

2013 DRAFTING REQUEST

Bill

Received: 10/23/2012 Received By: chanaman
Wanted: As time permits Same as LRB:
For: Janet Bewley (608) 266-7690 By/Representing: Joey
May Contact: Drafter: chanaman
Subject: Criminal Law - guns and weapons Addl. Drafters:
Criminal Law - law enforcement Extra Copies:

Submit via email: YES
Requester's email: Rep.Bewley@legis.wi.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Certifications for out-of-state law enforcement officers

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	srose 10/29/2012	wjackson 11/7/2012		_____	srose 10/29/2012		
/1			rschluet 11/7/2012	_____	srose 11/7/2012	lparisi 4/10/2013	State

FE Sent For:

<END>

at
intro

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Companion to LRB:

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AWG 11/7
11/7/12 JF



WJ

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

~~Other~~

Wed.
11/7
please.

general

1 AN ACT ...; relating to: certification cards to carry concealed weapons for
2 residents of Wisconsin who ^{was} formerly were employed as law enforcement officers
3 in another state. _{stat.}

Analysis by the Legislative Reference Bureau

Current law generally prohibits a person from going armed with a concealed and dangerous weapon. This prohibition has many exceptions, including an exception for former law enforcement officers who have one of the following: (1) a photographic identification issued by the law enforcement agency that formerly employed him or her that indicates that, within the previous 12 months, that agency found him or her to meet the firearms training standards that the law enforcement agency sets for active law enforcement officers to carry the type of firearm the former officer is carrying; or (2) both a photographic identification issued by the law enforcement agency that formerly employed the officer and a certification card issued in Wisconsin, if the former officer resides in Wisconsin, or a certification card issued by the state in which the former officer resides. The certification card must indicate that, within the previous 12 months, his or her state of residence, or a certified firearms instructor if such an instructor may conduct a firearms qualification test for active law enforcement officers in that state, has found him or her to meet the firearms training standards for active law enforcement officers to carry the type of firearm he or she is carrying. Current law permits a qualified former law enforcement officer who was employed by a state or local Wisconsin law enforcement agency to receive a certification card from the law enforcement agency that employed him or her. Current law permits the Department of Justice (DOJ) to

the former officer

the former officer

issue a certification card to a qualified former federal law enforcement officer who resides in Wisconsin. This bill permits DOJ to issue a certification card to a qualified former law enforcement officer who was employed by a state or local law enforcement agency in another state ^{but who ~~now~~ resides in Wisconsin}

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

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

① SECTION 1. 175.49 (1) (^{em}~~dm~~) of the statutes is created to read:

② 175.49 (1) (^{em}~~dm~~) "Former out-of-state law enforcement officer" means a person
3 who separated from service as a law enforcement officer at a state or local law
4 enforcement agency in a state other than Wisconsin and who resides in Wisconsin.

5 SECTION 2. 175.49 (3) (title), (a) (intro.), 1., 2. and 4., (b) and (c) of the statutes
6 are amended to read:

7 175.49 (3) (title) ~~CERTIFICATION OF FORMER FEDERAL AND OUT-OF-STATE LAW~~
8 ENFORCEMENT OFFICERS. (a) (intro.) Upon the request of a ^{former} former federal law
9 enforcement officer or a former out-of-state law enforcement officer and at the
10 expense of the ~~former federal~~ that law enforcement officer, the department may,
11 except as provided in par. (b), issue the former federal law enforcement officer or
12 former out-of-state law enforcement officer a certification card as described in sub.
13 (4) stating all of the following:

14 1. The type of firearm the former federal law enforcement officer or former
15 out-of-state law enforcement officer is certified to carry, but no former federal law
16 enforcement officer or former out-of-state law enforcement officer may be certified
17 to carry a machine gun, a firearm silencer, or a destructive device.

18 2. The former federal law enforcement officer (has) or former out-of-state law
19 enforcement officer has been found by the state, or by a certified firearms instructor

1 if such an instructor is qualified to conduct a firearms qualification test for active law
 2 enforcement officers in the state, to meet the standards for qualification in firearms
 3 training for active law enforcement officers to carry a firearm of the type under subd.
 4 1., that are established by the state or, if the state does not establish standards, by
 5 any law enforcement agency in the state.

