health** and the former law enforcement officer has not entered into an agreement with the law enforcement agency from which he or she separated from service in which the former officer acknowledges that he or she is not qualified to be a law enforcement officer for reasons related to his or her mental health and in which he or she declines the photographic identification for that reason.
4. The former law enforcement officer is **not prohibited under federal law from possessing a firearm** as indicated by a search of the transaction information for management of enforcement system and the national criminal background check system.
5. The former law enforcement officer **has, during the previous 12 months at his or her own expense, been found to meet the**

**standards established by the state for qualification in firearms training for active law enforcement officers to carry a firearm** of the type listed under the certification. If the state does not establish such a standard then the applicable standard is that established for the same purpose by the law enforcement agency from which the former law enforcement officer separated from service.

The finding of qualification must be made either by the state or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active law enforcement officers in this state.

*Wis. Stat. § 175.49(2)(b).*

*What does the certification state?*

1. The type of firearm the former law enforcement officer is certified to carry, but no former law enforcement officer may be certified to carry a machine gun, a firearm silencer, or a destructive device.
2. The former law enforcement officer has been found by the state, or by a certified firearms instructor if such an instructor is qualified to conduct a firearms qualification test for active law enforcement officers in the state, to meet the standards for qualification in firearms training for active law enforcement officers to carry a firearm of the type that are established by the state or, if the state does not establish standards, by the law enforcement agency from which the former law enforcement officer separated.
3. The date on which the firearms training qualification was made and an expiration date that is 12 months later than that date.
4. That, due to the firearms training the former law enforcement officer is qualified to carry a concealed firearm.

*Wis. Stat. § 175.49(2)(a).*

## **2. Former federal law enforcement officers**

*Who is considered a former federal law enforcement officer?*

A "Former federal law enforcement officer" means a person who separated from service as a law enforcement officer at a federal law enforcement agency and who resides in Wisconsin. *Wis. Stat. § 175.49(1)(d).*

A law enforcement agency means an agency that consists of one or more persons employed by the federal government, including any agency described under 18 USC 926C (e) (2), that has as its purposes the prevention and detection of crime and the enforcement of laws or ordinances, and that is authorized to make arrests for crimes. *Wis. Stat. § 175.49(1)(f).*

"Law enforcement officer" means a person who is employed by a law enforcement agency for the purpose of engaging in, or supervising others engaging in, the prevention, detection, investigation, or

prosecution of, or the incarceration of any person for, any violation of law and who has statutory powers of arrest. *Wis. Stat. § 175.49(1)(g)*.

*How does a former federal law enforcement officer obtain a CCW certification?*

A former federal law enforcement officer may obtain a regular Wisconsin CCW license and may carry concealed pursuant to such a license.

In addition, if a former federal law enforcement officer does not possess a regular CCW license, that former officer still can carry concealed if he or she has requested and obtained, at his or her expense, a certification card from Wisconsin DOJ. *Wis. Stat. § 175.49(3)(a)*.

Wisconsin DOJ may issue the certification card unless certain statutory disqualifiers exist. *Wis. Stat. § 175.49(3)(a)*.

*What would prevent a former federal law enforcement officer from receiving a CCW certification card?*

Wisconsin DOJ may not issue the former federal law enforcement officer a certification card unless it first verifies all of the following:

1. The former federal law enforcement officer separated from service as a law enforcement officer with the law enforcement agency in good standing.
2. The former federal law enforcement officer served as a law enforcement officer for an aggregate of at least 10 years or the former federal law enforcement officer separated from law enforcement service due to a service-connected disability, as determined by the law enforcement agency from which the former federal law enforcement officer separated, after completing any applicable probationary period.
- 3a. A qualified medical professional employed by the law enforcement agency from which the former federal law enforcement officer separated has not found the former federal law enforcement officer to be unqualified to be a law enforcement officer for reasons related to the former officer's mental health.
- 3b. The former federal law enforcement officer has not entered into an agreement with the law enforcement agency from which he or she separated from service in which the former officer acknowledges that he or she is not qualified to be a law enforcement officer for reasons related to his or her mental health.
4. The former federal law enforcement officer is not prohibited under federal law from possessing a firearm as indicated by a search of the transaction information for management of enforcement system and the national criminal background check system.
5. The former federal law enforcement officer has, during the previous 12 months at his or her own expense, been found to meet the standard established by the state for qualification in firearms training for active law enforcement officers to carry a firearm of a type described in the certification. If the state does not establish such a

standard, then the applicable standard is that established for the same purpose by any law enforcement agency in this state. The finding of qualification must be made either by the state or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active law enforcement officers in this state.

*Wis. Stat. § 175.49(3)(b).*

*What does the certification state?*

1. The type of firearm the former law enforcement officer is certified to carry, but no former federal law enforcement officer may be certified to carry a machine gun, a firearm silencer, or a destructive device.
2. The former law enforcement officer has been found by the state, or by a certified firearms instructor if such an instructor is qualified to conduct a firearms qualification test for active law enforcement officers in the state, to meet the standards for qualification in firearms training for active law enforcement officers to carry a firearm of the type that are established by the state or, if the state does not establish standards, by any law enforcement agency in the state.
3. The date on which the firearms training qualification was made and an expiration date that is 12 months later than that date.
4. That due to the firearms training the former law enforcement officer is qualified to carry a concealed firearm.

*Wis. Stat. § 175.49(2)(a) (state officers) and (3)(a) (federal officers).*

### **3. Former out-of-state law enforcement officers**

*Can a former out-of-state law enforcement carry concealed?*

Yes, if certain criteria are met. *Wis. Stat. § 941.23(2)(c).*

*What are the criteria to carry concealed?*

- (a) the individual possesses a photo ID issued by the law enforcement agency from which the individual separated from service, indicating that within the past 12 months preceding the date of possession the individual was tested or found by the law enforcement agency to meet the standards for qualification in firearms training that the agency sets for active law enforcement officers to carry a firearm of the same type as the firearm the former officer is carrying. *Wis. Stat. § 941.23(2)(c)1 and 941.23(3)(b)1.*

**OR**

- (b) a photo ID card issued by the law enforcement agency from which the former officer separated from service **AND** a certification card issued by the state in which the former officer resides, if the former officer resides in another state, that indicates that, within the 12 months preceding the date on which the former officer is carrying the concealed firearm, the former officer has been found to meet the standards established by his or her state of residence for

qualification in firearms training for active law enforcement officers to carry a firearm of the type the former officer is carrying. If the former officer's state of residence does not establish such a standard, then the applicable standard is that established for the same purpose by any law enforcement agency in the former officer's state of residence. The finding of qualification must be made by the state in which the former officer resides, or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active law enforcement officers in that state. *Wis. Stat. § 941.23(2)(c)1a and 941.23(3)(b)2.*

*Are there any limits on carrying concealed?*

Yes. See ***Issues common to both former state, out-of-state, and federal law enforcement officer certifications.***

**4. *Issues common to both former state, out-of-state, and federal law enforcement officer certifications.***

*Are there any limits on carrying concealed?*

Yes. In order to lawfully carry the following criteria apply:

- The former officer must possess the appropriate identification. *Wis. Stat. § 941.23(2)(c)1.*
- The weapon must be of the type described in the photo ID or certification. *Wis. Stat. § 941.23(2)(c)2.*
- Within the preceding 12 months the former officer must have met the standards of the state where he or she resides for training and qualification for active law enforcement officers to carry firearms. *Wis. Stat. § 941.23(2)(c)3.*
- The weapon is not a machine gun or destructive device. *Wis. Stat. § 941.23(2)(c)4.*
- The former officer is not carrying a firearms silencer. *Wis. Stat. § 941.23(2)(c)5.*
- The former officer is not under the influence of an intoxicant. *Wis. Stat. § 941.23(2)(c)6.*
- The former officer is not prohibited under federal law from possessing a firearm. *Wis. Stat. § 941.23(2)(c)7.*

*Does a photo ID or certification include weapons other than a firearm?*

No. The photo ID or certification only allows the carrying of a concealed **firearm**. *Wis. Stat. § 175.49(2)(a).* In order to carry other weapons concealed (electric weapon, knife or billy club), a regular CCW license is required. In addition, only a firearm of the type listed on the ID or certification can be carried concealed. *Wis. Stat. § 941.23(3)(b)1 and 175.49(2)(a)1.*

*Does either a former law enforcement officer photo ID or certification limit the right to openly carry a firearm?*

No. It does not limit a former officer's right to go armed with a firearm that is not concealed. *Wis. Stat. § 175.49(7).*

*Can a former officer carry in or on the grounds of a school or within 1,000 feet of a school?*

Unless the former law enforcement officer meets one of the other exceptions under the statute, **the law enforcement ID or certification does not allow the possession of a firearm** in or on school grounds or within 1,000 feet of school grounds. Also see: **POSSESSION OF FIREARMS AND OTHER WEAPONS ON SCHOOL PROPERTY.**

*Does a photo ID or certification card issued to former law enforcement officers confer any law enforcement powers or authority?*

**No.** The ID or certification card do not confer any law enforcement powers or authority. The certification card is also required to contain a statement that the card does not confer any law enforcement authority and does not make the card holder an employee or agent of the certifying agency or DOJ. *Wis. Stat. § 175.49(4)(c).*

## **5. Photo ID cards**

*What type of photo ID card is required?*

There are 2 types of photo IDs referenced under the statute. *Wis. Stat. 941.23(2)(c) and (3)(b)1 and (3)(b)2.*

The first type is a simple photo ID issued by the law enforcement agency from which the former officer separated from service. *Wis. Stat. 941.23(3)(b)2.* This type of photo ID is **insufficient to carry concealed unless combined either with a certification card** issued under 175.49(2) if the former officer resides in Wisconsin or a certification issued by the state where the former officer resides if the certification meets certain criteria. *Wis. Stat. 941.23(2)(c) and (3)(b)2a and 2b.*

The other type of photo ID, and **one which allows CCW without any other certification**, must be issued by the law enforcement agency from which the former officer separated from service and must indicate that within the 12 months preceding the date the on which the former officer is carrying concealed, that he or she was tested or otherwise found by that law enforcement agency to meet the standards for qualification in firearms training that the agency sets for active duty officers to carry a firearm of the same type being carried by the former officer. *Wis. Stat. 941.23(2)(c) and (3)(b)1.*

*If an officer leaves employment from a law enforcement agency do they have to give up any photo ID card?*

No. If a Wisconsin law enforcement agency issues photographic identification cards to its officers, it may not require an officer to relinquish his or her card when the officer separates from service with the Wisconsin law enforcement agency unless one of the following applies:

- (a) The officer may not lawfully possess a firearm under federal law.

