



Van H. Wanggaard

Wisconsin State Senator

March 4, 2015

Testimony in Favor of Assembly Bill 46

Thank you, Members of the Committee, for hearing my testimony on Assembly Bill 46. I authored this legislation with Representative Kleefisch, and am pleased to testify in support of the bill.

One of the unintended consequences of Wisconsin's concealed carry law was removing the ability of off-duty and qualified retired law enforcement officers from "no weapons" requirements on school grounds. This bill exempts off-duty and qualified retired law enforcement from "no weapons" requirements on school grounds, correcting the oversight when the bill was passed in 2011.

Under federal law, a qualified retired or off-duty law enforcement officer can generally carry a firearm anywhere an on-duty officer can carry a firearm. However, there is a provision in federal law that allows state's to create areas where firearms are prohibited. Because the Wisconsin Concealed Carry Law did not specifically exempt retired and off-duty officers, they were unintentionally prohibited.

For example, when an officer finishes his or her shift he or she could be prohibited from picking-up their child from school while carrying their weapon. There have been a number of cases around that state that reflect this issue, including in my district where an off duty Racine Police Officer picked up their child from school in Burlington. He was issued a citation for illegally carrying on school grounds. The charged ended up being dismissed by the District Attorney, but the problem still exists. The bill addresses the problem.

Law enforcement officers go through countless hours of training to learn how to serve and protect those in their communities. Clocking out for the day does not alter an officer's ability or responsibility to serve and protect. They are always on duty. Retired officers certified to carry under federal HR 218 must undergo the same rigorous evaluation each year as active duty officers. If an officer retires and meets all the requirements necessary to maintain their certification, I believe we should honor that.

The intent of Wisconsin's Concealed Carry Law was to *expand* the ability of law-abiding citizens to carry a firearm. Instead, the law unintentionally prohibits our best trained individuals from carrying in some areas. This bill not only has bi-partisan support, but is also supported by every major police organization in the state. I would urge members of the Committee to support this commonsense change to state law.

Thank you, Members of the Committee for your consideration of this important legislation. I would be happy to answer any questions you may have.

Serving Racine and Kenosha Counties - Senate District 21



WISCONSIN SHERIFFS & DEPUTY SHERIFFS ASSOCIATION

JAMES I. CARDINAL, EXECUTIVE DIRECTOR
77 Grady Drive • Post Office Box 145
Chippewa Falls, Wisconsin 54729-0145
(715) 723-7173 • FAX: (715) 720-0155

Memorandum

TO: Members, Assembly Committee on State Affairs and Government Relations

FROM: Retired Sheriff Dave Graves, Legislative Committee Chair, Wisconsin Sheriff and Deputy Sheriffs Association

DATE: Wednesday, March 4, 2015

RE: **Wisconsin Sheriffs and Deputy Sheriffs Association Supports Assembly Bill 46, Law Enforcement Officers and Former Law Enforcement Officers Going with Firearms**

The Wisconsin Sheriffs and Deputy Sheriffs Association (WS&DSA) is a statewide organization that was created in 1945 and works to facilitate law enforcement, prevent crime, apprehend criminals and protect life and property of the citizens of Wisconsin. **For the reasons explained below, WS&DSA supports Assembly Bill 46.**

Assembly Bill 46 is very important to all law enforcement agencies throughout the state. Law enforcement officers can already be armed on school ground while on duty. This bill will allow law enforcement to be armed in the school while off duty. By allowing both on duty and off duty, as well as retired, officers to be armed on school grounds, it would create a "force multiplier" for law enforcement and lead to greater school safety at no extra cost.

Current law allows a law enforcement agency to reach agreements and establish policy that allows for "off duty" carry by law enforcement. School districts are receptive to the idea (once policy and procedure are developed) and do allow armed off duty law enforcement. However, this procedure is cumbersome in a county that has more than one school district. For example, the sheriff's office and municipal departments must establish their agreements separately, which takes extra time and resources. Assembly Bill 46 would eliminate the need for this process.

In the unfortunate event there be an active shooter situation in a school, a well-trained off duty or retired armed law enforcement officer could arrive at the scene and easily and quickly identify themselves as law enforcement. This in turn would greatly assist the on duty responding police and sheriff's agencies. An armed off duty or retired police officer or deputy sheriff is trained to identify and move toward the threat in order to protect innocent lives and bring a swift end to a volatile situation.

Conclusion

On behalf of the Wisconsin Sheriffs and Deputy Sheriffs Association, we would like to thank Rep. Kleefisch and Sen. Wanggaard for introducing this important piece of legislation and fully support its passage.



