



JIM DOYLE
GOVERNOR
STATE OF WISCONSIN

November 18, 2003

TO THE HONORABLE MEMBERS OF THE SENATE:

I am vetoing SB 214 in its entirety.

Wisconsin is one of the safest states in the country and boasts one of the lowest crime rates nationwide. Violent crime has decreased dramatically in our state in the past decade. We have maintained this low crime rate at the same time we have banned the carrying of concealed weapons.

It is a testament to the people of Wisconsin that our state is not only one of the safest places to live in the country, but also has a proud tradition of responsible gun ownership and use. Wisconsin has long been known for the world class hunting and sport shooting opportunities available to Wisconsin citizens and tourists from other states. Just as our state's ban on concealed weapons has not interfered with these Wisconsin traditions, Wisconsin's gun owners will not be harmed in any way by rejection of this legislation.

Perhaps these traditions are among the reasons why those we most entrust with protecting our safety—our highly trained law enforcement officers—overwhelmingly oppose SB 214. Wisconsin law enforcement agencies agree that allowing under-trained, untested citizens to carry and use concealed weapons will compromise the safety of officers and citizens alike.

The bill itself has serious flaws and is unworkable. First, the bill compromises the safety of our children by lowering penalties for carrying handguns and other dangerous weapons in a school zone or on school grounds. In fact, while the bill has been extensively amended to exempt certain locations, SB 214 allows individuals to carry concealed weapons into most public places: shopping malls, public libraries, public buildings like the State Capitol and city halls, Boys and Girls Clubs, banks, university campuses, movie theaters, concert venues like Alpine Valley, fair grounds like Summerfest and the State Fair, parades, parking lots, farmers markets, and so on.

The bill's exemption for private businesses is highly unworkable. While businesses seeking to ban concealed weapons from their premises must post warning signs at their front doors, people could not be convicted of breaking the law unless they had been "orally and personally" warned that their weapon was not permitted on site. A business owner would actually have to approach each person suspected of carrying a concealed weapon and personally ask that person to leave the premises. Moreover, SB 214 creates a significant liability disparity between businesses that allow concealed

weapons on their premises and those who wish to restrict them. Under the bill, employers that allow their employees and customers to carry concealed weapons have immunity from liability, but business owners who prohibit concealed weapons from their premises *would not* have immunity under the law.

Second, SB 214 would require insufficient training from those seeking to carry and handle concealed lethal weapons. The bill requires only one-time training to carry a handgun and requires no training for tear gas guns, authorized knives, and billy clubs. In contrast, on-going and intensive training is a requirement for law enforcement officers who routinely handle and discharge weapons.

Third, the bill does not adequately prevent concealed weapons from falling into the wrong hands. While proponents argue that only law-abiding citizens would be able to secure a permit to carry a concealed weapon, there are countless examples of violent criminal acts--including homicides--that have been perpetrated by individuals with no prior criminal history. Under SB 214, those individuals would have been able to commit their crimes with a concealed weapon. For example, the Wisconsin Council Against Domestic Violence has found, "When examining Wisconsin's 2000 and 2001 domestic homicide cases, it is evident that the majority of firearm domestic homicide perpetrators would have qualified for a conceal and carry permit."

Fourth, SB 214 creates a host of implementation problems, not the least of which is a cumbersome new underfunded state mandate for local law enforcement. SB 214 requires the sheriff in each county to issue permits to qualified applicants. This mandate necessitates time-consuming reviews of each and every application and background checks on each and every applicant that seeks to carry a concealed weapon. This mandate is exacerbated by the onerous requirement that the local sheriff's office must act within 30 days on each application. These mandates will mean that, rather than devoting time to pending criminal cases and crime prevention efforts, local law enforcement officials will be forced to spend their time and resources processing expedited applications.

Moreover, at least 65 of 72 sheriffs have already vowed to "opt out" of the requirements of SB 214. If all but a handful of Wisconsin county sheriffs "opted out" of the permitting process, the law would be rendered totally unworkable. Individuals would be forced to travel potentially hundreds of miles to apply for permits and sheriffs in the few participating counties would be required to conduct background checks on thousands of individuals that lived far away.

The bill does not provide adequate resources to the state and local government that would be required to process the permits. The proposed funding is insufficient to cover most of the anticipated costs, estimated by the Department of Justice to be \$3.7 million for local governments and \$1.18 million for DOJ in the first year alone. The bill does not identify funding sources to assist the court system, the district attorneys, and the sheriffs to address the staffing required to process the huge amounts of paper work required by this bill.

In a time of budget deficits, position cuts, and increasing property tax pressures, it is irresponsible to add these new burdens on local law enforcement agencies. Rather than devoting their time to pending criminal cases and crime prevention efforts that have kept Wisconsin one of the safest states in the country, law enforcement agents

would be forced to spend their limited time and resources processing expedited gun applications.

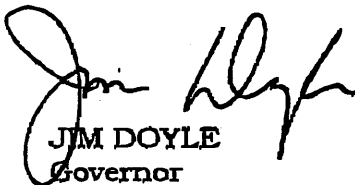
Fifth, and finally, this bill carves out a new loophole in Wisconsin's open records law to prevent the public from knowing who has concealed weapons. It is just absurd that under this bill, hunting and fishing licenses would be subject to open records, but not permits to carry lethal weapons into shopping malls.

The bill even limits access to information by the police. For example, before approaching a car on a routine traffic stop, officers will have access to a person's driving record, but not whether that person has a concealed weapon.

This veto does not result in an absolute ban on the carrying of concealed weapons in one's home or private business, nor does this action eliminate any rights of Wisconsin citizens. The Wisconsin Supreme Court recently held in State v. Hamdan that, while the carrying of a concealed weapon in one's home or privately-owned business is constitutional, the current law prohibiting the carrying of concealed weapons in other places is reasonable. The Court stated "...Wisconsin's prohibition on the carrying of concealed weapons is, as a general matter, a reasonable exercise of the police power...and serves many valuable purposes in promoting public safety."

SB 214 is a fundamentally flawed piece of legislation. I join the majority of Wisconsin law enforcement in my belief that lifting the state's 133-year-old ban on the carrying of concealed weapons is neither warranted nor appropriate.

Respectfully submitted,



JIM DOYLE
Governor