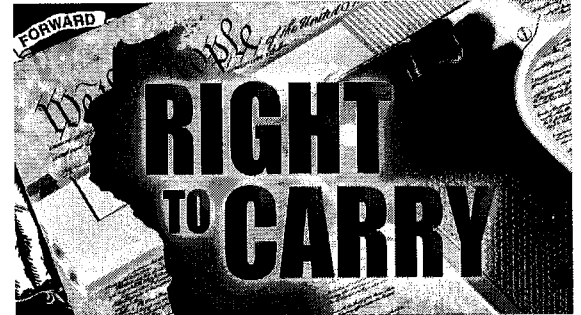




DAVID CRAIG

STATE SENATOR

Senate Committee on Judiciary and Public Safety
Public Hearing, May 31, 2017
Senate Bill 169
Senator David Craig, 28th Senate District



Chairman Wanggaard and Committee Members,

Thank you for hearing testimony on Senate Bill 169 regarding the right to carry a firearm.

After 5 years and more than 300,000 concealed carry licenses issued, responsible and law-abiding gun owners have made the clear case to move Wisconsin forward and expand state law to reflect the constitutional **right to carry** a weapon in self-defense. This bill allows for the concealed carry of a firearm *without a license* anywhere in the state a person is legally allowed to carry a firearm and simplifies state law while reducing the cost to citizens who choose to protect themselves and their families.

The current license structure limits those who follow the law and presents administrative and cost barriers to self-protection. With this bill, we make carrying more affordable and provide greater freedom for those who obey the law while maintaining stiff penalties for criminals who commit crimes with firearms.

Under current law, the "open" or exposed carry of a firearm is legal without a concealed carry license. However, current law does not allow person to carry their defense firearm or non-lethal weapon in a purse or under a winter coat unless they get a concealed carry license. By removing the requirement for a concealed carry license, we align concealed and open carry laws and allow for a wide variety of carry options for those who wish to carry for self-defense. Law-abiding citizens will have the same right to carry discreetly that they currently have to carry openly.

Currently, 12 states have Constitutional Carry laws and an additional 20 states are considering the issue this legislative session. With this bill, Wisconsin will take the next step towards aligning our state law with our nation's founding ideals.

The individual right to keep and bear arms is guaranteed in our nation's constitution and is further enumerated in Wisconsin's constitution to provide the "*right to keep and bear arms for security, defense, hunting, recreation or any other lawful purpose.*" It is with this constitutional provision in mind that we reaffirm the rights and liberties of law-abiding citizens to carry a concealed weapon without a license.

Thank you for holding a public hearing on this bill and for hearing our testimony.

RIGHT TO CARRY

FAQs

What is the difference between a concealed carry license, and a basic concealed carry license?

The concealed carry license stays the same as the license issued by the Department of Justice under current law requiring completion of a training program. In addition to this current license, the bill creates a basic concealed carry license that does not require completion of a training program. To receive either license, DOJ must complete a background check. Both of these licenses are retained despite the fact that they are no longer necessary to carry a firearm in Wisconsin for purposes of reciprocity with other states and minimizing the applicability of federal firearm restrictions.

Under this bill, do I have to have a concealed carry license at all?

No, both licenses are optional. However, a person may choose to obtain one of these licenses for purposes of carrying a firearm in another state or to minimize the applicability of federal firearm restrictions. The only difference between the two licenses is that one has a training program requirement, and the other does not.

Do I need a concealed carry license to carry a handgun in my car?

No. This bill clarifies the law and allows all those legally allowed to possess a handgun to carry in their vehicle, regardless of whether it is concealed or not.

Under this bill, if I currently have a concealed carry license, do I need to obtain a new license?

No.

My employer's property is posted to prohibit possession of a firearm. Can I leave my firearm in my car?

Yes. Current law allows employees to possess a firearm in a vehicle in parking lots with posted signs prohibiting possession of firearms by their employer if they have a concealed carry license. This bill removes the requirement for this license. This provision applies to all employers.

What is an antique firearm?

For the purposes of the National Firearms Act, the term "Antique Firearms" means any firearm not intended or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

Antique firearm also generally includes any muzzleloading rifle, muzzleloading shotgun, or muzzleloading pistol, which is designed to use black powder, or a black powder substitute, and which cannot use fixed ammunition.

Can non-residents of Wisconsin carry their firearm openly or concealed in Wisconsin?

Yes, as long as they are not entering legally posted property prohibiting possession of firearms, and if they are in a school zone, they hold one of the two types of Wisconsin licenses.

RIGHT TO CARRY

FAQs

What does this bill change regarding shining?

The bill removes the general prohibition against carrying a firearm while shining wildlife. For example, under current law, if you were to shine the headlights of your vehicle at a deer at night while possessing a firearm in your vehicle, you would be violating current law. Under this bill, situations where you are carrying a firearm and shining (but NOT shooting the firearm) would be allowed.

This bill does NOT allow shining and shooting of any wildlife for which this is not allowed under current law, such as deer and bear.

SCHOOL ZONES AND COLLEGE CAMPUSES

Does this bill allow for the carrying of firearms in school buildings and on school grounds?