To: Chairperson Rob Swearingen
 Members, Assembly Committee on State Affairs and Government Operations

From: Wisconsin Sheriffs and Deputy Sheriffs Association, Badger State Sheriffs, Wisconsin Professional Police Association, Wisconsin County Police Association, Wisconsin Chiefs of Police Association, and Wisconsin Troopers' Association

Date: March 4, 2015

Re: **Please Support Assembly Bill 46, Law Enforcement Officers and Former Law Enforcement Officers Going with Firearms**



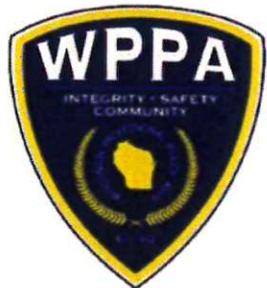
The Wisconsin Sheriffs and Deputy Sheriffs Association (WS&DSA) is a statewide organization created in 1945 and works to facilitate law enforcement, prevent crime, apprehend criminals and protect life and property of the citizens of Wisconsin. The Badger State Sheriffs' Association (BSSA) is made up of the 72 Wisconsin Sheriffs and promotes statewide law enforcement and public safety initiatives that assist sheriffs with providing professional, prepared, and up-to-date services to the citizens of each County and the State of Wisconsin. The Wisconsin County Police Association was founded on July 18, 1944. Since its inception, the Association has been committed to representing the best interest of county law enforcement across the state. The Wisconsin Chiefs of Police Association representing 357 Wisconsin law enforcement leaders across the state in our communities is dedicated to crime prevention and the protection of life and property of the communities they serve. The Wisconsin Troopers' Association (WTA) is made up of more than 500 troopers, inspectors, police communication operators and retirees that share a common mission of promoting law enforcement, public safety, and the overall good of the community. The Wisconsin Professional Police Association (WPPA) represents nearly 10,000 members from almost 300 local association affiliates; the WPPA is Wisconsin's largest law enforcement group.

WS&DSA, BSSA, WI County Police Association, WI Chiefs of Police Association, WTA, and WPPA request you support Assembly Bill (AB) 46.



Wisconsin Troopers' Association

AB 46 is very important to all law enforcement agencies throughout the state. On duty law enforcement officers can already be armed on school grounds. This bill will allow law enforcement to be armed in the school while off duty or retired. By allowing both on duty and off duty, as well as retired, officers to be armed on school grounds, it would create a "force multiplier" for law enforcement and lead to greater school safety at no extra cost.



Current law allows a law enforcement agency to reach agreements and establish policy that allows for "off duty" carry by law enforcement. School districts are receptive to the idea (once policy and procedure are developed) and do allow armed off duty law enforcement. However, this procedure is cumbersome in a county that has more than one school district. For example, a law enforcement office and municipal departments must establish their agreements separately, which takes extra time and resources. AB 46 would eliminate the need for this process.

In the unfortunate event there be an active shooter situation in a school, a well-trained off duty or retired armed law enforcement officer could arrive at the scene and easily and quickly identify themselves as law enforcement. This in turn would greatly assist the on duty responding police and sheriff's agencies. An armed off duty or retired police officer or deputy sheriff is trained to identify and move toward the threat in order to protect innocent lives and bring a swift end to a volatile situation.

On behalf of the Wisconsin Sheriffs and Deputy Sheriffs Association, the Badger State Sheriffs' Association, Wisconsin County Police Association, Wisconsin Chiefs of Police Association, Wisconsin Troopers' Association, and Wisconsin Professional Police Association we thank Representative Kleefisch and Senator Wanggaard for introducing AB 46 and fully support its passage.

If you have any questions, please contact:

WS&DSA: Caty McDermott or R.J. Pirlot of the Hamilton Consulting Group at (608) 258-9506

Badger State Sheriffs' Association: Dean Meyer, Executive Director (715) 415-2412

WI County Police Association: Robert Wierenga, Executive Director at (262) 949-7070

WI Police Chiefs Association: Alice O'Connor of Constituency Services Inc. at (608) 225-9391

WI Troopers' Association: George Ermert of Martin Schreiber & Associates, Inc. at (608) 259-1212

WI Professional Police Association: Executive Director Jim Palmer at (608) 273-3840

To: Assembly Committee on State Affairs and Government Operations

From: Dee Pettack, Legislative Liaison, DPI

Date: March 4, 2015

Re: Statement in Opposition to 2015 Assembly Bill 46

The Department of Public Instruction opposes 2015 Assembly Bill 46 (AB 46). This bill is in direct conflict with the narrow exemptions which already exist under the Gun Free School Zones Act of 1990 at 18 U.S.C. § 922(q)(3)(B); These exemptions, which already exist, include:

- being on private property (not school grounds),
- as part of a program approved by a school in the school zone, by an individual who is participating in the program,
- in accordance with a contract with a school in a school zone,
- by a law enforcement officer acting in their official capacity, and
- is unloaded and being possessed while gaining access to public or private lands open to hunting, if the entry on school premises is authorized by school authorities.

The Department believes these exceptions, currently in federal law, strike an appropriate and reasonable balance.

The Department is concerned this proposal will create dangerous situations where students and staff, including police liaison officers, will react to unidentified individuals carrying a gun. Our staff are trained to immediately follow school safety measures when there is a perceived threat. Former and current law enforcement officers who are not identifiable should not be walking with guns into our school hallways and classrooms.

Moreover, the Department is concerned about the details of the current and former law enforcement officer provision. Training requirements of current officers can vary from state to state. There are no details on how recently the former officer was working in law enforcement. There are no guidelines as to the reason the individual is no longer employed as a law enforcement officer.

We need safe and effective learning environments in our schools for students to achieve their fullest potential. AB 46, which provides an avenue for more guns to be present in our school buildings, runs counter to this effort.