- (b) The officer did not separate from service in good standing as a law enforcement officer with the agency.
- (c) The officer served as a law enforcement officer for an aggregate of less than 10 years. This paragraph does not apply if the officer, after completing any applicable probationary period of service with the agency, separated from service with the agency due to a service-connected disability, as determined by the agency.
- (d) Either of the following applies:
  1. A qualified medical professional employed by the law enforcement agency has found the officer to be unqualified to be a law enforcement officer for reasons related to the officer's mental health.
  2. The officer has entered into an agreement with the law enforcement agency from which he or she is separating from service in which the officer acknowledges that he or she is not qualified to be a law enforcement officer for reasons related to the officer's mental health and in which the officer declines the photographic identification for that reason.

*Wis. Stat. § 175.48(2).*

*What if the law enforcement agency does not issue photo ID cards?*

Unless one of the above factors exist, if a Wisconsin law enforcement agency does not issue photographic identification cards to its officers, it shall issue such a card to an officer who separates from service with that agency upon the separating officer's request and at his or her expense. *Wis. Stat. § 175.48(3).*

*Does a law enforcement identification card authorize concealed carry?*

Yes, if the card indicates that within the 12 months preceding the date the on which the former officer is carrying concealed, he or she was tested or otherwise found by the law enforcement agency to meet the standards for qualification in firearms training that the agency sets for active duty officers to carry a firearm of the same type being carried by the former officer. *Wis. Stat. 941.23(2)(c) and (3)(b)1.*

If the card does not contain that information then the former officer must also obtain and possess a certification card in order to carry concealed. *Wis. Stat. § 941.23(2)(c) and (3)(b)2a and 2b.*

## 6. **CCW Certification cards**

*Does a CCW certification allow concealed carry of any firearm?*

No. A certification card for a former law enforcement officer does not authorize the concealed carry of a machine gun, a firearms silencer or a destructive device as defined under federal law. *Wis. Stat. § 175.49(2)(a).*

The CCW statute also prohibits a former officer from carrying a machine gun, a firearms silencer, or a destructive device. *Wis. Stat. § 941.23(2)(b)*.

The law also states that the former officer may only carry a firearm of the type he or she has received training on by his or her former agency or, for former federal law enforcement officers, by DOJ. *Wis. Stat. § 941.23(3)(b)1 and 175.49(2)(a)1*.

*Who creates and issues the certification cards?*

DOJ creates and issues certification cards for former federal law enforcement officers.

State and local law enforcement agencies in Wisconsin create the certification cards they issue to former Wisconsin law enforcement officers. *Wis. Stat. § 175.49(4)*.

Persons who formerly were law enforcement officers in another state must obtain the requisite identification or certification from the state in which the former officer separated from service.

*How much does a CCW certification cost?*

The statute does not set forth any specific fee. The statute provides that DOJ may charge a fee that does not exceed the costs in verifying eligibility or for issuing or renewing a certification. *Wis. Stat. § 175.49(5m)*. The cost of a photo ID or certification from another state is up to that state.

*What information does the certification card contain?*

- Full name, date of birth, and residence address. *Wis. Stat. § 175.49(4)(b)1*.
- Photograph and physical description including sex, height and eye color. *Wis. Stat. § 175.49(4)(b)2*.
- The name of this state. *Wis. Stat. § 175.49(4)(b)3*.
- A statement that the card does not confer any law enforcement authority and does not make the card holder an employee or agent of the certifying agency or DOJ. *Wis. Stat. § 175.49(4)(c)*.
- The card may not contain the holder's social security number. *Wis. Stat. § 175.49(4)(d)*.

*What is required in an out-of-state certification?*

The certification must indicate that, within the 12 months preceding the date on which the former officer is carrying the concealed firearm, the former officer has been found to meet the standards established by his or her state of residence for qualification in firearms training for active law enforcement officers to carry a firearm of the type the former officer is carrying. If the former officer's state of residence does not establish such a standard, then the applicable standard is that established for the same purpose by any law enforcement agency in the former officer's state of residence. The finding of qualification must be made by the state in which the former officer resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for

active law enforcement officers in that state. *Wis. Stat. § 941.23(2)(c)1a and 941.23(3)(b)2.*

*Does a certification card confer any law enforcement powers or authority?*

No. The card is also required to contain a statement that the card does not confer any law enforcement authority and does not make the card holder an employee or agent of the certifying agency or DOJ. *Wis. Stat. § 175.49(4)(c).*

*How long is a certification valid?*

1 year.

*What is the renewal process for a certification card?*

Upon request before the expiration date if the issuing agency verifies that the former officer is not disqualified. *Wis. Stat. § 175.49(5).*

The renewal is valid for 1 year. *Wis. Stat. § 175.49(5).*

The statute does not set forth any specific fee for renewal of Wisconsin certifications. The statute provides that DOJ may charge a fee that does not exceed the costs in verifying eligibility for renewing a certification for former federal law enforcement officers. *Wis. Stat. § 175.49(5m).* The cost of a photo ID or certification from another state is up to that state.

*Is the information regarding the certification included in the statewide CCW database maintained by DOJ?*

Information on certifications issued by DOJ to former federal law enforcement officers is included in the database. Information from certifications issued by state law enforcement agencies is not included in the database.

*Are law enforcement agencies and DOJ immune from liability relating to the issuance of CCW certifications?*

Generally yes. *Wis. Stat. 175.49(6)* provides criminal and civil immunity for DOJ and its employees and a law enforcement agency and its employees for any act or omission when acting in good faith.

*Does the certification process restrict or limit the right to open carry?*

No. *Wis. Stat. § 175.49(7).*

## **OUT-OF-STATE LICENSES**

*Do I need a Wisconsin license if I already have a CCW license from another state?*

Yes, if you are a Wisconsin resident. In order to carry concealed in Wisconsin, a person (other than a former law enforcement officer), must possess either a valid Wisconsin CCW license or hold a valid out-of-state CCW license recognized by Wisconsin. However, an out-of-state licensee is defined as an individual with an out-of-state CCW license who is 21 years of age or over, and **who is not a Wisconsin resident.** *Wis. Stat. § 175.60(1)(g).* Therefore, if you currently reside in Wisconsin and have a CCW

license or permit issued by another state, your out-of-state license is not legally sufficient to carry in Wisconsin and you must qualify for and obtain a Wisconsin CCW license in order to carry concealed in Wisconsin.

However, training obtained under the training requirement of another state may be sufficient to meet Wisconsin's firearms training requirement.

*If I am visiting Wisconsin from another state and I have a CCW license from that state, is it okay for me to carry in Wisconsin?*

Maybe. DOJ is required to establish, by rule, a list of states that issue a CCW license or permit that either requires or designates that the holder of the license or permit chose to submit to a background check that is comparable to the check conducted under Wisconsin law. *Wis. Stat. § 165.25(12)*. A person who possesses a CCW license or permit from one of the states designated in the DOJ rule may carry concealed in Wisconsin. *Wis. Stat. § 15.60(1)(f) and (2g)(a)*. Such a person may begin carrying concealed as soon as DOJ lists the state by rule which will be posted online on November 1, 2011.

*What type of out-of-state license is acceptable?*

It must be a valid permit, license, approval or other authorization issued by another state if all of the following apply:

- If the permit, license, approval or other authorization is for the carrying of a concealed weapon. *Wis. Stat. § 175.60(1)(f)1*.
- The state is listed in the rule promulgated by DOJ under *Wis. Stat. § 165.25(12)*. *Wis. Stat. § 175.60(1)(f)2; 165.25(12)*.
- The holder must be over the age of 21. *Wis. Stat. § 175.60(1)(g)*.
- The holder must not be a Wisconsin resident. *Wis. Stat. § 175.60(1)(g)*.

*If I am not a Wisconsin resident can I get a Wisconsin license?*

No. Only Wisconsin residents may get a Wisconsin CCW license. *Wis. Stat. § 175.60(3)(g)*. However, as noted above, a person who has a CCW license from another state that is recognized by Wisconsin may be allowed to carry concealed in Wisconsin.

*What rules on carrying must a CCW licensee from another state follow?*

If the out-of-state CCW licensee is from a state that issues CCW licenses or permits recognized by Wisconsin and thus legally able to carry concealed in Wisconsin, the person must comply with all Wisconsin legal requirements.

That includes, while carrying a concealed weapon, also carrying the out-of-state license or permit as well as a driver's license or state ID card that is substantially equivalent to Wisconsin licenses or cards. *Wis. Stat. § 175.60(1)(h)*.

*Does a Wisconsin license allow me to carry concealed in another state?*

Maybe. Whether another state will recognize a Wisconsin CCW license is governed by the law of the other state. If the statutes of another state recognize Wisconsin CCW licenses, then a Wisconsin CCW license holder may carry in that state. In addition, DOJ may enter into reciprocity agreements with other states as to matters relating to licenses or other authorization to carry concealed weapons. *Wis. Stat. § 175.60(18)*. If such

agreements are created then a Wisconsin CCW licensee holder may carry in that state. Until and unless that occurs a Wisconsin CCW licensee should contact the particular state where they wish to carry concealed for information on the laws of that state.

## REVOCATION, SUSPENSION AND RENEWAL OF CCW LICENSE

*What happens if a check used to pay for the CCW license application is returned for insufficient funds?*

If a license has not yet been issued the application will be deemed incomplete. If the license has been issued it will be cancelled. *Wis. Stat. § 20.905(2)*.

