



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-0077/1
CMH:sac:rs

2015 ASSEMBLY BILL 77

March 5, 2015 – Introduced by Representatives KLEEFISCH, MILROY, BORN, EDMING, GANNON, HORLACHER, JARCHOW, KNODL, MURPHY, MURSAU, MURTHA, NOVAK, J. OTT, SINICKI and STEFFEN, cosponsored by Senators BEWLEY, GUDEx and WANGGAARD. Referred to Committee on State Affairs and Government Operations.

1 **AN ACT to amend** 175.48 (3), 175.49 (2) (a) (intro.), 175.49 (2) (a) 2., 175.49 (2)
2 (b) 1., 175.49 (2) (b) 2., 175.49 (2) (b) 3. a., 175.49 (2) (b) 5., 175.49 (3) (title), (a)
3 (intro.), 1, 2. and 4., (b) and (c), 175.49 (5) and 941.23 (3) (b) 2. a.; and **to create**
4 175.49 (1) (em) and 175.49 (1) (i) of the statutes; **relating to:** certification cards
5 to carry concealed weapons for residents of Wisconsin who formerly were
6 employed as law enforcement officers in another state and successor law
7 enforcement agencies to assume responsibility of issuing certification cards to
8 carry concealed weapons to former officers.

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 a former law enforcement officer who has 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 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

ASSEMBLY BILL 77

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, the former officer's 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 the former officer 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. This bill specifically allows a qualified law enforcement officer to receive a certification card from another law enforcement agency if that other law enforcement agency assumes the responsibilities and duties of the law enforcement agency that employed him or her.

Current law permits the Department of Justice (DOJ) to 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 also to a qualified former law enforcement officer who was employed by a state or local law enforcement agency in another state but who 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.** 175.48 (3) of the statutes is amended to read:

2 175.48 (3) Unless sub. (2) (a), (b), (c), or (d) applies, if a Wisconsin law
3 enforcement agency does not issue photographic identification cards to its officers,
4 it the law enforcement agency, or its successor agency, as defined in s. 175.49 (1) (i),
5 shall issue such a card to an officer who separates from service with ~~that~~ the law
6 enforcement agency upon the separating officer's request and at his or her expense.

7 **SECTION 2.** 175.49 (1) (em) of the statutes is created to read:

8 175.49 (1) (em) "Former out-of-state law enforcement officer" means a person
9 who separated from service as a law enforcement officer at a state or local law
10 enforcement agency in a state other than Wisconsin and who resides in Wisconsin.

11 **SECTION 3.** 175.49 (1) (i) of the statutes is created to read:

ASSEMBLY BILL 77

1 175.49 (1) (i) “Successor agency” means a law enforcement agency that
2 assumes the responsibilities and duties of another law enforcement agency.

3 **SECTION 4.** 175.49 (2) (a) (intro.) of the statutes is amended to read:

4 175.49 (2) (a) (intro.) Upon the request of a former law enforcement officer and
5 at the expense of the former law enforcement officer, a law enforcement agency that
6 employed the former law enforcement officer, or its successor agency, shall, except
7 as provided in par. (b), issue the former law enforcement officer a certification card
8 as described in sub. (4) stating all of the following:

9 **SECTION 5.** 175.49 (2) (a) 2. of the statutes is amended to read:

10 175.49 (2) (a) 2. The former law enforcement officer has been found by the state,
11 or by a certified firearms instructor if such an instructor is qualified to conduct a
12 firearms qualification test for active law enforcement officers in the state, to meet the
13 standards for qualification in firearms training for active law enforcement officers
14 to carry a firearm of the type under subd. 1., that are established by the state or, if
15 the state does not establish standards, by the law enforcement agency from which
16 the former law enforcement officer separated or its successor agency.

17 **SECTION 6.** 175.49 (2) (b) 1. of the statutes is amended to read:

18 175.49 (2) (b) 1. The former law enforcement officer separated from service as
19 a law enforcement officer with the law enforcement agency that employed him or her
20 in good standing.

