

Chapter Jus 18

CERTIFICATION OF FORMER FEDERAL LAW ENFORCEMENT OFFICERS

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Note: Chapter Jus 18 was created by emergency rule, EmR1206, effective March 21, 2012, and by emergency rule, EmR1217, effective December 15, 2012.

Jus 18.01 Purpose. The purpose of this chapter is to establish standards and procedures for the issuance and administration of concealed carry certification cards to qualified former federal law enforcement officers pursuant to s. 175.49 (3), Stats., and the review of certification decisions by the department.

History: CR 12–030; cr. Register May 2013 No. 689, eff. 6–1–13.

Jus 18.02 Applicability. (1) Except as provided in sub. (2), this chapter applies to the issuance and administration of all concealed carry certification cards issued by the department to former federal law enforcement officers pursuant to s. 175.49 (3), Stats.

(2) This chapter does not apply to any of the following:

- (a) Issuance or administration of a license to carry concealed weapons pursuant to s. 175.60, Stats.
- (b) Certification of former state or local law enforcement officers to carry concealed weapons pursuant to s. 175.49 (2), Stats.
- (c) The carrying of concealed weapons by active law enforcement officers pursuant to 18 USC 926B.
- (d) The carrying of concealed weapons by law enforcement officers acting in their official capacity.

History: CR 12–030; cr. Register May 2013 No. 689, eff. 6–1–13.

Jus 18.03 Definitions. In this chapter:

(1) “Applicant” means an individual who does not currently hold a concealed carry certification card valid in Wisconsin and is applying for a concealed carry certification card pursuant to s. 175.49 (3), Stats., but is not applying for renewal pursuant to s. 175.49 (5), Stats., or for replacement.

(2) “Approval number” means the unique number the department assigns to an applicant when a completed background check on the applicant indicates that the applicant is not prohibited under federal law from possessing a firearm.

(3) “Background check” means the review of an applicant’s record conducted by the department pursuant to s. 175.49 (3) (b) 4., Stats., for the purpose of determining whether the applicant is prohibited under federal law from possessing a firearm.

(4) “Certification card number” means the unique identification number the department assigns to a certification card issued under s. 175.49 (3), Stats.

(5) “Confirmation number” means the unique number the department issues to identify every accepted application for a concealed carry certification card pursuant to s. 175.49 (3), Stats.

(6) “Department” means the Wisconsin department of justice.

(7) “FBI” means the federal bureau of investigation.

(8) “Non–approval number” means the unique number the department assigns to an applicant when a completed background check on the applicant indicates that the applicant is prohibited under federal law from possessing a firearm.

(10) “Weapon” has the meaning given in s. 175.60 (1) (j), Stats.

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Jus 18.04 Application procedures for concealed carry certification cards. (1) When the department receives an application for a concealed carry certification card for a former federal law enforcement officer pursuant to s. 175.49 (3), Stats., the department shall do the following in the sequence listed:

(a) 1. Review the application for completeness. An application is complete when the department has received the following:

a. A signed and fully completed application form, DJ–LE–286.

Note: Form DJ–LE–286 is available on the department’s Internet site: www.doj.state.wi.us.

b. Acceptable proof of firearms qualification, as provided in s. Jus 18.05.

c. The application fee required under s. Jus 18.10.

d. A current photograph meeting the content and format requirements set forth in the instructions of the application form, DJ–LE–286.

e. A written statement from the federal law enforcement agency from which the applicant separated from service affirming that the applicant meets the requirements of s. 175.49 (3) (b) 1., 2., and 3., Stats. The department shall prepare and make available on its Internet site a statement form that may be used for this purpose.

2. If an application is complete, the department shall proceed under par. (b). If an application is incomplete, the department shall reject it and shall send written notice of the rejection to the applicant at the residence address provided by the applicant in the application form. The notice of rejection shall explain why the application was found to be incomplete and what must be submitted to complete the application.

(b) Confirm that the state identification card number submitted by the applicant has been issued to that person by the department of transportation under s. 343.17 (3) (a) 4. or 343.50, Stats., and that the number does not correspond to a driver’s license or state identification card that is either expired or cancelled. If the applicant’s state identification number meets these requirements, the department shall proceed under par. (c). If the applicant’s state identification number does not meet these requirements, the department shall deny the application and proceed under sub. (2).

