

Jeremy Thiesfeldt

STATE REPRESENTATIVE • 52nd ASSEMBLY DISTRICT

Changes Resulting from Assembly Bill 119

Laws Still in Effect

- OC and inert ingredients only
Class A misdemeanor
- 18 years old to purchase
Class E forfeiture
- Use only in self defense
Class A misdemeanor
- Not for use against a peace officer
Class H felony
- Not for use in a crime
Class H felony
- Felons cannot possess
Class A misdemeanor
- Seller must provide proper label and written safety instructions
Class A misdemeanor

Provisions that Are Eliminated

- Minors cannot possess
- Ingredient ratio limits
Only Michigan (11%) and Wisconsin (10%) have a limit
- Minimum and maximum spray range
No other states have both range requirements
- No camouflage (disguised) canisters
- No direct or ready access provided by the seller
- Additional highlighted message to read safety instructions
- Weight restrictions

Serving the communities of Fond du Lac, Oakfield, Byron, Empire, Taycheedah, and the western half of Calumet township

State by State Comparison on Pepper Spray Regulations

	State	Regulations	Age	Felon	Size	%	Use	Purchase	License	Labeling	Packaging	Range
1	Idaho	pro-actively allows	18				self-defense					
2	Missouri	pro-actively allows	18				self-defense					
3	New Hampshire	pro-actively allows	18				self-defense					
4	Virginia	pro-actively allows	18									
5	Alabama	no mention in statutes	18									
6	Arizona	no mention in statutes	18									
7	Colorado	no mention in statutes	18									
8	Connecticut	no mention in statutes	18									
9	Georgia	no mention in statutes	18									
10	Indiana	no mention in statutes	18									
11	Iowa	no mention in statutes	18									
12	Kentucky	no mention in statutes	18									
13	Louisiana	no mention in statutes	18									
14	Mississippi	no mention in statutes	18									
15	Montana	no mention in statutes	18									
16	Nebraska	no mention in statutes	18									
17	New Mexico	no mention in statutes	18									
18	North Dakota	no mention in statutes	18									
19	Ohio	no mention in statutes	18									
20	Oklahoma	no mention in statutes	18									
21	Pennsylvania	no mention in statutes	18									
22	South Dakota	no mention in statutes	18									
23	Tennessee	no mention in statutes	18									
24	Utah	no mention in statutes	18									
25	Vermont	no mention in statutes	18									
26	West Virginia	no mention in statutes	18									
27	Wyoming	no mention in statutes	18									
28	South Carolina	minimal	18		<50cc		self-defense					
29	Alaska	minimal	18									
30	Arkansas	minimal	18		<150cc							
31	California	minimal	18	no	< 2.5 oz		used in anger, \$1,000 fine and/or 3 years prison					
32	Delaware	minimal	18				not in commission of a crime, carries penalty enhancer					
33	Florida	minimal	18		< 2.0 oz		not to be used on peace officers					
34	Hawaii	minimal	18				self-defense					
35	Illinois	minimal	18				self-defense					
36	Kansas	minimal	18				not in commission of a crime					
37	Maine	minimal	18				not in commission of a crime					
38	Maryland	minimal	18				precaution against danger					
39	Minnesota	minimal	18				self-defense					
40	Nevada	minimal	18		< 2.0 oz							
41	North Carolina	minimal	18	no	> 150 cc							
42	Oregon	minimal	18				no reckless use					
43	Rhode Island	minimal	18				self-defense					
44	Texas	minimal	18		small							
45	Washington	minimal	18; 14 w/parent		permission		self-defense					
46	Michigan	moderate	18		< 35 g	<11%	self-defense					
47	New Jersey	moderate	18	no	< 3/4 oz.		self-defense					
48	Massachusetts	restrictive	18					firearms dealers	firearm id card required			
49	New York	restrictive	18	no	pocket-sized; < 20 grams		self-defense	firearms dealer or pharmacist	firearm id card required	required		
50	WISCONSIN	restrictive	18	no	>15g; <60g	<10%	self-defense	not accessible to customers				>6', <20'
							not to be used on peace officers			safety instructions ; tamper-proof and highlighted caution		
							not in commission of a crime			to follow safety instructions		

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
Box 7921
Madison WI 53707-7921

Scott Walker, Governor
Cathy Stepp, Secretary
Telephone 608-266-2621
FAX 608-267-3579
TTY Access via relay - 711



June 21, 2012

Attorney General J.B. Van Hollen
Wisconsin Department of Justice
PO Box 7857
Madison, WI 53707-7857

Subject: Jus 14 Wis. Admin. Code

Dear Attorney General:

It has come to the attention of several of our Conservation Wardens that Jus 14 Wis. Admin. Code prohibits the distribution and sale of oleoresin of capsicum (OC) spray that contains greater than 10% OC and/or is larger than 60 grams and/or sprays greater than 20 feet. The administrative code prohibiting the sale of OC products that are larger than 60 grams has caused a conflict for hikers and outdoors people in bear country. It is common for bear sprays to contain up to 10% OC; is packaged in containers of 200 to 260 grams; and will spray up to 35 feet.

Currently, several large sporting goods chain stores in Wisconsin have expressed concern that selling bear spray places them in violation of Wisconsin law. Those stores have removed the product from their stocks and one national vendor has chosen to cease distribute of their products in WI. Several other stores have chosen to continue to sell bear spray. Bear spray is also sold without restriction on the internet.

We are respectfully asking that the WI Department of Justice review Jus 14 Wis. Admin. Code to determine if it can be amended to address the bear spray vs. OC spray issues and level the playing field for Wisconsin sporting goods dealers while providing for the safety concerns of Wisconsin outdoorspersons.

Respectfully,

A handwritten signature in black ink, appearing to read 'Cathy Stepp'.

Cathy Stepp
Secretary