21 **SECTION 7.** 175.49 (2) (b) 2. of the statutes is amended to read:

22 175.49 (2) (b) 2. The former law enforcement officer served as a law
23 enforcement officer for an aggregate of at least 10 years or the former law
24 enforcement officer separated from law enforcement service due to a
25 service-connected disability, as determined by the law enforcement agency from

ASSEMBLY BILL 77

1 which he or she separated from service, after completing any applicable probationary
2 period.

3 **SECTION 8.** 175.49 (2) (b) 3. a. of the statutes is amended to read:

4 175.49 (2) (b) 3. a. A qualified medical professional employed by the law
5 enforcement agency from which the former law enforcement officer separated from
6 service has not found the former law enforcement officer to be unqualified to be a law
7 enforcement officer for reasons related to the former officer's mental health.

8 **SECTION 9.** 175.49 (2) (b) 5. of the statutes is amended to read:

9 175.49 (2) (b) 5. The former law enforcement officer has, during the previous
10 12 months at his or her own expense, been found by the state, or by a certified
11 firearms instructor if such an instructor is qualified to conduct a firearms
12 qualification test for active law enforcement officers in the state, to meet the
13 standards for qualification in firearms training for active law enforcement officers
14 to carry a firearm of the type under par. (a) 1., that are established by the state or,
15 if the state does not establish standards, by the law enforcement agency from which
16 the former law enforcement officer separated or its successor agency.

17 **SECTION 10.** 175.49 (3) (title), (a) (intro.), 1., 2. and 4., (b) and (c) of the statutes
18 are amended to read:

19 175.49 (3) (title) CERTIFICATION OF FORMER FEDERAL AND OUT-OF-STATE LAW
20 ENFORCEMENT OFFICERS. (a) (intro.) Upon the request of a former federal law
21 enforcement officer or a former out-of-state law enforcement officer and at the
22 expense of ~~the former federal~~ that law enforcement officer, the department may,
23 except as provided in par. (b), issue the former federal law enforcement officer or
24 former out-of-state law enforcement officer a certification card as described in sub.
25 (4) stating all of the following:

ASSEMBLY BILL 77

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

5 2. The former federal law enforcement officer or former out-of-state law
6 enforcement officer has been found by the state, or by a certified firearms instructor
7 if such an instructor is qualified to conduct a firearms qualification test for active law
8 enforcement officers in the state, to meet the standards for qualification in firearms
9 training for active law enforcement officers to carry a firearm of the type under subd.
10 1., that are established by the state or, if the state does not establish standards, by
11 any law enforcement agency in the state.

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

15 (b) The department may not issue the a former federal law enforcement officer
16 or former out-of-state law enforcement officer a certification card under par. (a)
17 unless the department first verifies all of the following:

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

21 2. The former federal law enforcement officer or former out-of-state law
22 enforcement officer served as a law enforcement officer for an aggregate of at least
23 10 years or the former federal law enforcement officer or former out-of-state law
24 enforcement officer separated from law enforcement service due to a
25 service-connected disability, as determined by the law enforcement agency from

ASSEMBLY BILL 77**SECTION 10**

1 which the former federal law enforcement officer separated, after completing any
2 applicable probationary period.

3 3. a. A qualified medical professional employed by the law enforcement agency
4 from which the former federal law enforcement officer or former out-of-state law
5 enforcement officer separated has not found the former federal law enforcement
6 officer to be unqualified to be a law enforcement officer for reasons related to the
7 former officer's mental health.

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

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

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

ASSEMBLY BILL 77

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

5 **SECTION 11.** 175.49 (5) of the statutes is amended to read:

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

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

19 941.23 (3) (b) 2. a. A certification card issued under s. 175.49 (2) or (3), if the
20 former officer resides in this state.

21 (END)