(c) Review the written affirmation from the federal law enforcement agency from which the applicant separated from service to determine whether the applicant meets the requirements of s. 175.49 (3) (b) 1., 2., and 3., Stats. If the applicant meets the requirements of s. 175.49 (3) (b) 1., 2., and 3., Stats., the department shall proceed under par. (d). If the applicant does not meet the requirements of s. 175.49 (3) (b) 1., 2., and 3., Stats., the department shall deny the application and proceed under sub. (2).

(d) Review the proof of firearms qualification submitted by the applicant for compliance with the requirements of s. 175.49 (3) (b) 5., Stats., and s. Jus 18.05. If the proof of firearms qualification meets those requirements, the department shall proceed under par. (e). If the proof of firearms qualification does not meet those requirements, the department shall deny the application and proceed under sub. (2).

(e) Enter the application data into the department's record keeping system and assign the applicant a confirmation number.

(f) Conduct a background check of the applicant pursuant to s. 175.49 (3) (b) 4., Stats., for the purpose of determining whether the applicant is prohibited under federal law from possessing a firearm. If the applicant is not prohibited by federal law from possessing a firearm, the department shall issue a certification card to the applicant, assign a certification card number, and promptly send the certification card to the applicant by 1st class mail. If the applicant is prohibited by federal law from possessing a firearm, the department shall deny the application and proceed under sub. (2).

(2) If an application is denied under sub. (1), the department shall inform the applicant in writing of the denial, stating the reasons and factual basis for the denial decision. The written notice of denial shall also advise the applicant of the right to seek administrative review of the denial decision under s. Jus 18.08.

History: CR 12-030; cr. Register May 2013 No. 689, eff. 6-1-13.

Jus 18.05 Proof of firearms qualification. Acceptable proof that an applicant has satisfied the firearms qualification requirement of s. 175.49 (3) (b) 5., Stats., shall consist of a certificate that is signed by a law enforcement firearms instructor who is certified by the law enforcement standards board. The certificate shall be in a form approved and supplied by the department and shall contain all of the following:

(1) The applicant's name.

(2) The full name, address, and telephone number of the certified law enforcement firearms instructor.

(3) An affirmation by the certified law enforcement firearms instructor that he or she has found the applicant to meet the qualification standards established by the state of Wisconsin or by an identified law enforcement agency in Wisconsin for an active law enforcement officer to carry a firearm of the type specified in the application form submitted by the applicant under s. Jus 18.04.

(4) The date on which the finding under sub. (3) was made.

History: CR 12-030; cr. Register May 2013 No. 689, eff. 6-1-13.

Jus 18.06 Revocation of a concealed carry certification card. (1) If the department at any time obtains information establishing that an individual who holds a concealed carry certification card under this chapter is prohibited by federal law from possessing a firearm, the department shall revoke the certification card and shall send the individual written notice of revocation. The notice shall include a statement of the reasons and factual basis for the revocation and shall be accompanied by a copy of any pertinent records supporting the revocation. The notice shall also advise the individual of the right to seek administrative review of the revocation pursuant to s. Jus 18.08.

(2) Any notice of revocation issued by the department under sub. (1) shall instruct the individual whose certification card has been revoked to do one of the following within 7 days:

(a) Deliver the revoked certification card to the department either personally or by certified mail.

(b) Mail to the department a dated and signed statement indicating that the individual no longer has possession of the revoked certification card and explaining the reasons why he or she no longer has possession.

(3) Any revocation of a certification card under this section shall take effect on the date on which the notice of revocation is issued by the department.

(4) If an individual whose concealed carry certification card has been properly revoked by the department pursuant to this section wishes to again obtain a concealed carry certification card pursuant to s. 175.49 (3), Stats., the individual shall apply for a new certification card pursuant to s. Jus 18.04 and satisfy all

requirements of that section, including the payment of all applicable fees.

History: CR 12-030; cr. Register May 2013 No. 689, eff. 6-1-13.

Jus 18.07 Changes, updates, replacements, or renewals of certification cards. (1) **CHANGE OF ADDRESS.** Any individual who holds a concealed carry certification card under this chapter shall provide the department with written notification of any change in his or her address on a form provided by the department within 30 days of the address change. Upon receiving such notice, the department shall update its records with the new information. At the request of the individual whose address has changed, the department shall issue the individual a new certification card containing the new address.