NOTE: NOTE: A missing word is shown in brackets. Corrective legislation is pending. NOTE:

6 4. That, due to the finding under subd. 2., the former federal law enforcement
 7 officer or former out-of-state law enforcement officer is qualified to carry a concealed
 8 firearm of the type under subd. 1.

9 (b) The department may not issue ^athe [↓]former federal law enforcement officer
 10 or former out-of-state law enforcement officer a certification card under par. (a)
 11 unless the department first verifies all of the following:

12 1. The former federal law enforcement officer or former out-of-state law
 13 enforcement officer separated from service as a law enforcement officer with the law
 14 enforcement agency in good standing.

15 2. The former federal law enforcement officer or former out-of-state law
 16 enforcement officer served as a law enforcement officer for an aggregate of at least
 17 10 years or the former federal law enforcement officer or former out-of-state law
 18 enforcement officer separated from law enforcement service due to a
 19 service-connected disability, as determined by the law enforcement agency from
 20 which the former ^{plain space} ~~federal law enforcement~~ officer separated, after completing any
 21 applicable probationary period.

22 3. a. A qualified medical professional employed by the law enforcement agency
 23 from which the former federal law enforcement officer or former out-of-state law
 24 enforcement officer separated has not found the former ~~federal law enforcement~~

1 officer to be unqualified to be a law enforcement officer for reasons related to the
2 former officer's mental health.

3 b. The former federal law enforcement officer or former out-of-state law
4 enforcement officer has not entered into an agreement with the law enforcement
5 agency from which he or she separated from service in which the former officer
6 acknowledges that he or she is not qualified to be a law enforcement officer for
7 reasons related to his or her mental health.

8 4. The former federal law enforcement officer or former out-of-state law
9 enforcement officer is not prohibited under federal law from possessing a firearm as
10 indicated by a search of the transaction information for management of enforcement
11 system and the national criminal background check system.

12 5. The former federal law enforcement officer or former out-of-state law
13 enforcement officer has, during the previous 12 months at his or her own expense,
14 been found by the state, or by a certified firearms instructor if such an instructor is
15 qualified to conduct a firearms qualification test for active law enforcement officers
16 in the state, to meet the standards for qualification in firearms training for active law
17 enforcement officers to carry a firearm of the type under par. (a) 1., that are
18 established by the state or, if the state does not establish standards, by any law
19 enforcement agency in the state.

20 (c) If, under par. (a), the department issues a former federal law enforcement
21 officer or former out-of-state law enforcement officer a certification card, the
22 department shall add the former ~~federal law enforcement~~ officer's information to the
23 list the department maintains under s. 175.60 (12) (a).

24 History: 2011 a. 35.

SECTION 3. 175.49 (5) of the statutes is amended to read:

1 175.49 (5) RENEWAL OF CERTIFICATION CARDS. A person who holds a current
2 certification card issued under sub. (2) or (3) may renew the certification card by
3 requesting the law enforcement agency or the department, whichever issued the
4 current certification card, to renew the certification card at the expense of the person
5 holding the card, if, before the date the certification card expires, the law
6 enforcement agency verifies sub. (2) (b) 4. and 5. if the certification card holder is a
7 former law enforcement officer, or the department verifies sub. (3) (b) 4. and 5. if the
8 certification card holder is a former federal law enforcement officer or former
9 out-of-state law enforcement officer, and the certification card holder provides any
10 information necessary for the verification. The renewal shall state the date on which
11 verification was made and an expiration date that is 12 months later than that date.

12 **History:** 2011 a. 35.

12 **SECTION 4.** 941.23 (3) (b) 2. a. of the statutes is amended to read:

13 941.23 (3) (b) 2. a. A certification card issued under s. 175.49 (2) or (3), if the
14 former officer resides in this state.

15 **History:** 1977 c. 173; 1979 c. 115, 221; 2007 a. 27; 2011 a. 35.

(END)

Parisi, Lori

From: Hoey, Joseph
Sent: Wednesday, April 10, 2013 3:49 PM
To: LRB.Legal
Subject: Draft Review: LRB -0442/1 Topic: Certifications for out-of-state law enforcement officers

Please Jacket LRB -0442/1 for the ASSEMBLY.