*Are there situations where a license can be revoked?*

Yes. A license can be revoked if the license holder is no longer legally eligible to possess a concealed weapon. For example, where a person becomes unable to possess a firearm due a felony conviction, a court has prohibited the person from possessing a dangerous weapon as a condition of bail, the person becomes subject to an injunction prohibited weapons possession, etc., the person is no longer a Wisconsin resident, or if the person has not provided proof of training as described under § 175.60(4)(a). (See **Training requirement** above for the description of acceptable proof of training). *Wis. Stat. § 175.60(14)(a)*. **NOTE: It is unlawful to possess a firearm if you are prohibited from doing so by law (e.g. a felony conviction) even if your CCW license has not been formally revoked.**

*Are there situations where a license can be suspended?*

Yes. A license can be suspended if a court has prohibited a license holder from possessing a dangerous weapon as a condition of bail. See: *Wis. Stat. § 175.60(14)(am)*. In such a case the license is restored within 5 business days of notification that the bail condition no longer applies. **NOTE: It is unlawful to possess a firearm if you are prohibited from doing so by law (e.g. a felony conviction) even if your CCW license has not been formally suspended.**

*When do suspensions or revocations take effect?*

DOJ is required to send by mail notice of the revocation or suspension to the licensee within one day after the revocation or a suspension. § 175.60(14)(b)1. A suspension or revocation takes effect when the individual receives that notice. *Wis. Stat. § 175.60(14)(b)2*.

*What must a person do when they received a notice of suspension or revocation?*

The person must, within 7 days of receiving notice that their license has been suspended or revoked, do one of the following: 1) deliver the license personally or by certified mail to DOJ, or 2) mail a signed statement to DOJ stating that he or she no longer has possession of the license and stating the reasons why he or she no longer has possession. *Wis. Stat. § 175.60(14)(b)3*.

An intentional failure to do so may result in a fine of not more than \$500 and imprisonment for not more than 30 days or both. *Wis. Stat. § 175.60(17)(b)*.

*Is there an appeal process for a revocation or suspension?*

Yes. DOJ will be promulgating rules that will provide for the administrative review of any action by DOJ that denies a license application or suspends or revokes a license. *Wis. Stat. § 175.60(14g)*.

A person whose license has been denied, suspended or revoked by DOJ may also appeal directly to the circuit court of the county in which the individual resides without regard to whether the individual has sought review under DOJ's review process. *Wis. Stat. § 175.60(14m)(a) and (b)*.

A court appeal must be initiated by filing a petition for review within 30 days of receiving notice of the denial, revocation, or suspension. *Wis. Stat. § 175.60(14m)(b)*.

*How do I renew a CCW license?*

Most licenses will expire after five years. *Wis. Stat. § 175.60(15)(a)*. (Emergency licenses and licenses issued to members of the U.S. armed forces or national guard who are deployed overseas have different rules.). At least 90 days before the expiration date of a license, DOJ must mail to the licensee a notice of expiration form and a form for renewing the license. *Wis. Stat. § 175.60(15)(b)*.

DOJ must 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 DOJ.
2. Submits a statement reporting that the information provided on the application form is true and complete to the best of his or her knowledge and that he or she is not disqualified under § 175.60(3).
3. Pays a renewal fee in an amount to be determined by DOJ, but not to exceed \$12.
4. Pays a fee for a background check that is equal to the fee under § 175.35(2i). [Currently, this fee is \$13.]

*Wis. Stat. § 175.60(15)(b)*.

DOJ shall issue a renewal license within 21 days of receiving the renewal application, statement and fees. *Wis. Stat. § 175.60(15)(d)*.

**LICENSED CCW REQUIREMENTS***What type of weapons can I carry with a CCW license?*

The license is for a ~~w~~weapon, which is defined as a handgun, an electric weapon as defined in § 941.295(1c)(a), a knife other than a switchblade knife under § 941.24, or a billy club. *Wis. Stat. § 175.60(1)(j)*.

A handgun does not include a machine gun, a short barreled rifle or a short barreled shotgun. *Wis. Stat. 175.60(1)(bm)*.

*Do I need to carry my license with me at all times?*

Yes, a licensee or an out-of-state licensee who is carrying a concealed weapon must have with him or her their license document **and** photographic identification card unless the concealed weapon is being carried in the licensee's dwelling or place of business or on land that they own, lease, or legally occupy. *Wis. Stat. § 175.60(2g)(b)*.

*What kind of photo ID is required?*

A photo ID means either a current and valid Wisconsin driver's license or a current and valid driver's license from another state (for out-of-state licensees) that is substantially equivalent to a Wisconsin driver's license. *Wis. Stat. § 175.60(1)(h)1 and 2*.

**OR**

a current and valid Wisconsin state identification card or a current and valid identification card issued by another state that is substantially equivalent to a Wisconsin identification card. *Wis. Stat. § 175.60(1)(h)1 and 2 and (i)*.

A license or ID card is current and valid if it is not expired, cancelled, denied, surrendered, or voided, and the holder is still a resident of the state. However, a license or ID card may be considered current and valid even if the holder's motor vehicle operating privilege is revoked, suspended, or disqualified, as long as the card is not expired, cancelled, denied, surrendered, or voided, and the holder is still a resident of the state.

*Do I have to show anyone my CCW license?*

A licensee or out-of-state licensee who is carrying a concealed weapon must display the license and photo identification 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. *Wis. Stat. § 175.60(2g)(c)*.

Failure to display the license to a law enforcement officer is a \$25 forfeiture. *Wis. Stat. § 175.60(17)(a)*.

*What is the penalty for not carrying or displaying a CCW license and photo ID?*

A person who does not carry or display a CCW license and photo ID as required may be ordered to forfeit not more than \$25 except that a person is exempt from this penalty if he or she presents, within 48 hours of the request, his or her license document and photographic identification to the law enforcement agency who employs the officer who lawfully requested the documents. *Wis. Stat. § 175.60(17)(a)*.

*What should I do if I have a CCW license and I have contact with a law enforcement officer while in possession of a concealed weapon?*

While the law does not impose any specific requirements other than displaying a photo ID and CCW license upon request of a law enforcement officer, there are some recommended actions you should take when you have contact with a law enforcement officer. Contact can include a traffic or other stop and situations where you contact an officer or when an officer approaches you for information or otherwise. If you have a CCW license and you have contact with a law enforcement officer while carrying a concealed weapon, you should do the following:

1. Immediately tell the officer that you're carrying a concealed weapon and where it's located.
2. Keep your hands where the officer can see them.
3. Cooperate fully with the officer.
4. Don't make any quick movements, especially toward the weapon.
5. If you're in a vehicle:
  - Roll down your window and place your hands in plain view on the steering wheel
  - If it is at night, turn on the vehicle's dome light.
  - Calmly tell the officer you have a CCW license and that you have a weapon with you. Ask the officer if they have particular instructions concerning the weapon.
  - Do not touch or attempt to touch the weapon unless specifically told to do so by the officer.
  - Do not leave your vehicle unless specifically told to do so by the officer.

In certain circumstances, a law enforcement officer may ask to take temporary possession of the weapon or may seize the weapon during interaction with the individual to ensure the safety of the officer and others or to secure the weapon as evidence. The officer will return the weapon at the end of the stop unless the individual is placed under arrest for a violation of the law that allows the weapon to be seized.

## USE OF A WEAPON BY A PERSON HOLDING A CCW PERMIT

*Does having a CCW license give me a greater right to defend myself or others than anyone else?*

No. A CCW license does not give anyone any new or additional rights to exercise self defense or defense of others as provided for by law.

*A brief summary of Wisconsin law is as follows:*

§ 939.48(1) A person is privileged to threaten or intentionally use force against another for the purpose of preventing or terminating what the person reasonably believes to be an unlawful interference with his or her person by such other person. The actor may intentionally use only such force or threat thereof as the actor reasonably believes is necessary to prevent or terminate the interference. The actor may not intentionally use force which is intended or likely to cause death or great bodily harm unless the actor reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or herself. *Wis. Stat. § 939.48(1).*

§ 939.48(2)(c) A person who provokes an attack, whether by lawful or unlawful conduct, with intent to use such attack as an excuse to cause death or great bodily harm to his or her assailant is not entitled to claim the privilege of self-defense. *Wis. Stat. § 939.48(2)(c).*

§ 939.48(4) A person is privileged to defend a 3rd person from real or apparent unlawful interference by another under the same conditions and by the same means as those under and by which the person is privileged to defend himself or herself from real or apparent unlawful interference, provided that the person reasonably believes that the facts are such that the 3rd person would be privileged to act in self-defense and that the person's intervention is necessary for the protection of the 3rd person. *Wis. Stat. § 939.48(4).*

There is both a subjective component to self-defense—that is, the defendant must actually believe he or she was preventing or terminating an unlawful interference; and an objective threshold component—that is, the belief must be reasonable. *State v. Hampton*, 207 Wis.2d 367, 380-81, 558 N.W.2d 884 (Ct. App. 1996). The reasonableness of the belief is judged from the position of a person of ordinary intelligence and prudence in the same situation as the defendant, not of a person identical to the defendant placed in the same situation as the defendant. *Hampton*, 207 Wis. 2d at 381.

There is no privilege to resist an unlawful arrest. That former common law privilege has been abrogated. *State v. Hobson*, 218 Wis. 2d 350, 380-81, 577 N.W.2d 825 (1997).

*Are laws that prohibit the discharge of firearms in a city, village or town still valid?*

Yes. Under current law, a city, village, or town exercising village powers may, by ordinance or resolution, restrict the discharge of a firearm. Current law also prohibits discharging a firearm near certain parks, from a vehicle, from or across a highway, or in or from an aircraft.

However, **such ordinances do not apply** if the person's conduct is justified or, had it been subject to a criminal penalty, would have been subject to a defense of privilege in the Criminal Code (e.g., was under circumstances of coercion or necessity or was in self-defense). *Wis. Stat. § 66.0409(3)(b)*.

## CCW AND OPEN CARRY

*If I get a CCW license does that affect my ability to openly carry a firearm?*

No. Unless expressly provided, the licensure statute does not limit an individual's right to carry a firearm that is not concealed. *Wis. Stat. § 175.60(2)(c)*.

*If I do not get a CCW license can I carry a firearm openly?*

Unless expressly provided, the licensure statute does not limit an individual's right to carry a firearm that is not concealed. *Wis. Stat. § 175.60(2)(c)*.

