



2021 ASSEMBLY BILL 904

January 21, 2022 - Introduced by Representatives J. RODRIGUEZ, ARMSTRONG, GUNDRUM, NEYLON, RAMTHUN and ROZAR, cosponsored by Senators WANGGAARD and BALLWEG. Referred to Committee on Criminal Justice and Public Safety.

1 **AN ACT to amend** 440.26 (3m) (d); and **to create** 440.26 (5m) (ae), 440.26 (7) and
2 440.26 (9) of the statutes; **relating to:** private security persons practicing
3 without a permit and carrying firearms.

Analysis by the Legislative Reference Bureau

This bill does the following related to the practice of private security persons:

1. Requires a private security person or private detective who holds a license to carry a concealed weapon to obtain a certificate from the Department of Safety and Professional Services to carry a weapon while on duty.

2. Specifies that a city, village, town, or county may enact and enforce ordinances prohibiting persons from acting as a private security person without a permit granted by DSPS and from employing or contracting with an individual to act as a private security person without a DSPS permit. Current law generally requires a person to obtain a permit granted by DSPS to act as a private security person.

3. Requires local law enforcement personnel to report to DSPS alleged violations of the private security person, private detective, and private detective agency laws.

4. Prohibits a person from submitting to DSPS an application for a private security person permit on behalf of another individual. The bill also allows an individual's employer to reimburse the individual for the initial permit fee charged by DSPS and requires an individual to whom a permit is granted to notify the individual's employer.

ASSEMBLY BILL 904

5. Requires DSPS to submit an annual report to the legislature that includes information on complaints received related to private security persons, private detectives, and private detective agencies and DSPS's responses to those complaints.

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.** 440.26 (3m) (d) of the statutes is amended to read:

2 440.26 **(3m)** (d) A licensee, as defined in s. 175.60 (1) (d), or an out-of-state
3 licensee, as defined in s. 175.60 (1) (g), to carry a concealed weapon as permitted
4 under s. 175.60 only if the licensee or out-of-state licensee obtains from the
5 department a certificate of proficiency in the care, handling, and use of a firearm.

6 **SECTION 2.** 440.26 (5m) (ae) of the statutes is created to read:

7 440.26 **(5m)** (ae) No person may submit an application for a private security
8 permit on behalf of another individual, but a private detective agency that employs
9 an individual may reimburse the individual for the fee described in par. (a) 4. If the
10 department grants an individual a private security permit, the individual shall
11 notify the individual's employer.

12 **SECTION 3.** 440.26 (7) of the statutes is created to read:

13 440.26 **(7)** REPORT TO THE LEGISLATURE. On or before December 31 of each year,
14 the department shall submit a report to the legislature under s. 13.172 (2) that
15 includes all of the following:

16 (a) Information on the complaints received by the department, including
17 reports made under sub. (9) (c), since the last report submitted under this subsection
18 related to alleged violations of this section.

ASSEMBLY BILL 904

1 (b) Information on the responses of the department to complaints described in
2 par. (a).

3 **SECTION 4.** 440.26 (9) of the statutes is created to read:

4 440.26 (9) LOCAL ENFORCEMENT. (a) 1. A city, village, town, or county may enact
5 and enforce an ordinance that prohibits an individual from violating the prohibition
6 under sub. (1) (a) 2. against acting as a private security person without a permit
7 unless the individual is authorized under this section to act as a private security
8 person.

9 2. A city, village, town, or county may enact and enforce an ordinance that
10 prohibits a person from employing or contracting with an individual to act as a
11 private security person who is required to obtain a permit under sub. (1) (a) 2. unless
12 the individual is authorized under this section to act as a private security person.

13 (b) Law enforcement personnel of a city, village, town, or county may issue
14 citations for violations of an ordinance described in par. (a), and the city, village,
15 town, or county may impose a fine not to exceed \$500 or imprisonment for not more
16 than 90 days or both for violations of such an ordinance.

17 (c) Law enforcement personnel of a city, village, town, or county shall report
18 alleged violations of this section to the department.

19 (END)