

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

<p>1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected</p>	<p>2. Date June 4, 2020</p>
<p>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) SPS 30-35</p>	
<p>4. Subject Electric Weapons</p>	
<p>5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S</p>	<p>6. Chapter 20, Stats. Appropriations Affected 20.165 (1)(g)</p>
<p>7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input checked="" type="checkbox"/> Could Absorb Within Agency's Budget</p>	
<p>8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)</p>	
<p>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0</p>	
<p>10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>11. Policy Problem Addressed by the Rule This rule is necessary to ensure the department rules relating to private security and private detectives reflect the current state of Wisconsin law, including recent changes enacted in 2019 Wisconsin Act 87. Failure to revise the rules could result in stakeholder confusion as to the legality of carrying an electric weapon while on duty as a private security person or private detective.</p>	
<p>12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. The rule draft was posted on the department's website for 14 days in order to solicit economic impact comments. No comments were received.</p>	
<p>13. Identify the Local Governmental Units that Participated in the Development of this EIA. The rule draft was posted on the department's website for 14 days in order to solicit economic impact comments. No comments were received.</p>	
<p>14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) No impact.</p>	
<p>15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefit of implementing this rule is that the department rules relating to private security and private detectives carrying electric weapons will be clarified and in compliance with current state statutes. The alternative of revising the rule is to leave the rules inconsistent with state statute and cause stakeholder confusion.</p>	
<p>16. Long Range Implications of Implementing the Rule The benefit of implementing this rule is that the department rules relating to private security and private detectives carrying electric weapons will be clarified and in compliance with current state statutes.</p>	
<p>17. Compare With Approaches Being Used by Federal Government</p>	

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15 U.S.C. s. 5902 allows armored car crew members to carry a firearm in any state if they meet their state's requirements to carry a firearm while on duty. Section 440.26 (3m), Stats., requires the department to promulgate rules relating to carrying dangerous weapons that, at a minimum, comply with the federal requirements in 15 U.S.C. s. 5902.

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois:

Private security and private detective credential holders are required to complete a firearm training course before performing job duties requiring the use, carrying, or possession of a firearm. A credential holder who has passed the required firearm training may be issued a firearm control card by the Department of Financial and Professional Regulation-Division of Professional Regulation. This card allows the credential holder to carry a firearm as well as stun, taser, or tear gas guns. (Ill. Admin. Code 1240.530)

Iowa:

Iowa law allows individuals whose employment reasonably justifies the need to go armed while on duty, including private security and private investigators, to apply for a professional carry permit. (IA § 724.6, Stats.) In order to receive a professional carry permit the individual must complete a firearms training course. (IA Admin Code 661-91.4(1)) Iowa law defines a dangerous weapon as including devices which emit electric current designed to immobilize a person. (IA § 702.7, Stats.)

Michigan:

Michigan law allows the possession and reasonable use of an electro-muscular disruption device by private security officers and private detectives in the course of their official duties so long as the individual has been trained in the use, effects, and risks of the device. (MI § 750.224 (a), Stats.)

Minnesota:

Minnesota law requires private security and private detectives who carry weapons, or immobilizing or restraint techniques, to complete a certified training course. Weapons include electronic incapacitation devices. The training course must include training on the proper use of the weapon, including the risks and dangers of its use. The course must also include training in first aid, as well as the legal limitations on the use of the weapon and alternatives to the use of force. Finally, individuals going armed with a weapon must complete 6 hours of continuing education each year. (MN § 326.3361, Stats.)

19. Contact Name

Jon Derenne, Administrative Rules Coordinator

20. Contact Phone Number

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ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
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