*Are there any locations where it is illegal to openly carry a firearm or any weapon?*

Yes. It is unlawful for anyone (except for law enforcement), including persons with a CCW license, to knowingly carry an unconcealed weapon (firearm, electric weapon, a knife or a billy club) in the following locations:

- 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 DOJ.
- Any portion of a building that is a prison, jail, house of correction, or secured correctional facility.
- The Sand Ridge Secure Treatment Center, the Wisconsin Resource Center, or any secured unit or secured portion of a mental health institution, including a facility designated as the Maximum Security Facility at the Mendota Mental Health Institute.
- Any portion of a building that is a county, state, or federal courthouse.
- Any portion of a building that is a municipal courtroom if court is in session.
- A place beyond a security checkpoint in an airport.

*Wis. Stat. § 175.60(16)(a)*.

- School grounds and premises:

No one, including a CCW licensee may carry a firearm in or on the grounds of a school unless another specific statutory exception applies. *Wis. Stat. § 948.605(2)(b)1r.*

No one, including a CCW licensee may carry any other dangerous weapon on school premises unless a specific statutory exception applies. *Wis. Stat. § 948.61(2) and (3).*

*Also see:* **POSSESSION OF FIREARMS AND OTHER WEAPONS ON SCHOOL PROPERTY.**

- Persons who do not have a CCW permit may not carry a handgun in a tavern and those persons with a CCW license may carry a concealed handgun in a tavern only if NOT consuming alcohol. *Wis. Stat. § 941.237(3)(cx).*
- **Federal law applies to the possession of firearms and weapons on US government property.**

*Are there some weapons that cannot be carried openly?*

Yes, illegal weapons such as a **switchblade** (*Wis. Stat. § 941.24*) and a **short barreled rifle or shotgun** (*Wis. Stat. § 941.28*) (unless a specific possession exception under the statute applies).

It is also unlawful for a person who does not have a CCW license to openly carry an **electric weapon**.

It is illegal for a person who does not possess a CCW license from possessing a **handgun in a tavern**. *Wis. Stat. § 941.237(2).*

*Does the open or concealed carry of a firearm constitute disorderly conduct?*

Generally no. Unless the facts and circumstances indicate a malicious or criminal intent, a person may not be charged with an ordinance or criminal offense of disorderly conduct for going armed with a concealed or openly carried firearm. *Wis. Stat. §§ 947.01(2) and 66.0409(6).*

*Can I carry a firearm, concealed or open, in a tavern?*

A tavern is any establishment, other than a private or fraternal organization, in which alcohol beverages are sold for consumption on the premises. *Wis. Stat. § 941.237(1)(fm) and (3)(cx).*

**No one may possess a handgun in a tavern unless** they are a law enforcement officer, a correctional officer in the line of duty, a member of the US armed forces or national guard in the line of duty, a private security person meeting certain criteria, the tavern licensee, owner or manager or their authorized employee or agent, or have a CCW license or valid out of state license. *Wis. Stat. § 941.237(2) and (3)(a)-(cx).*

A peace officer, a Wisconsin CCW licensee, a qualified out-of-state licensee, a qualified out-of-state law enforcement officer and a former law enforcement officer **can carry a concealed handgun** in a tavern and a CCW licensee and authorized out-of-state CCW licensee can carry a concealed handgun in a tavern **only if they are not consuming alcohol on the premises**. *Wis. Stat. § 941.237(3)(cr), (ct), and (cx).*

It is illegal for a person who does not possess a CCW license to carry a concealed handgun in a tavern. *Wis. Stat. § 941.237(2)*. This prohibition does not apply to an unloaded and encased handgun in a vehicle in a parking lot, a private or public gun or sportsmen's range or club or if possession of a handgun is authorized by the owner or manager of a Class B license or permit premises for a specific event of a limited duration. *Wis. Stat. § 941.237(3)(e) to (j)*.

However, it is a class A misdemeanor (punishable by 9 months jail and/or \$10,000 fine) **for anyone to go armed with a firearm while under the influence of an intoxicant.** *Wis. Stat. § 941.20(1)(b)*. "Under the Influence" has been defined as materially impairing the ability to handle a firearm which is further explained as consuming an amount of alcohol to cause the person to be less able to exercise clear judgment and steady hand necessary to handle a firearm. *WI Jury Instruction-CRIMINAL 1321*.

In addition, a tavern owner may prohibit anyone from carrying a firearm in their business. See **RESTRICTIONS BY BUSINESSES AND PROPERTY OWNERS**.

## **ELECTRIC WEAPONS (STUN GUNS) AND CCW**

*Has the law changed regarding electric weapons?*

Yes. Prior law made it a felony for anyone, other than law enforcement, correctional officers and military personnel acting in the line of duty from possessing an electric weapon. Under the CCW laws, the prohibition against possessing or going armed with an electric weapon does not apply to any of the following:

- A CCW licensee or an out-of-state licensee.
- An individual who goes armed with an electric weapon in his or her own dwelling or place of business or on land that he or she owns, leases, or legally occupies.

*Wis. Stat. § 941.295(2g)*.

The prohibition against transporting an electric weapon does not apply to any of the following:

- A licensee or an out-of-state licensee.
- An individual who is not a licensee or out-of-state licensee who transports an electric weapon if the electric weapon is enclosed within a carrying case.

*Wis. Stat. § 941.295(2r)*.

*Can I carry an electric weapon concealed if I have a CCW license?*

Yes. See above.

*Are there other persons who can legally carry an electric weapon?*

Yes. In addition to licensees and out-of-state licensees, peace officers, correctional officers and armed forces/national guard personnel while on official duty, manufacturers and sellers to authorized persons and a common carrier may also carry electric weapons. *Wis. Stat. § 941.295(2)(a) to (e)*.

*Can I carry an electric weapon concealed if I do not have a CCW license?*

If you are not specifically allowed to carry an electric weapon (see above) you are only allowed to carry an electric weapon in your own dwelling or place of business or on land that you own, lease, or legally occupy. *Wis. Stat. § 941.295(2g)*. You may also transport the weapon if it is enclosed within a carrying case. *Wis. Stat. § 941.295(2r)*. The possession or carrying of an electric weapon in any other situations is a felony. *Wis. Stat. § 941.295(1m)*.

*Can a qualified out-of-state law enforcement officer or former law enforcement officer carry an electric weapon?*

No. The statute does not provide an exception for an out-of-state law enforcement officer or former law enforcement officer. However, the exceptions for possessing on a dwelling or place of business or on land that such a person owns, leases, or legally occupies apply as does the exception for transporting (see below).

*Can I transport an electric weapon if I do not have a CCW permit?*

Yes, if enclosed within a carrying case. *Wis. Stat. § 941.295(2r)*.

*Can I purchase an electric weapon if I do not have a CCW license or am not otherwise a person permitted to carry an electric weapon?*

The law allows a person who does not have a CCW license to possess an electric weapon in their own dwelling or place of business or on land that they own, lease, or legally occupy (*Wis. Stat. § 941.295(2g)*), and to transport within a carrying case (*Wis. Stat. § 941.295(2r)*). However, as noted below, it is unlawful for anyone to sell an electric weapon to someone who does not have a CCW license.

*Is it unlawful to sell or manufacture electric weapons in Wisconsin?*

A person may manufacture and sell electric weapons to authorized persons which includes a peace officer, armed forces or national guard personnel while on official duty or a person with a Wisconsin CCW license or out-of-state CCW licensee. In other words, electric weapons cannot be sold to persons in Wisconsin who are not law enforcement, armed forces on official duty or persons without a recognized out-of-state CCW license or a Wisconsin CCW license. *Wis. Stat. § 941.295(2)(d)*. A violation of this statute is a felony. *Wis. Stat. § 941.295(1m)*.

## **RESTRICTIONS BY EMPLOYERS**

*Can an employer prohibit employees from carrying concealed weapons on the job?*

Yes. An employer may prohibit an employee from carrying a concealed weapon or a particular type of concealed weapon in the course of the employee's employment or during any part of the course of the employee's employment. *Wis. Stat. § 175.60(15m)(a)*.

*Does that prohibition apply to my car or the employer's parking lot?*

No. An employer may not prohibit a person with a CCW license, 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 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. *Wis. Stat. § 175.60(15m)(b)*.

*If an employer allows the carrying of concealed weapons and someone is injured or killed as a result of a license holder using the weapon, is the employer legally liable?*

Generally no. However, there may be circumstances where such liability may exist and a discussion of such situations is beyond the scope of this brief legal summary.

The law provides:

- A person who 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 his or her decision. *Wis. Stat. § 175.60(21)(b)*.
- An employer who does not prohibit one or more employees from carrying a concealed weapon is immune from any liability arising from that decision. *Wis. Stat. § 175.60(21)(c)*.
- A person providing a firearms training course in good faith is immune from liability from any act or omission related to the course if the course is one of the courses listed in statute. *Wis. Stat. § 175.60(21)(d)*.

## RESTRICTIONS BY BUSINESSES AND PROPERTY OWNERS

*Can a business or property owner limit or prohibit the carrying of concealed weapons on its premises?*

Yes. The law permits certain owners and occupants of property to prohibit persons from carrying a concealed firearm in or on the property. A person may be subject to a **Class B forfeiture** if he or she carries a firearm on the property after being notified not to remain on the property or remain with a specific type of firearm. In the latter case, a property owner can prohibit a person from possessing a specific type of firearm on their property or any firearm. *Wis. Stat. § 943.13(1m)(b)*.

In addition, property owners generally possess the right to exclude others from their property. While the specific provisions below only reference prohibiting the possession of firearms, property owners may also prohibit or restrict the possession of other weapons on their property. Violations of such restrictions may also constitute a Class B forfeiture under *Wis. Stat. § 943.13(1m)(b)*. **Therefore, the language quoted below, while only mentioning firearms, applies with equal force to other weapons.**

Also see **NOTICE OF REFUSAL OF RIGHT TO CARRY CONCEALED** for details on the type of notice required.

### **Residences:**

It is unlawful for anyone to enter or remain at a residence that the person does not own or occupy after the owner of the residence, if he or she has not leased it to another person, or the occupant of the residence, has notified the person not to enter or remain at the residence while carrying a firearm or with that type of firearm. ~~%Residence,~~ with respect to a single-family residence, includes the residence building and the parcel of land upon which the residence building is located. If a residence is not a single-family residence, ~~%residence+~~ does not include any common area of the building in which the residence is located or any common areas on the rest of the parcel of land upon which the residence building is located. *Wis. Stat. § 943.13(1m)(c)1*.