Note: The mailing address for the department is Wisconsin Department of Justice, Attention: Firearms Unit, Post Office Box 7130, Madison, WI, 53707-7130.

(2) **NAME CHANGE.** No later than 30 days after legally changing his or her name, an individual who holds a concealed carry certification card under this chapter shall provide the department with written notification of the name change on a form provided by the department and shall apply for a new certification card under the new name. The new application shall satisfy the requirements of s. Jus 18.04 and shall be processed by the department as a new application under that section. In the course of processing the new application, if the department determines that the individual is prohibited under federal law from possessing a firearm, the department shall revoke the individual's previous certification card under s. Jus 18.06 (1). If an individual receives a new certification card from the department under this section, the individual shall immediately deliver his or her previous certification card to the department either personally or by certified mail.

Note: The mailing address for the department is Wisconsin Department of Justice, Attention: Firearms Unit, Post Office Box 7130, Madison, WI, 53707-7130.

(3) **LOST OR DESTROYED CERTIFICATION CARD.** Upon the request of the person to whom a valid certification card has been issued, the department may replace a certification card that has been lost, destroyed, or has become unreadable or unusable.

Note: The mailing address for the department is Wisconsin Department of Justice, Attention: Firearms Unit, Post Office Box 7130, Madison, WI, 53707-7130.

(4) **CERTIFICATION CARD RENEWAL.** Unless revoked, a certification card issued to a former federal law enforcement officer is valid for 12 months from the date on which the applicant was found to meet the applicable firearms qualification standards under s. Jus 18.05. Pursuant to s. 175.49 (5), Stats., a former federal law enforcement officer may request the department to renew a certification card, provided that the request is received by the department before the certification card expires. A renewal request shall be accompanied by acceptable proof of firearms qualification, as provided in s. Jus 18.05. If the renewal request is timely, the department shall conduct a background check pursuant to s. 175.49 (3) (b) 4., Stats., for the purpose of determining whether the applicant is prohibited under federal law from possessing a firearm and shall also review the proof of firearms qualification submitted by the applicant for compliance with the requirements of s. 175.49 (3) (b) 5., Stats., and s. Jus 18.05. If the renewal request is timely and the department verifies that the requestor meets the requirements of s. 175.49 (3) (b) 4. to 5., Stats., and s. Jus 18.05, the department shall renew the certification card for a period of twelve months from the most recent date on which the requestor has been found to meet the applicable firearms qualification standards under s. Jus 18.05. If the renewal request is not timely or the department is unable to verify that the requestor meets the requirement of s. 175.49 (3) (b) 4. or 5., Stats., or s. Jus 18.05, the department shall proceed using the notification procedure set forth in s. Jus 18.04 (2).

Note: The mailing address for the department is Wisconsin Department of Justice, Attention: Firearms Unit, Post Office Box 7130, Madison, WI, 53707-7130.

(5) FEES. (a) For any certification card issued under this section, the department shall charge the renewal or replacement fee provided in s. Jus 18.10 (3).

(b) For any background check conducted under this section, the department shall charge the background check fee provided in s. Jus 18.10 (2).

History: CR 12-030: cr. Register May 2013 No. 689, eff. 6-1-13.

Jus 18.08 Administrative review after denial or revocation of a concealed carry certification card.

(1) (a) After receiving written notice of denial of an application for a concealed carry certification card under s. Jus 18.04, written notice of a revocation of a certification card under s. Jus 18.06, or written notice of nonrenewal of a certification card under s. Jus 18.07 (4) an individual may submit to the department a written petition for administrative review of the denial, revocation, or nonrenewal. Such a petition for administrative review is timely only if received by the department within 30 days after the date on which the written notice of denial or revocation was mailed to the individual by the department.

Note: The mailing address for petitions is Wisconsin Department of Justice, Attention: Firearms Unit, Post Office Box 7130, Madison, WI, 53707-7130.

(b) 1. A petition for administrative review under par. (a) shall specifically identify any alleged errors in the decision to be reviewed and shall be accompanied by a copy of the decision to be reviewed and by a properly authenticated copy of each supporting document that the petitioner wishes the department to consider when conducting the review.

