



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-4234/1
CMH:kjf:ph

2011 ASSEMBLY BILL 717

March 15, 2012 – Introduced by Representatives KLEEFISCH and BIES, cosponsored by Senator WANGGAARD. Referred to Committee on Criminal Justice and Corrections.

1 **AN ACT** *to renumber* 943.13 (4m); *to amend* 948.605 (3) (b) 1., 948.605 (3) (b)
2 2. and 948.605 (3) (b) 3.; and *to create* 943.13 (4m) (bm), 948.605 (2) (b) 2d.,
3 948.605 (2) (b) 2f. and 2h. and 948.605 (3) (b) 5., 6. and 7. of the statutes;
4 **relating to:** law enforcement officers who are on duty, off-duty law
5 enforcement officers, and former law enforcement officers and going armed
6 with firearms.

Analysis by the Legislative Reference Bureau

Under current law, a law enforcement officer or a former law enforcement officer may go armed with (carry) a concealed weapon if he or she has a license issued by the Department of Justice or if he or she carries a photographic identification issued by the law enforcement agency that employs or, in the case of a former law enforcement officer, employed, him or her and meets other qualifications such as meeting any standards established by the agency to carry a firearm, not being under the influence of an intoxicant, and not carrying a machine gun or a firearm silencer. Federal law explicitly preempts any state law prohibiting a qualified law enforcement officer or a qualified former law enforcement officer from carrying a concealed firearm, but federal law allows a state to permit private persons to prohibit the possession of concealed firearms on their property and to prohibit firearms on any state or local government property, installation, building, base, or park. Current state law prohibits a licensee from carrying a firearm on school grounds and on

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certain posted private properties. This bill exempts from these prohibitions law enforcement officers who are acting in their official capacity (who are currently exempt only from the prohibition against carrying on school grounds); qualified law enforcement officers, without regard to whether they are on duty; and qualified former law enforcement officers.

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

1 **SECTION 1.** 943.13 (4m) of the statutes is renumbered 943.13 (4m) (am).

2 **SECTION 2.** 943.13 (4m) (bm) of the statutes is created to read:

3 943.13 **(4m)** (bm) Subsection (1m) (c) 1., 1m., 2., 3., and 5. do not apply to a
4 person who is employed in this state by a public agency as a law enforcement officer
5 and to whom s. 941.23 (1) (g) 2. to 5. and (2) (b) 1. to 3. applies, to a qualified
6 out-of-state law enforcement officer, as defined in s. 941.23 (1) (g), to whom s. 941.23
7 (2) (b) 1. to 3. applies, or to a former officer, as defined in s. 941.23 (1) (c), to whom
8 s. 941.23 (2) (c) 1. to 7. applies.

9 **SECTION 3.** 948.605 (2) (b) 2d. of the statutes is created to read:

10 948.605 **(2)** (b) 2d. A person who is employed in this state by a public agency
11 as a law enforcement officer and to whom s. 941.23 (1) (g) 2. to 5. and (2) (b) 1. to 3.
12 applies.

13 **SECTION 4.** 948.605 (2) (b) 2f. and 2h. of the statutes are created to read:

14 948.605 **(2)** (b) 2f. A qualified out-of-state law enforcement officer, as defined
15 in s. 941.23 (1) (g), to whom s. 941.23 (2) (b) 1. to 3. applies.

16 2h. A former officer, as defined in s. 941.23 (1) (c), to whom s. 941.23 (2) (c) 1.
17 to 7. applies.

18 **SECTION 5.** 948.605 (3) (b) 1. of the statutes is amended to read:

19 948.605 **(3)** (b) 1. On private property not part of school grounds;