**Condos/Apartments:**

It is unlawful for anyone to enter or remain in the common area in a building, or on the grounds of a building, that is a residence that is not a single-family residence if the actor does not own the residence or does not occupy any part of the residence and if the owner of the residence has notified the actor not to remain in the common area or on the grounds while carrying a firearm or with that type of firearm. This provision does not apply to a part of the grounds that is used for parking if the firearm is in a vehicle driven or parked in that part. *Wis. Stat. § 943.13(1m)(c)1m.*

**Nonresidential building and grounds of a nonresidential building**

It is unlawful for any person to enter or remain in any part of a nonresidential building, grounds of a nonresidential building, or land that the person does not own or occupy after the owner of the building, grounds, or land, if that part of the building, grounds, or land has not been leased to another person, or the occupant of that part of the building, grounds, or land has notified the person not to enter or remain in that part of the building, grounds, or land while carrying a firearm. This provision does **not** apply to a part of a building, grounds, or land occupied by the state or by a local unit of government; to a privately or publicly owned building on the grounds of a university or college; or to the grounds of or land owned or occupied by a university or college. In addition, if the firearm is in a vehicle driven or parked in a parking facility, this provision does not apply to any part of a building, grounds, or land used as a parking facility. The law specifies that %nonresidential building+includes a nursing home, a community-based residential facility, a residential care apartment complex, an adult family home, and a hospice. *Wis. Stat. § 943.13(1m)(c)2 and § 943.13(1e)(cm).*

**Land:**

It is unlawful for any person to enter or remain in any part of land that the person does not own or occupy after the owner of the land, if that part of the land has not been leased to another person, or the occupant of that part of the land has notified the person not to enter or remain in that part of the land while carrying a firearm. This provision does **not** apply to a part of land occupied by the state or by a local unit of government; to a privately or publicly owned building on the grounds of a university or college; or to the grounds of or land owned or occupied by a university or college. In addition, if the firearm is in a vehicle driven or parked in a parking facility, this provision does not apply to any part of land used as a parking facility. *Wis. Stat. § 943.13(1m)(c)2 and § 943.13(1e)(cm).*

**Special events (e.g. sporting events, concerts, etc):**

It is unlawful for any person to enter or remain at a special event **if** the organizers of the special event have notified the actor not to remain at the special event while carrying a firearm or with that type of firearm. The provision does not apply if the firearm is in a vehicle driven or parked in the parking facility, to any part of the special event grounds or building that is used as a parking facility. The law defines %special event+as an event that is open to the public, is for a duration of not more than three weeks, and either has designated entrances to and from the event that are locked when the event is closed or requires an admission. *Wis. Stat. § 943.13(1m)(c)3.*

**Private university or college:**

It is unlawful for any person to enter or remain in any **privately or publicly owned** buildings on the grounds of a university or college, **if** the university or college has notified the actor not to enter or remain in the building while carrying a firearm or with that type of firearm. The provision does not apply to a person who leases residential or business premises in the building or, if the firearm is in a vehicle driven or parked in the parking facility, to any part of the building used as a parking facility. In order to give notice under the above provisions, other than the provision relating to single family residences, an owner or occupant must post a sign notifying persons of the restriction. If an owner or occupant of a building or part of a building is permitted to post a sign to notify that

carrying of firearms is prohibited in the building or part of the building, the owner or occupant must post a sign that is located in a prominent place near all of the entrances of the part of the building to which the restriction applies and it must be posted so that any individual entering the building must be reasonably expected to see the sign. If grounds of a building or land are posted, as described above, the owner or occupant must post a sign that is located in a prominent place near all probable access points to the grounds or land to which the restriction applies and any individual entering the grounds or land can be reasonably expected to see the sign. Finally, organizers of a special event may post the special event by posting a sign that is located in a prominent place near all of the entrances to the special event and any individual attending the special event can be reasonably expected to see the sign. *Wis. Stat. § 943.13(1m)(c)5.*

*If a private business or property owner allows the carrying of concealed weapons and someone is injured or killed as a result of a license holder using the weapon, is the employer or property owner legally liable?*

Generally no. However, there may be circumstances where such liability may exist and a discussion of such situations is beyond the scope of this brief legal summary.

The law provides:

- A person who 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 his or her decision. *Wis. Stat. § 175.60(21)(b).*
- An employer who does not prohibit one or more employees from carrying a concealed weapon is immune from any liability arising from that decision. *Wis. Stat. § 175.60(21)(c).*
- A person providing a firearms training course in good faith is immune from liability from any act or omission related to the course if the course is one of the courses listed in statute. *Wis. Stat. § 175.60(21)(d).*

## RESTRICTIONS BY GOVERNMENTS AND PUBLIC COLLEGES AND UNIVERSITIES

*Are there restrictions on carrying in state and local government buildings?*

**Yes.** In some locations the carrying of concealed weapons is **absolutely prohibited** (see section entitled **LOCATIONS WHERE CCW IS PROHIBITED** below).

In other places government entities and agencies **MAY** prohibit CCW if appropriate notice is given.

*NOTE: The law permits certain owners and occupants of property to prohibit persons from carrying a concealed firearm in or on the property. A person may be subject to a **Class B forfeiture** if he or she, while carrying a firearm, carries a firearm on the property after being notified not to remain on the property or remain with a specific type of firearm. In the latter case, a property owner can prohibit a person from possessing a specific type of firearm on their property or any firearm. *Wis. Stat. § 943.13(1m)(b).**

*In addition, property owners generally possess the right to exclude others from their property. While the specific provisions below only reference prohibiting the possession of firearms, property owners may also prohibit or restrict the possession of other weapons on their property. Violations of such restrictions may also constitute a Class B forfeiture under *Wis. Stat. § 943.13(1m)(b)*. **Therefore, the language quoted below, while only mentioning firearms, applies with equal force to other weapons.***

Also see **NOTICE OF REFUSAL OF RIGHT TO CARRY CONCEALED** for details on the type of notice required.

**State or local government buildings:**

It is unlawful for any person to enter or remain in **any part of a building that is owned, occupied, or controlled by the state or any local governmental unit** if the state or local governmental unit has notified the person not to enter or remain in the building while carrying a firearm or a type of firearm. This provision does not apply to a person who leases residential or business premises in the building or, if the firearm is in a vehicle driven or parked in a parking facility, to any part of a building used as a parking facility. *Wis. Stat. § 943.13(1m)(c)4.*

**NOTE: FEDERAL LAW APPLIES TO THE CARRYING OF FIREARMS ON FEDERAL PROPERTY.**

*Are there restrictions on carrying on public colleges or universities?*

**State university or college:**

It is unlawful for any person to enter or remain in any privately or **publicly owned** buildings on the grounds of a university or college, if the university or college has notified the actor not to enter or remain in the building while carrying a firearm or with that type of firearm. The provision does not apply to a person who leases residential or business premises in the building or, if the firearm is in a vehicle driven or parked in the parking facility, to any part of the building used as a parking facility. *Wis. Stat. § 943.13(1m)(c)5.*

Also see **NOTE** to preceding question and answer.

*Can government prohibit the carrying of a concealed weapon in parks or other public lands?*

No. The restrictions above only apply to government buildings. Persons with a CCW license may carry concealed on public lands. *Wis. Stat. § 943.13(1m)(c)2 and § 943.13(1e)(cm).* **Note that federal law applies to federal property.**

Several existing prohibitions on carrying firearms on public lands (wildlife refuges, state parks and fish hatcheries) have also been changed.

- The law prohibiting the possession of a firearm unless it is unloaded or encased in a **state wildlife refuge** does not apply to a licensee or an out-of state licensee if the firearm is a handgun, or to a law enforcement officer, a qualified out-of-state law enforcement officer, or a former officer if they meet certain conditions. *Wis. Stat. §§ 29.091(1) and (2); 29.621(4).* **Note that federal law applies to federal property.**
- The law prohibiting the possession or under one's control a firearm on land located in **state parks or state fish hatcheries** unless the firearm is unloaded and in a carrying case does not apply to a licensee or an out-of state licensee if the firearm is a handgun, or to a law enforcement officer, a qualified out-of-state law enforcement officer, or a former officer if they meet certain conditions. *Wis. Stat. § 29.089(2)(a)-(d).* **Note that federal law applies to federal property.**
- As of February 22, 2010, it became legal for persons to carry firearms in any unit of the National Park System or the National Wildlife Refuge System IF

- (1) the individual is not otherwise prohibited by law from possessing the firearm; and

- (2) the possession of the firearm is in compliance with the law of the State in which the unit of the National Park System or the National Wildlife Refuge System is located.

*16 USC § 1a-7b.*

However, federal law also prohibits firearms in certain facilities in parks and Wildlife refuges (such as visitor centers, government offices, etc.). The law also does not allow the concealed carry of other weapons. Persons wishing to carry firearms or other weapons on federal lands should contact the appropriate federal agency for information on federal law.

*What about publicly sponsored music or sporting events?*

***Special Events (e.g. sporting events, concerts, etc):***

It is unlawful for any person to enter or remain at a special event if the organizers of the special event have notified the actor not to remain at the special event while carrying a firearm or with that type of firearm. The provision does not apply if the firearm is in a vehicle driven or parked in the parking facility, to any part of the special event grounds or building that is used as a parking facility. The law defines %special event+as an event that is open to the public, is for a duration of not more than three weeks, and either has designated entrances to and from the event that are locked when the event is closed or requires an admission. *Wis. Stat. § 943.13(1m)(c)3.*

## **POSSESSION OF FIREARMS AND OTHER WEAPONS ON SCHOOL PROPERTY**

The new CCW statute repeals or restates portions of prior law regarding possessing a firearm in a school zone. The statute also differentiates between possession of a firearm in or on school grounds and possession within 1,000 feet of school grounds.

