



Van H. Wanggaard

Wisconsin State Senator

March 24, 2015

Testimony in Favor of Senate Bill 70

Thank you, Members of the Committee, for hearing my testimony on Senate Bill 70. 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 County - Senate District 21



JOEL KLEEFISCH

STATE REPRESENTATIVE • 38TH ASSEMBLY DISTRICT

Senate Bill 70: Relating to: Off duty law enforcement officers and former law enforcement officers going armed with firearms on school grounds

Senate Committee on Judiciary and Public Safety

Thank you Chairman Wanggaard and members of the Committee on Judiciary and Public Safety for holding a hearing today on Senate Bill 70, authored by myself and Senator Van Wanggaard.

Simply put, Senate Bill 70 exempts off duty and former law enforcement officers from firearms prohibitions on school grounds.

Under federal law, off duty and former law enforcement officers are allowed to carry firearms on school grounds. However, current state law prohibits these officers from carrying firearms on school grounds.

This bill will help increase school safety at no extra cost to the taxpayers. Our state's officers are trained to protect and serve, without regard to whether they are on duty. In the unfortunate event there be an active shooter situation in a school, a well-trained, armed off duty or former law enforcement officer could assist the on duty responding officer(s) and help bring a swift end to a volatile situation.

Senate Bill 70 is straightforward and long overdue. It will empower law enforcement while making our schools safer and more secure. Once again, thank you Chairmen Wanggaard and members for allowing me to testify today, I am open to answering any questions you may have.



To: Chairperson Van Wanggaard
Members, Senate Committee on Judiciary and Public Safety

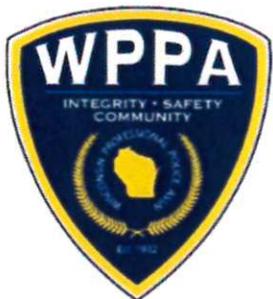
From: Wisconsin Sheriffs and Deputy Sheriffs Association, Badger State Sheriffs' Association, Wisconsin Professional Police Association, Wisconsin County Police Association, Wisconsin Chiefs of Police Association, and Wisconsin Troopers' Association

Date: March 23, 2015

Re: **Please Support Senate Bill 70, Law Enforcement Officers and Former Law Enforcement Officers Going Armed with Firearms On or Near School Grounds**



**Wisconsin
Troopers'
Association**



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 Senate Bill (SB) 70.

SB 70 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. SB 70 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 Senator Wanggaard and Representative Kleefisch for introducing SB 70 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, at (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: Jim Palmer, Executive Director at (608) 273-3840

To: Senate Committee on Judiciary and Public Safety

From: Dee Pettack, Legislative Liaison, DPI

Date: March 24, 2015

Re: Statement in Opposition to 2015 Senate Bill 70

The Department of Public Instruction opposes 2015 Senate Bill 70 (SB 70). 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. 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. SB 70, which provides an avenue for more guns to be present in our school buildings, runs counter to this effort.

March 24, 2015

Dear Committee Chair Wanggaard, Vice Chair Vukmir, and Members of the Committee:

My name is Margarita Northrop. I am a mother of two and my daughter Ivana attends Sandburg Elementary School in the Madison Metropolitan School District.

I am here today to testify against Senate Bill 70 related to placing armed off-duty and former law enforcement officers on school grounds. I am also here to give voice to the voiceless who your proposal affects the most – our children. I pulled my daughter out of school this morning as soon as I found out about the proposal and public hearing.

An increased presence of armed individuals will not make our schools safer. On the contrary, it will lead to a tense environment that would frighten children and make learning more difficult. Armed guards were present at the school of the Columbine and Virginia Tech shootings; yet, they were unable to stop the shooters from killing and injuring dozens of students and teachers.

