

Chapter RL 34

FIREARMS AND OTHER DANGEROUS WEAPONS

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RL 34.01 Conditions relating to carrying a firearm. (1) No licensee, private security person, principal or employe of an agency may carry on, about or near their person any firearm while on duty, unless:

(a) The circumstances or conditions of the licensee's, private security person's, principal's or employe's assignment give rise to a substantial need for being armed; and,

(b) The client for whom an employe is assigned requests in writing that the agency assign armed personnel to it and the agency retains these requests and makes copies of them available to the department upon request by the department; and

(c) The licensee, private security person, principal or employe carrying the firearm is currently certified under s. RL 34.03 as being proficient in the care, handling and use of the type of firearm being carried on, about, or near the person.

(2) No licensee, private security person, principal or employe of any agency shall carry on, about or near the person any concealed firearm at a time when he or she is on duty unless:

(a) The person is a peace officer as defined in s. 939.22(22), Stats.; and,

(b) The circumstances or conditions of his or her work give rise to a substantial need for his or her being so armed; and

(c) He or she is certified under s. RL 34.03 as being proficient in the care, handling and use of such weapon.

History: Cr. Register, October, 1988, No. 394, eff. 11-1-88.

RL 34.02 Training requirements for carrying a firearm. (1) Completion of a training program of not less than 32 hours consisting of the following is required as a prerequisite for obtaining an initial certificate of proficiency to carry a firearm under s. RL 34.03.

(a) Instruction in the dangers of and misuse of the firearm, safety rules, and care and cleaning of the firearm;

(b) Proficiency in the firing of firearms as required by the Wisconsin law enforcement firearms manual. Proficiency means obtaining a minimum marksmanship standard as stated in *A Training Guide For Law Enforcement Officers*;

Note: See RL 34.03(2)(c) for obtaining a copy of the training guide referred to in this provision.

(c) Instruction in the legal use of firearms under the provisions of the Wisconsin criminal code and relevant court decisions;

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(d) A presentation stressing the ethical and moral considerations which should be taken into account by any person who uses a firearm;

(e) A review of the current law regarding lawful detentions; and

(f) A review of the current law on criminal and civil liability for intentional and negligent acts.

(2) This subsection does not apply to licensees or private security persons who have been certified prior to November 1, 1988.

History: Cr. Register, October, 1988, No. 394, eff. 11-1-88.

RL 34.03 Certificates of proficiency to carry a firearm. (1) Before a principal or employe receives an assignment which includes carrying a firearm, the principal or employe shall obtain a certificate of proficiency in the care, handling and use of that specific type of firearm. Certificates of proficiency under this section shall be renewed annually as set forth in sub. (2). For the purpose of this subsection the principal or employe shall obtain a separate certification of proficiency for each firearm with different barrel lengths but not for different firearm makes or models.

(2) Certification may be made by a person who qualifies as a firearms proficiency certifier under s. RL 34.04. The certificate shall be notarized, and shall include, at least:

(a) A full and complete description of each type of firearm, the care, handling and use of which the principal or employe is proficient;

(b) Statements to the effect that the principal or employe understands safety rules, range rules, and the procedures for the care and cleaning of each type of firearm with which the principal or employe is proficient and that the principal or employe understands the legal limits on the use of unreasonable or deadly force. These statements shall include the date, time of day and the number of hours the principal or employe completed the training as described in s. RL 34.02.

(c) In the case of a firearm, proof that the principal or employe has met the minimum marksmanship standards for each type of firearm with which the principal or employe is proficient as set forth in the current edition of *A Training Guide For Law Enforcement Officers*.

Note: The training guide is published by the Training and Standards Bureau, Division of Law Enforcement Services, Wisconsin Department of Justice, 123 West Washington Avenue, Madison, Wisconsin 53702. This standard, which is hereby incorporated by reference, is available at the address above.

(d) Any principal or employe of an agency shall file a certificate under this subsection with the department before carrying a firearm while on duty and on the annual anniversary date of the first filing.

History: Cr. Register, October, 1988, No. 394, eff. 11-1-88.

RL 34.04 Qualification as a firearms proficiency certifier. A firearms proficiency certifier shall have training in the legal limits on the use of unreasonable or deadly force. A firearms proficiency certifier shall have proof of meeting one of the following other qualifications:

(1) An instructor's certificate in the police firearm instructor's program or security firearm instructor's program issued by the national rifle association;

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(2) An instructor approved as a firearms instructor by the training and standards bureau in the Wisconsin department of justice; or

(3) Other firearm instructor education or experience that the department considers to be substantially equivalent to sub. (1) or (2).

History: Cr. Register, October, 1988, No. 394, eff. 11-1-88.

RL 34.05 Agency firearms policy and laws. (1) Each agency shall file a copy of its firearms policy upon initial licensure and thereafter within 30 days after any substantial changes to it.

(2) Each agency shall maintain a current copy of the statutes and rules relating to the use of firearms, and shall make these accessible to its employees.

History: Cr. Register, October, 1988, No. 394, eff. 11-1-88.

RL 34.06 Reporting the discharge of a firearm. If any principal or employe of an agency is responsible for the accidental or intentional discharge of any firearm other than in target practice, competition, or licensed hunting, or the accidental or intentional use of deadly force by any means, the principal or employe shall within 24 hours after the incident notify the local law enforcement agency where the incident took place and inform his or her supervisor of the incident. The supervisor or another person assigned by the agency shall investigate the incident as soon as possible, and shall make a signed, written report of the incident, identifying all persons involved in the incident, the investigator, and the agency, and fully describing the circumstances of the incident. As soon as possible after the investigation is completed, a copy of the report shall be filed with the department and with the local law enforcement agency.

History: Cr. Register, October, 1988, No. 394, eff. 11-1-88.

RL 34.07 Other dangerous weapons. A licensee, private security person, principal or employe of an agency who is armed with any other dangerous weapon may use only a weapon for which the person is proficient in handling based on training and experience, and for which the person understands the legal limits of force and the dangers and misuse of and safety rules of the weapon. The agency shall, upon request of the department, provide documentation of the training or experience which prepared the person to be proficient in the use of the weapon.

History: Cr. Register, October, 1988, No. 394, eff. 11-1-88.