### **A. Firearms**

*Are there restrictions on carrying a firearm on school property?*

Yes. It is a **felony** for a person to knowingly **possess a firearm** (concealed or otherwise) on the **grounds** of a school. *Wis. Stat. § 948.605(2)(a).*

It is a **forfeiture** for a person to knowingly possess a firearm (concealed or otherwise) at a place that the person knows or has reasonable cause to believe is **within 1,000 feet of the grounds** of a school. *Wis. Stat. § 948.605(2)(a).*

*What are the exceptions?*

There are a number of exceptions to the restrictions on possessing a firearm in or on school grounds or within 1,000 feet of school grounds.

It is lawful to possess a firearm **in or on the grounds of a school or within 1,000 feet of the grounds of a school** as follows:

- On private property that is not part of school grounds. *Wis. Stat. § 948.605(2)(b)1m* and 18 USC 922(q)(2)(B)(i).
- For use in a program approved by a school in the school zone. *Wis. Stat. § 948.605(2)(b)1m* and 18 USC 922(q)(2)(B)(iv).

- In accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual. *Wis. Stat. § 948.605(2)(b)1m* and 18 USC 922(q)(2)(B)(v).
- By a law enforcement officer acting in his or her official capacity. *Wis. Stat. § 948.605(2)(b)1m* and 18 USC 922(q)(2)(B)(vi).
- The firearm is unloaded and is possessed by an individual while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry on the school premises is authorized by school authorities. *Wis. Stat. § 948.605(2)(b)1m* and 18 USC 922(q)(2)(B)(vii).
- The firearm is not loaded and is encased or in a locked firearms rack that is on a motor vehicle. *Wis. Stat. § 948.605(2)(b)3a* and *b*.
- By a state-certified commission warden acting in his or her official capacity. *Wis. Stat. § 948.605(2)(b)2m*.
- By a person legally hunting in a school forest if the school board has decided that hunting may be allowed in the school forest. *Wis. Stat. § 948.605(2)(b)3m*.
- **A person who is a CCW licensee or out-of-state CCW licensee may possess a firearm within 1,000 feet of the grounds of a school, but not in or on school grounds.** *Wis. Stat. § 948.605(2)(b)1r*.

*Can a person with a CCW license or out-of-state CCW license carry a concealed weapon in or on school grounds?*

As noted above, no. The law does not allow a CCW licensee to carry a firearm, concealed or openly displayed, in or on school grounds unless one of the other statutory exceptions listed above exists and then only when in compliance with those exceptions. *Wis. Stat. § 948.605(2)(b)1r*.

*What is the definition of a school?*

"School" is defined as "a public school, parochial or private school, or tribal school, as defined in s. 115.001(15m), which provides an educational program for one or more grades between grades 1 and 12 and which is commonly known as an elementary school, middle school, junior high school, senior high school, or high school." *Wis. Stat. §§ 948.605(1)(b), 948.61(1)(b)*.

*What are the rules for public and private colleges and universities?*

**See: RESTRICTIONS BY GOVERNMENTS AND PUBLIC COLLEGES AND UNIVERSITIES and RESTRICTIONS BY BUSINESSES AND PROPERTY OWNERS.**

*Are there any other limits on firearms in school zones?*

Yes. It remains a felony for any who knowingly, or with reckless disregard for the safety of others, to discharge or attempt to discharge a firearm at a place the person knows is in or on or within 1,000 feet of school grounds unless:

- On private property not part of school grounds
- For use in a program approved by a school in the school zone by an individual participating in the program.
- By an individual in accordance with a contract entered into between a school in a school zone and the individual or an employer of the individual.

- By a law enforcement officer or state certified commission warden acting in his or her official capacity.

*Wis. Stat. 948.605(3)(a) and (b).*

## **B. Other weapons**

*Are there limits on possessing other weapons on school premises?*

Yes. It is a crime to possess a dangerous weapon (other than a firearm or BB or pellet gun) on or in any school building, school grounds, recreation area, athletic field or any other property owned, used or operated for school administration. *Wis. Stat. § 948.61.*

School is defined as a public, parochial or private, or tribal school that provides educational programs for one or more grades between grades 1 and 12 (elementary, middle, junior high and high school). *Wis. Stat. 948.61(1)(b).*

*What are the exceptions?*

The following are **exceptions** to the prohibition on possessing dangerous weapons on school premises by the following persons:

- A person who uses a weapon solely for school sanctioned purposes. *Wis. Stat. § 948.61(3)(a).*
- A person who engages in military activities sponsored by the federal or state government when acting in the discharge of his or her official duties. *Wis. Stat. § 948.61(3)(b).*
- A person who is a law enforcement officer or state certified commission warden acting in the discharge of his or her official duties. *Wis. Stat. § 948.61(3)(c).*
- A person who is participating in a convocation authorized by school authorities in which weapons of collectors or instructors are handled or displayed. *Wis. Stat. § 948.61(3)(d).*
- A person who drives a motor vehicle in which a dangerous weapon is located onto school premises for school sanctioned purposes or for the purpose of delivering or picking up passengers or property if the weapon is not removed from the vehicle or used in any way. *Wis. Stat. § 948.61(3)(e).*
- A person who possesses or uses a bow and arrow or knife while legally hunting in a school forest if the school board has decided that hunting may be allowed in the school forest. *Wis. Stat. § 948.61(3)(f).*

*Can a person with a CCW license carry a concealed weapon other than a firearm on school premises?*

Generally no, unless the licensee falls within one of the exceptions listed above. *Wis. Stat. § 948.61(2) and (3).*

## **NOTICE OF REFUSAL OF RIGHT TO CARRY CONCEALED**

*While the specific statutory sections of the new law as noted above, only reference notices regarding firearms, property owners possess the general right to limit or condition access to their*

*property. This would include prohibitions or limits on possessing dangerous weapons other than firearms. Therefore, the sign requirements discussed below can provide a reasonable basis for providing notice to persons of any weapons restrictions.*

*What kind of notice must be given to a CCW license holder regarding any prohibitions on carrying concealed weapons?*

Notice of statutorily prohibited locations is provided by statute and to the licensee on the license application and no other notice or sign is required for those locations.

Notice for other locations can be provided **verbally or in writing or if the land is posted by a sign** meeting certain criteria. *Wis. Stat. § 943.13(2)(am)*

*Where are signs required?*

**For non single family residences** (e.g. apartment, condos, etc): A sign must be located in a prominent place near all of the entrances to the part of the building to which the restriction applies **or** near all probable access points to the grounds to which the regulation applies and the individual entering the building or grounds can be reasonably expected to see the sign. *Wis. Stat. § 943.13(2)(bm)2.a.*

**For non-residential buildings, state or governmental property or university or college:** A sign must be posted in a prominent place near all of the entrances to the part of the building to which the restriction applies and any individual entering the building can be reasonably expected to see the sign. *Wis. Stat. § 943.13(2)(bm)2.b.*

**For the grounds of a nonresidential building or land:** A sign must be posted in a prominent place near all probable access points to the grounds or land to which the restriction applies and any individual entering the grounds or land can be reasonably expected to see the sign. *Wis. Stat. § 943.13(2)(bm)2.am.*

**For special events:** A sign must be posted in a prominent place near all of the entrances to the special event and the individual attending the special event can be reasonably expected to see the sign. *Wis. Stat. § 943.13(2)(bm)2.c.*

**For posting land:** A sign must be at least 11 inches square and be placed in conspicuous places for every 40 acres to be protected. The sign must provide an appropriate notice and the name of the person giving the notice followed by the word **%owner+**if the person is the owner, and the word **%occupant+**if the person giving notice is not the holder of legal title but is the lawful occupant. *Wis. Stat. § 943.13(2)(am)1.*

*How big of a sign must be used?*

A sign must be at least five inches by seven inches that states the restriction on carrying a firearm. *Wis. Stat. § 943.13(2)(bm)1.*

For posting land, a sign must be at least 11 inches square. *Wis. Stat. § 943.13(2)(am)1.*

*What must the sign say?*

In regard to posting land, the law only provides that the sign must provide an **%appropriate notice+**and the name of the person giving the notice (listing self as either the owner of occupant). *Wis. Stats. § 943.13(2)am1.* In regard to other locations the sign must simply state the restriction imposed. *Wis. Stats. § 943.13(2)(bm)1.* At a minimum the sign must inform people that weapons or firearms are prohibited. There are a number of

messages that would meet the standard and the ultimate purpose of the sign is to put individuals on notice of the prohibition or limitation.

## LOCATIONS WHERE CCW IS PROHIBITED

*Are there places I may carry a concealed weapon even without a CCW license?*

Yes. A person may carry a concealed weapon, including an electric weapon, in his or her own dwelling or place of business or on land that he or she owns, leases, or legally occupies, with or without a CCW license. *Wis. Stat. § 941.23(2)(e); Wis. Stat. § 941.295(2)(d)2.*

*Can I carry a concealed weapon anywhere if I have a license?*

A person with a CCW license or an approved out-of-state CCW license may carry concealed anywhere in the state except where prohibited. *Wis. Stat. § 175.60(2g)(a).*

**175.60 (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.

By statute there are various locations where the carrying of any weapon is prohibited. *See questions below.*

**Federal law applies to US Government land and property and a Wisconsin CCW license does not necessarily authorize the open or concealed carry of a firearm or other weapons on US government land or property.**

As of February 22, 2010, it became legal for persons to carry firearms in any unit of the National Park System or the National Wildlife Refuge System IF

- (1) the individual is not otherwise prohibited by law from possessing the firearm; and
- (2) the possession of the firearm is in compliance with the law of the State in which the unit of the National Park System or the National Wildlife Refuge System is located.

*16 USC § 1a-7b.*

However, federal law also prohibits firearms in certain facilities in parks and Wildlife refuges (such as visitor centers, government offices, etc.). The law also does not allow the concealed carry of other weapons.

The possession of firearms and other weapons is also prohibited or restricted at other federal government property. Persons wishing to possess firearms on federal land or buildings should check with the appropriate federal agency authority for the applicable law.