Furthermore, there would be lots of opportunities for deadly incidents: armed guards misreading student behavior (e.g., a student mistakenly shot while playing with a toy gun); student fights where a student grabs the guard's gun; a mass-shooting scenario where students are killed in the crossfire. In two recent studies of police statistics in New York City and Los Angeles showed that, in situations when policemen are intentionally firing at a person, they hit their marks only between 28.3% and 40% of the time. Imagine if a stray bullet from a police officer hit an unintended target rather than a violent intruder. And it is not a matter of training - police officials agree that these statistics reflect the tense and unpredictable nature of these situations.

Finally, such a program would be also expensive at a time when school budgets are especially tight. Let's invest in knowledge, not guns.

Dear Senators, it is one thing to mess with teacher unions and slam our teachers for ideological reasons (trust me, I understand politics). But this is different – it affects the immediate safety of our children. I think all of us can agree that we want to keep children safe, but this is not the way.

Thank you for your consideration,

Margarita Northrop
3126 Clove Drive
Madison, WI 53704

Shooting and Unpredictability

Here is an accounting of the accuracy of the 540 shots fired by New York City police officers in 2006. Shots are grouped by officers' approximate distance from their intended target



DISTANCE BETWEEN OFFICER AND TARGET: UP TO 6 FEET

If the encounter is this close, something has most likely gone wrong. The officer could have been surprised or he could have been wrestling with the suspect. Officers are also trained to keep a handgun at the hip in close situations to avoid having someone take it, which could impede accuracy.

ABOUT 6 TO 21 FEET

Most police gunfire occurs from zero to 21 feet, so the sheer number of shots fired may depress the hit rate. Officers do not like to be this close to an adversary, so they may be moving, or taking cover, also bringing down the rate.

21 TO 45 FEET

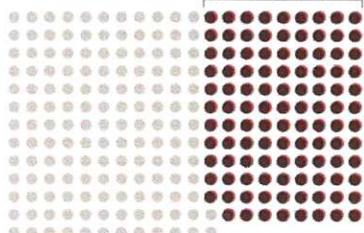
In training, scores go down as distance increases. But the number of shots at this distance is far lower; so it is possible the higher hit rate means there were conditions that allowed greater accuracy.

45 TO 75 FEET

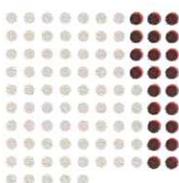
The low number of shots at this distance, 7, suggests a hesitancy to fire at a distance from which success is less likely. The police can instead try to control the situation and wait for help.

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SHOTS WITHIN 6 FEET: 252 HITS: 107 (43% OF TOTAL)



SHOTS: 95 HITS: 22 (23%)



SHOTS: 40 HITS: 16 (40%)



SHOTS: 7 HITS: 1 (14%)



SH



NO DISTANCE REPORTED SHOTS: 116 HITS: 34 (29%)



Source: New York Police Department Firearms Discharge Report, 2006



March 24, 2015

Madison Metropolitan School District Statement on SB 70

Thank you for the opportunity to submit our written opposition to SB 70.

Currently, the only people who can carry a weapon in our schools are authorized, on-duty officers who are working with our schools or students. In most cases, it is only Educational Resource Officers, who work at our high schools, are uniformed and are known to our school communities.

Allowing any former law enforcement officer or any off duty officer to carry a weapon at schools would send dangerous, mixed messages to staff, students and the local law enforcement officers who work with our schools.

All of our schools have detailed safety plans that they are prepared to follow in the event of an emergency. Our staff members know what protocol to follow and law enforcement respond when necessary. Allowing someone not in uniform and unknown to the school community to carry a weapon would create a dangerous situation for the school and for law enforcement responding. We respectfully ask that you reconsider this unnecessary and possibly dangerous bill. Thank you for your time.



