
Wisconsin Legislative Council

ACT MEMO



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2019 Wisconsin Act 87 [2019 Assembly Bill 135]

Private Detectives and Private Security Possessing or Going Armed With Electric Weapons

BACKGROUND

Private detective, private investigator, special investigator, and private security professionals are regulated by the Department of Safety and Professional Services (DSPS). Under DSPS rules, a person holding a license or permit, whichever is applicable, to act as a private detective, private investigator, special investigator, or private security personnel may only carry a concealed firearm while he or she is on duty if one of the following applies:

- The person completes the DSPS training program for carrying a firearm and receives a certificate of proficiency in the care, handling, and use of a firearm.
- The person is employed as a law enforcement officer in Wisconsin, is a qualified out-of-state law enforcement officer, or is a qualified former officer as provided under current law.
- The person holds a license or out-of-state license to carry a concealed weapon.

DSPS rules authorize a licensed or permitted private detective, private investigator, special investigator, or private security professional, to go armed with a dangerous weapon other than a firearm if, based upon training, the person is proficient in handling the dangerous weapon. The definition of a dangerous weapon includes an “electric weapon”¹ (e.g., the Taser). Under **prior law**, however, it was a Class H felony² for a private detective, private investigator, special investigator, or private security professional to possess or go armed with any electric weapon unless the person held a license or out-of-state license to carry a concealed weapon.

2019 WISCONSIN ACT 87

Under 2019 Wisconsin Act 87, a licensed or permitted private detective, private investigator, special investigator, or private security professional may possess or go armed with any electric weapon without being subject to a Class H felony if the individual is authorized under DSPS rules to carry a firearm, as described above.

Effective date: February 7, 2020

MS:mca;ksm

¹ An “electric weapon” is defined to mean “any device which is designed, redesigned, used or intended to be used, offensively or defensively, to immobilize or incapacitate persons by the use of electric current.” [s. 941.295 (1c) (a), Stats.]

² The penalty for a Class H felony is a fine of up to \$10,000, imprisonment of up to six years, or both. [s. 939. (3) (h), Stats.]