There are other locations where carrying may be prohibited is the owner provides notice that carrying is not allowed. **See: RESTRICTIONS BY EMPLOYERS, RESTRICTIONS BY BUSINESSES AND PROPERTY OWNERS, RESTRICTIONS BY GOVERNMENTS**

**AND PUBLIC COLLEGES AND UNIVERSITIES and POSSESSION OF FIREARMS AND OTHER WEAPONS ON SCHOOL PROPERTY.**

*May anyone carry a handgun in state parks, wildlife refuges, and fish hatcheries?*

No. Only a CCW licensee, out of state licensee, a law enforcement officer, a person employed as a law enforcement officer by a public agency in Wisconsin, a qualified out-of-state law enforcement officer, or a former officer may carry a handgun in these locations.

- The law prohibiting the possession of a firearm unless it is unloaded or encased in a **state wildlife refuge** does not apply to a licensee or an out-of state licensee **if the firearm is a handgun**, or to a law enforcement officer, a person employed as a law enforcement officer by a public agency in Wisconsin, a qualified out-of-state law enforcement officer, or a former officer if they meet certain conditions. *Wis. Stat. §§ 29.091(1) and (2); 29.621(4)(a) to (d)*. **Note that federal law applies to federal property.**
- The law prohibiting the possession or under one's control a firearm on land located in **state parks or state fish hatcheries** unless the firearm is unloaded and in a carrying case does not apply to a licensee or an out-of state licensee **if the firearm is a handgun**, or to a law enforcement officer, a person employed as a law enforcement officer by a public agency in Wisconsin, a qualified out-of-state law enforcement officer, or a former officer if they meet certain conditions. *Wis. Stat. § 29.089(2)(a)-(d); 29.091(1) and (2)*. **Note that federal law applies to federal property.**

*Where is a licensee prohibited from carrying a concealed weapon?*

A licensee or an authorized out-of-state licensee may not carry a weapon (knife, stun gun or electric weapon, a knife, or club, or a machinegun), either concealed or unconcealed, in the following locations:

- 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 DOJ.
- Any portion of a building that is a prison, jail, house of correction, or secured correctional facility.
- The Sand Ridge Secure Treatment Center, the Wisconsin Resource Center, or any secured unit or secured portion of a mental health institution, including a facility designated as the Maximum Security Facility at the Mendota Mental Health Institute.
- Any portion of a building that is a county, state, or federal courthouse.
- Any portion of a building that is a municipal courtroom if court is in session.
- A place beyond a security checkpoint in an airport.

*Wis. Stat. § 175.60(16)(a)*.

- **Note that federal law applies to US Government land and property.**

*Are there exceptions to the prohibitions on possessing in certain public locations?*

The above prohibitions do not apply to any of the following:

- 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 described above.

- A weapon in a courthouse 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.
- A weapon in a courthouse or courtroom if a district attorney, or an assistant district attorney, who is a licensee is carrying the weapon.

*Wis. Stat. § 175.60(16)(b).*

*Are there any restrictions for carrying in or on school property?*

A licensee may not carry a firearm in or on the grounds of a school unless another specific statutory exception applies. *Wis. Stat. § 948.605(2)(b)1r.*

A licensee may not carry any other dangerous weapon on school premises unless a specific statutory exception applies. *Wis. Stat. § 948.61(2) and (3).*

**Also see: POSSESSION OF FIREARMS AND OTHER WEAPONS ON SCHOOL PROPERTY.**

*Are there any restrictions for carrying in a tavern?*

A tavern is any establishment, other than a private or fraternal organization, in which alcohol beverages are sold for consumption on the premises. *Wis. Stat. § 941.237(1)(fm) and (3)(cx).*

No one may possess a handgun in a tavern unless they are a law enforcement officer, a correctional officer in the line of duty, a member of the US armed forces or national guard in the line of duty, a private security person meeting certain criteria, the tavern licensee, owner or manager or their authorized employee or agent, or have a CCW license. *Wis. Stat. § 941.237(2) and (3)(a)-(cx).*

The above prohibitions do not apply to an unloaded and encased handgun in a vehicle in a parking lot, a private or public gun or sportsmen's range or club or if possession of a handgun is authorized by the owner or manager of a Class B license or permit premises for a specific event of a limited duration. *Wis. Stat. § 941.237(3)(e) to (j).*

**A licensee or out of state licensee may carry a concealed weapon in a tavern only if they are not consuming alcohol on the premises.** *Wis. Stat. § 941.237(3)(cx).*

A qualified out-of-state law enforcement officer and a former law enforcement officer can carry a concealed handgun in a tavern and a licensee and an authorized out-of-state licensee can carry a concealed handgun in a tavern if they are not consuming alcohol on the premises. *Wis. Stat. § 941.237(3)(cr), (ct), and (cx).*

However, it is a class A **misdemeanor** (9 months jail and/or \$10,000 fine) **for any person, whether or not they are a licensee, to go armed with a firearm while under the influence of an intoxicant.** *Wis. Stat. § 941.20(1)(b).* "Under the Influence" has been defined as materially impairing the ability to handle a firearm which is further explained as consuming ~~an~~ amount of alcohol to cause the person to be less able to exercise clear judgment and steady hand necessary to handle a firearm.+ *WI Jury Instruction-CRIMINAL 1321.*

In addition, a tavern owner may prohibit anyone from carrying a firearm in their business. See **RESTRICTIONS BY BUSINESSES AND PROPERTY OWNERS** above.

*What about other locations such as private residences, condos and apartments, other property, government buildings, schools, universities and colleges and entertainment and sporting events?*

See discussion above regarding carrying on private property. Also See **POSSESSION OF FIREARMS AND OTHER WEAPONS ON SCHOOL PROPERTY and RESTRICTIONS BY GOVERNMENTS AND PUBLIC COLLEGES AND UNIVERSITIES.**

## **PROHIBITED CONDUCT FOR ANYONE POSSESSING A WEAPON**

The CCW statutes do not, except where noted elsewhere, change any other existing laws governing the conduct of individuals and the use of weapons. For example, the following conduct is still prohibited:

*Disorderly conduct.* Where the facts and circumstances indicate a malicious or illegal intent a person may be prosecuted for loading, carrying, or going armed with a firearm. *Wis. Stat. § 947.01(1) and (2).*

*Carrying a concealed firearm while intoxicated.* It is a class A misdemeanor (9 months jail and/or \$10,000 fine) for someone to go armed while under the influence of an intoxicant. *Wis. Stat. § 941.20(1)(b).* "Under the Influence" has been defined as materially impairing the ability to handle a firearm which is further explained as consuming an amount of alcohol to cause the person to be less able to exercise clear judgment and steady hand necessary to handle a firearm.+ *WI Jury Instruction-CRIMINAL 1321.*

*Carry a firearm while unlawfully using controlled substances.* It is a class A Misdemeanor (9 months jail and/or \$10,000 fine) to go armed with a firearm with a detectable amount of a restricted controlled substance in their blood without proof of a valid prescription. *Wis. Stat. § 941.20(1)(bm).*

*Intentionally point a firearm at another unless such conduct is privileged.* *Wis. Stat. § 941.20(1)(c).*

*Intentionally point a firearm at a law enforcement officer, fire fighter, EMT, first responder, ambulance driver or commission warden acting in their official capacity.* *Wis. Stat. § 941.20(1m).*

*Intentionally discharge a firearm into a vehicle or building under circumstances in which the person should realize there might be a human being present unless privileged.* *Wis. Stat. § 941.20(2).*

*Intentionally discharges a firearm from a vehicle while on a highway or in a parking lot unless justified or privileged.* *Wis. Stat. § 941.20(3), 167.30(2);*

*Possess, purchase, sell, offers to sell, manufacture, or go armed with a switchblade knife.* *Wis. Stat. § 941.24 (9 months jail and/or \$10,000 fine).*

*Possess tear gas, mace or similar substance except for pepper spray.* *Wis. Stat. § 941.26(1)(b) and (4).*

*Use tear gas or similar substances or pepper spray against a law enforcement officer or during a crime.* *Wis. Stat. s 941.26(2) and (4).*

*Possess, purchase, sell, transport or use a machinegun unless authorized by law.* *Wis. Stat. § 941.26(1m) and (3).*

*Possess, purchase, sell, transport or use a short-barreled shotgun or rifle (shotgun with a barrel length of less than 18 inches or an overall length of less than 26 inches and a rifle with a barrel length of less than 16 inches or an overall length of less than 26 inches) unless specifically allowed by the statute to possess, sell, transport or use (military in the line of duty, any peace officer of the United States or political subdivision thereof, and anyone who has complied with federal registration and licensing requirements. Wis. Stat. § 941.28.*

*Sell or distribute an imitation firearm. Wis. Stat. § 941.297.*

*Carry or display a facsimile firearm in a manner that could reasonably be expected to alarm, intimidate, threaten or terrify another person. Wis. Stat. § 941.2965.*

*Possess, sell or deliver a firearm silencer unless specifically allowed by law. Wis. Stat. § 941.298.*

*Endanger the safety of another by the negligent operation of handling of a dangerous weapon. Wis. Stat. § 941.20(1)(a) (9 months jail and/or \$10,000 fine).*

*Recklessly endanger the safety of another person. Wis. Stat. § 941.30.*

*Homicide by negligent handling of a dangerous weapon. Wis. Stat. § 940.08.*

*Homicide by intoxicated use of a firearm. Wis. Stat. 940.09.*

## TRANSPORTING WEAPONS

*If I have a CCW license can I transport the weapon on my person in a vehicle?*

Yes. Current law generally requires that **firearms** being transported in a vehicle be encased and unloaded, not hidden or concealed and not within reach. In regard to other weapons, they could not be carried concealed and within reach.

Under the new CCW law, **a person with a CCW license may carry a concealed weapon** (handgun, knife, electric weapon or billy club) in a vehicle.

However, **long guns** are still subject to the requirement of being fully encased and unloaded, not hidden and not within reach.