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

BRAD D. SCHIMEL
ATTORNEY GENERAL

Andrew C. Cook
Deputy Attorney General

114 East, State Capitol
P.O. Box 7857
Madison, WI 53707-7857
608/266-1221
TTY 1-800-947-3529

To: Members of the Senate Committee on Judiciary and Public Safety

From: Mike Austin
Government Affairs Director
Wisconsin Department of Justice

Date: March 24, 2015

Subject: Senate Bill 70/Assembly Bill 46

The Wisconsin Department of Justice supports Senate Bill 70/Assembly Bill 46 giving off-duty and trained retired law enforcement officers the ability to carry concealed weapons on or near school grounds.

Wisconsin law enforcement officers, both on and off-duty had historically been the only persons allowed to carry concealed weapons in Wisconsin. After passage of 2011 Act 35, Wisconsin citizens who meet the legislatively required standards may now be licensed to also carry concealed weapons. Unfortunately, the changes to this law created a prohibition for off-duty and former law enforcement whereby they could no longer carry in school zones or on school grounds.

This bill ensures that if the unthinkable happens, both current and duly qualified former law enforcement officers will be able to quickly act to protect those most vulnerable to attack, our children.

In an effort to provide you with an analysis this exemption for current and former law enforcement, we would like to highlight some of the factors that went into our support of this bill.

The basic recruit training approved by the Law Enforcement Standards Board requires that recruits to receive a minimum 68 hours of firearms training and 60 hours of defense and arrest tactics training within the academy. Within those 128 hours, instructors weave in general use of force concepts and specific instruction related to deadly force decision-making. This includes training on how an officer's ability to deploy deadly force is affected by innocent bystanders who may be put at risk from gunfire.

In addition, officers are trained how to handle plainclothes encounters with off-duty, undercover, and retired officers. This type of training has occurred in law enforcement for many years in academy settings and at in-service training. The training emphasizes that commands from uniformed officers are to be followed immediately and without question. Law enforcement officers have a well-trained understanding of the consequences for an armed subject in an active shooter situation who fails to immediately follow commands given by the uniformed officer.

Law enforcement officers also receive 24-hours of high-risk tactics instruction, including building searches, foot pursuits, and containing armed subjects. This training dedicates 12-hours of that instruction time to address response to active shooters—how to contain, confront, and stop them; how to safely link up with other responding officers; and how to manage the immediate aftermath of an active shooting scene. This type of training has become routine for law enforcement in our state following the tragic events at Columbine High School in Colorado almost 16-years ago.

Beyond recruit training, many law enforcement agencies have begun training post-shooting response to mass casualty shooting scenes. For example, many agencies have formed cooperative response models utilizing the “Rescue Task Force” method of escorting Fire/EMS personnel into active shooter scenes. Officers who have received this training are able to effectively coordinate and assist in establishing response corridors, casualty collection points, etc.

Active and retired law enforcement officers are required to demonstrate their handgun competency by annually completing a state mandated 44-round qualification course. This course demonstrates their ability to rapidly and accurately shoot their handgun at distances up to 25 yards. Former law enforcement officers must pass the exact same 44-round handgun qualification course required of active duty officers in the state of Wisconsin.

The Division of Law Enforcement Services has been contacted by many retired law enforcement officers who have expressed concern about being able to pass the active duty course or asked what their options were after having failed to successfully pass the course. Former officers must meet the same standards as active officers, or they may not be permitted in this category. The requirements to license a former officer are contained in federal law under what is known as HR 218 “The Law Enforcement Officers Safety Act.” These requirements have been adopted into our state law and can be found in s.175.49.

The statute requires a former officer who wishes to be permitted to carry under this law must meet very stringent requirements. Those requirements include an annual background check, a check of firearm disabilities related to mental health, a certification from their department that they served honorably for a minimum of 10-years, left their department in good standing, and passing the same annual firearm qualification course required of active officers in our state.

We feel that these requirements are sufficient to ensure only well qualified former officers are able to carry firearms under the provisions of this bill.

We would encourage your support for Senate Bill 70/Assembly Bill 46.