2. If a petition for review challenges a finding by the department that the petitioner is prohibited by federal law from possessing a firearm, the supporting documentation submitted by the petitioner shall include a set of rolled-ink fingerprints of the petitioner prepared by a law enforcement agency on a state or FBI fingerprint card and any other satisfactory proof of the petitioner's identity.

(c) If the department receives a timely petition for administrative review, a review proceeding shall be conducted by the attorney general or the attorney general's designee. The review shall be based on consideration of all items and records in the department's possession related to the decision under review, including the written notice of denial or revocation under review; the petition for administrative review; and any supporting documentation submitted by the petitioner.

(d) 1. Upon completing the review under par. (c), the attorney general or the attorney general's designee shall issue a written decision on behalf of the department either affirming or reversing the denial or revocation under review. The written decision shall include the reasons and factual basis for the department's decision and shall advise the petitioner of the right to seek judicial review under ch. 227, Stats. The written decision shall be sent to the applicant or licensee by a method of shipment that provides confirmation of delivery, including the date of delivery.

2. If the written decision issued under subd. 1. affirms the denial or revocation of a certification card, the written decision shall include notification to the petitioner that the previously imposed denial or revocation, including any non-approval number, remains in effect.

3. If the written decision issued under subd. 1. reverses the denial of an application for a certification card, the department shall withdraw any previously issued non-approval number and shall issue a certification card to the petitioner, assign a certification card number, and promptly send the certification card to the petitioner by 1st class mail. If the department has previously

received a set of fingerprints from the petitioner, the department shall return those fingerprints to the petitioner.

4. If the written decision issued under subd. 1. reverses the revocation of a certification card, the department shall reinstate the revoked certification and the written decision shall include notification to the petitioner of such reinstatement. If the petitioner has previously delivered the revoked certification card to the department pursuant to s. Jus 18.06 (2) (a), the department shall promptly return the reinstated certification card to the petitioner by 1st class mail. If the department has previously received a set of fingerprints from the petitioner, the department shall return those fingerprints to the petitioner.

(e) If the written decision under par. (d) 1. affirms the denial or revocation of a certification card and the petitioner does not file a timely petition for judicial review under s. 227.53, Stats., the department shall return to the petitioner any set of fingerprints previously submitted to the department by the petitioner.

History: CR 12-030: cr. Register May 2013 No. 689, eff. 6-1-13.

Jus 18.09 Documentation. (1) The department shall create and keep the following items related to the issuance and administration of concealed carry certification cards pursuant to s. 175.49 (3) and (4), Stats., and the review of certification decisions by the department:

(a) All of the information submitted to the department by applicants pursuant to s. Jus 18.04 and notes related to that information.

(b) A log of each rejected application including the reasons for rejection and a count of the number of rejected applications.

(c) The confirmation number for each applicant.

(d) The approval or non-approval number for each applicant on whom the department has conducted a background check.

(e) The certification card number for each certification card issued by the department.

(f) A log of each record search of the department's computerized records related to concealed carry certifications, including the date or dates of the search and any confirmation number, certification card number, or approval or non-approval number associated with the search.

(g) Documentation concerning the cost to the department of issuing certification cards under s. 175.49, Stats., and this chapter.

(h) All records that the department is required to keep by applicable state or federal laws.

(2) The department may create and keep any other documentation reasonably necessary for the department to perform its responsibilities under s. 175.49, Stats., and this chapter.

History: CR 12-030: cr. Register May 2013 No. 689, eff. 6-1-13.

Jus 18.10 Fees. (1) APPLICATION FEE. (a) The certification card application fee charged by the department pursuant to s. Jus 18.04 (1) (a) 1. c. shall be \$12.

(b) The department shall annually review the cost of issuing certification cards under s. 175.49, Stats., and this chapter. If the cost of issuing a certification card is less than the current application fee, the department shall reduce the application fee to equal the cost of issuing a certification card.

(2) BACKGROUND CHECK FEE. The fee for any background check conducted by the department pursuant to this chapter shall be \$13.

(3) RENEWAL OR REPLACEMENT FEE. The fee charged by the department for renewing a certification card or for replacing a lost or destroyed certification card shall be \$12.

History: CR 12-030: cr. Register May 2013 No. 689, eff. 6-1-13.