*If I do not have a CCW license how do I transport weapons in a vehicle?*

### A. Handguns

The law now allows a person to do the following **without a CCW permit**:

- **place, possess, or transport a handgun** in a vehicle without being unloaded or encased. *Wis. Stats. § 167.31(2)(b).*
- **load a handgun** in a vehicle. *Wis. Stats. § 167.31(2)(c).*
- **operate an all-terrain vehicle (ATV)** with a handgun in the operator's possession. *Wis. Stat. § 23.33(3)(a).*
- place, possess, or transport a handgun **in or on a motorboat** with the motor running without being unloaded or encased. *Wis. Stats. § 167.31(2)(a), (b), (c).*
- place, possess, or transport a handgun **in or on a noncommercial aircraft.**

**IMPORTANT NOTE:** *Persons who do not have a CCW license may still not carry weapons concealed. In a vehicle this means that the firearm cannot be hidden or concealed and within reach.*

**B. Long guns**

The law has been changed regarding hand guns but the requirements for transporting long guns still remains. A long gun being transported in a vehicle, boat, or non-commercial aircraft must be unloaded and enclosed in a case that is completely zipped, snapped, buckled, tied or otherwise fastened with no part of the firearm exposed. *Wis. Stat. § 167.31(2)(a), (b)*

**C. Other weapons**

As a general rule, persons without a CCW permit may not carry concealed weapons in a vehicle. This means that the weapon cannot be hidden and within reach.

**D. Electric weapons**

A CCW licensee may transport an electric weapon without restrictions.

A person who is not a licensee may only transport an electric weapon if it is enclosed within a carrying case. *Wis. Stat. § 941.295(2r)*.

Also see: **ELECTRIC WEAPONS (STUN GUNS) AND CCW.**

*Can I transport weapons on public or private buses, transport vehicles or cabs?*

The same rules as discussed above regarding transporting in vehicles apply. In addition, public and private entities may prohibit or restrict the possession and transport of weapons. Also See: **RESTRICTIONS BY EMPLOYERS, RESTRICTIONS BY BUSINESSES AND PROPERTY OWNERS, RESTRICTIONS BY GOVERNMENTS AND PUBLIC COLLEGES AND UNIVERSITIES, and NOTICE OF REFUSAL OF RIGHT TO CARRY CONCEALED.**

*What about transporting in a state park, wildlife refuge or fish hatchery?*

- As a general rule the law prohibits the possession of a firearm in a **state wildlife refuge** unless it is unloaded or encased. This restriction does not apply to a licensee or an out-of state licensee if the firearm is a handgun, or to a law enforcement officer, a qualified out-of-state law enforcement officer, or a former officer if they meet certain conditions. *Wis. Stat. §§ 29.091(1) and (2); 29.621(4)*. **Note that federal law applies to federal property.**
- As a general rule the law prohibits a person from having in his or her possession or under their control a firearm on land located in **state parks or state fish hatcheries** unless the firearm is unloaded and in a carrying case. The law does not apply to a licensee or an out-of state licensee if the firearm is a handgun, or to a law enforcement officer, a qualified out-of-state law enforcement officer, or a former officer if they meet certain conditions. *Wis. Stat. § 29.089(2)(a)-(d)*. **Note that federal law applies to federal property.**

*What is the law regarding transporting firearms on a commercial airplane?*

Any firearm, handgun or long gun must be unloaded and encased. *Wis. Stat. § 167.31(3)(a)1.*

Under federal law firearms may not be carried in carry on baggage and can only be placed in checked baggage. Airlines may also have additional requirements.

Check with the Federal Traffic Safety Administration (TSA) for further information: [TSA-laws and requirements for firearms](#)

## **ACCESS TO CCW LICENSE INFORMATION**

*Will there be a list of persons who have CCW licenses?*

Yes. The law requires DOJ to maintain a computerized record listing the names of and specified information (including but not limited to dates of birth, sex and the identification number of the CCW license) concerning all individuals who have been issued a license and former federal law enforcement officers (but not former state law enforcement officers) who have been issued certification cards. *Wis. Stat. § 175.60(12)(a).*

*Is the information regarding CCW licenses available to the public?*

No. The information regarding CCW licenses is not considered a public record and the DOJ, Department of Transportation (DOT), or any employee of DOJ or DOT, cannot make it 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 DOJ's annual report to the Legislature and the Governor. *Wis. Stat. § 175.60(12)(c).*

*Does DOJ issue any reports regarding CCW licenses?*

DOJ is required to submit a statistical report to the Legislature and the Governor annually by March 1 of each year. The report must indicate the number of licenses applied for, issued, denied, suspended, and revoked during the previous calendar year. For the licenses denied, the report must indicate the reasons for the denials and the part of the application process in which the reasons for denial were discovered. For licenses suspended or revoked, the report must indicate the reasons for the suspensions and revocations. DOJ 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. *Wis. Stat. § 175.60(19).*

*To whom can DOJ release information on CCW licenses?*

Law enforcement agencies upon proper request and reports to the governor and legislature. Proper requests from law enforcement include: 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 claims to hold a valid license or law enforcement certification but does not have his or her license document or law enforcement certification card with him or her, to confirm that the individual holds a valid license or certification card; and 3) to investigate whether a person submitted an intentionally false statement in a license application or renewal.

*Wis. Stat. §§ 175.60(12g)(a) and (19).*

*Is the information regarding CCW licenses available to a law enforcement agency?*

Yes, in limited circumstances. A law enforcement officer may not request or be provided information from such computerized record concerning a specific individual except for specified purposes including to confirm that a license or certification card produced by an individual at the request of a law enforcement officer is valid or, if an individual does not have his or her license document or certification card with him or her, to confirm that the individual holds a valid license or certification card or to investigate whether the person made false statements in their license application or renewal. *Wis. Stat. § 175.60(12)(b) and (12g)(b)*.

*How can law enforcement agencies use CCW license information?*

To confirm that a license or certification card produced by an individual at the request of a law enforcement officer is valid. *Wis. Stat. § 175.60(12)(b)1a*.

If an individual claims to hold a valid license or law enforcement certification but does not have his or her license document or law enforcement certification card with him or her, to confirm that the individual holds a valid license or certification card. *Wis. Stat. § 175.60(12)(b)1b*.

To investigate whether a person submitted an intentionally false statement in a license application or renewal. *Wis. Stat. § 175.60(12)(b)1c*.

To investigate whether a person complied with the requirements governing the return of revoked or suspended CCW licenses. *Wis. Stat. § 175.60(12)(b)1d*.

*Is information available to law enforcement agencies outside of Wisconsin?*

Yes: 1) information to confirm that a license or certification card produced by an individual at the request of a law enforcement officer is valid; or, 2) if an individual claims to hold a valid license or law enforcement certification but does not have his or her license document or law enforcement certification card with him or her, to confirm that the individual holds a valid license or certification. *Wis. Stat. § 175.60(12)(b) 2*.

*Are there some things a law enforcement agency cannot do with license information?*

Neither a law enforcement agency nor any of its employees may store or maintain information regarding an individual that was obtained from DOJ based on the individual's status as a licensee or holder of a certificate card. *Wis. Stat. § 175.60(12g)(b)*.

In addition, 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. *Wis. Stat. § 175.60(12g)(b)2-3*.

**CRIMES AND OFFENSES RELATED TO CCW***Making false statements on a CCW license application:*

DOJ is authorized to enforce the offense of false swearing with respect to false statements submitted or made in an application for a license or an application to renew a license.

False swearing: *Wis. Stat. § 946.32*.

*Firearms instructor intentionally submitting false documentation indicating that a person has met the CCW training requirements.*

May be prosecuted under Wis. Stat. § 946.32 (false swearing). Wis. Stat. § 175.60(17)(c).

*Failure to provide updated address to DOJ*

For a first violation the department must issue the licensee a warning. Wis. Stat. § 175.60(11)(b)2. For a second violation a forfeiture of \$50. Wis. Stat. § 175.60(17)(ac).

If the person's license is suspended or revoked and fails to submit a timely change of address individual is subject to a forfeiture of \$50. Wis. Stat. §§ 175.60(11)(b)3 and 175.60(17)(ac).

A licensee may not be charged with a violation if the department learns of the violation when the licensee informs the department of the address change Wis. Stat. § 175.60(11)(b)4.

*Intentional failure to return a CCW license after revocation or suspension or signed statement that the holder no longer possess the license.*

Shall be fined not more than \$500 or imprisoned for not more than 30 days in jail or both. Wis. Stat. § 175.60(17)(e).

*Carrying a concealed weapon by a licensee without carrying or displaying as required the license and photo ID.*

A person who does not carry or display a CCW license and photo ID as required may be required to forfeit not more than \$25 except that the a person is exempt from this penalty if, within 48 hours of the request, he or she presents their license document and photographic identification to the law enforcement agency that employs the law enforcement officer who lawfully requested the documents. Wis. Stat. § 175.60(17)(a) and (ac).

*Carrying a concealed weapon with a permit in a prohibited location:*

May be fined not more than \$500 or jailed for not more than 30 days jail or both. Wis. Stat. § 175.60(17)(c).

*Unlawful Use of a License*

A person who is issued a license and who does any of the following is guilty of a Class A misdemeanor (punishable by 9 months jail and/or \$10,000 fine): Wis. Stat. § 946.71(2).

- Intentionally represents as valid any revoked, suspended, fictitious, or fraudulently altered license.
- Intentionally sells or lends the license to any other individual or knowingly permits another individual to use the license.
- Intentionally represents as one's own any license not issued to him or her.
- Intentionally permits any unlawful use of that license.
- Intentionally reproduces by any means a copy of a license for a purpose that is prohibited.
- Intentionally defaces or intentionally alters a license.

*Carrying a concealed weapon without a permit*

A class A misdemeanor (9 months jail and/or \$10,000 fine). This would apply to any concealed weapon including a firearm, electric weapon, knife, billy club, etc.

**QUESTIONS AND ANSWERS FOR PERSONS WITHOUT A CCW LICENSE**

*What is the penalty for carrying a concealed weapon without a CCW license?*

It is a Class A misdemeanor punishable by jail not to exceed 9 months and/or a fine not to exceed \$10,000. *Wis. Stat. § 941.23(2)*.

*What is the penalty for carrying a firearm, openly or concealed, if I am prohibited from possessing a firearm?*

It is a Class G felony punishable by imprisonment not to exceed 10 years and/or a fine not to exceed \$25,000. *Wis. Stat. § 941.29(2)*.

*If I do not get a CCW license can I carry a firearm openly?*

Unless expressly provided, the licensure statute does not limit an individual's right to carry a firearm that is not concealed. *Wis. Stat. § 175.60(2)(c)*.

*How do I transport weapons if I do not have a CCW license?*

See the section above entitled **TRANSPORTING WEAPONS**.