Generally, yes. **However**, the bill does leave it up to the schools to decide whether carrying a firearm in school buildings or on school grounds is permissible, with one exception. It is important to note that no one is permitted under federal law to carry a firearm in a school zone unless they are licensed by the state in which the school is located. For example;

a. If you have a Wisconsin concealed carry license and the school does not post signs prohibiting possession of firearms in their buildings and/or grounds:

You would be able to carry a firearm in the school zone.

b. If you do not have a Wisconsin concealed carry license and the school does not post signs prohibiting possession of firearms in their buildings and/or grounds:

If you do not have a Wisconsin concealed carry license, you cannot carry a firearm in the school zone under federal law. This bill does not and cannot change federal law.

c. If you have a Wisconsin concealed carry license and the school does post signs prohibiting possession of firearms in their buildings and/or grounds:

You would not be able to carry a firearm in the buildings and/or grounds. However, if the buildings and/or grounds are posted, you are still able to carry a loaded or unloaded firearm in any vehicle driven or parked in a parking facility in school buildings or on school grounds.

d. If you do not have a Wisconsin concealed carry license and the school does post signs prohibiting possession of firearms in their buildings and/or grounds:

You would not be able to carry a firearm anywhere within the school zone under federal AND state law.

Does this bill allow for carrying of firearms in college buildings and on campus grounds?

Current law allows for colleges and universities to post their buildings. If the building is posted, you cannot enter while carrying a firearm. Current law does not allow for colleges and universities to post their grounds. This bill does not change current law.

Can I carry a firearm openly or concealed into a stadium?

Generally, yes. There is no state prohibition of carrying a firearm in stadiums. **However**, some stadiums may be legally posted with signs prohibiting possession of firearms, such as stadiums on school grounds, stadiums that are part of special events, stadiums that qualify as buildings, or stadiums that require access to enter through a posted building.



WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director

Jessica Karls-Ruplinger, Deputy Director

TO: SENATOR DAVID CRAIG
FROM: ^{LK} Larry Konopacki, Principal Attorney
RE: LRB-2039/1 - Possession of Firearms in School Zones
DATE: March 6, 2017 (Revised April 14, 2017)

This memorandum describes the provisions in LRB-2039/1 ("the bill draft") relating to the possession of firearms in school zones.

BACKGROUND

Both state and federal law include very similar "gun free school zones" provisions generally banning the possession of firearms in school buildings, on the grounds of a school, and within 1,000 feet of the grounds of a school. [s. 948.605, Stats.; 18 U.S.C. s. 922 (q) (2).] There are a number of exceptions to these general rules.¹

A person who has a Wisconsin concealed carry license under current law ("a licensee") is *not* subject to the *federal* gun free school zones law with respect to schools in Wisconsin. [18 U.S.C. s. 922 (q) (2) (B) (ii).]² In addition, a licensee is not subject to the general state prohibition against possessing a firearm within 1,000 feet of the grounds of a school.

Under state law, a person who knowingly possesses a firearm at a place that the person knows, or has reasonable cause to believe, is **in or on the grounds of a school** is guilty of a Class I felony. Any person who is not a licensee who knowingly possesses a firearm at a place that

¹ Some exceptions to these general rules include possession of a firearm for use in a school-approved program, possession under a contract with the school, possession by law enforcement officers, possession of unloaded and encased (federal law requires the case to be "locked") firearms, and possession while legally hunting in a school forest.

² The penalties for violation of the federal gun free school zones law are a fine up to \$5,000 or imprisonment for up to five years, or both. [18 U.S.C. s. 924 (a); 18 U.S.C. s. 357.] Federal law defines this penalty as a misdemeanor.

the person knows, or has reasonable cause to believe, is **within 1,000 feet of the grounds of a school** is subject to a Class B forfeiture.

LRB-2039/1

The bill draft makes a number of changes related to the possession of firearms in or near a school. The bill draft eliminates the **state** gun free school zones law and instead specifies that schools may choose to prohibit the possession of firearms in schools or on the grounds of schools under state trespass law, by posting signs notifying people of the prohibition. If schools choose to "post" their school buildings or grounds in this way, such a prohibition would generally not apply to a firearm that is kept in a vehicle. Under the bill draft, possession of a firearm in a posted school building is punishable as a Class C misdemeanor and possession of a firearm on the posted grounds of a school is punishable as a Class B forfeiture.

As noted above, a person who holds a Wisconsin concealed carry license is **not** subject to the federal gun free school zones law with respect to schools in Wisconsin. This bill draft creates an additional type of Wisconsin concealed carry license that requires a background check to be conducted on the applicant but does not require the applicant to complete a training course. A person who obtains one of these new "basic" concealed carry licenses would also not be subject to the federal gun free school zones law with respect to schools in Wisconsin.

Under current law and the bill, a person must be at least 21 years old to obtain a Wisconsin concealed carry license. Therefore, possession of a firearm in a school zone by a person younger than 21 years old would remain illegal under federal law.

If you have any questions, please feel free to contact me directly at the Legislative Council staff offices.

LAK:ty



WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director

Jessica Karls-Ruplinger, Deputy Director

TO: SENATOR VAN H. WANGGAARD

FROM: Larry Konopacki, Principal Attorney

RE: Changes Related to Weapons in Vehicles Under 2017 Senate Bill 169 and 2017 Assembly Bill 247

DATE: May 30, 2017

This memorandum describes the changes to laws relating to weapons in vehicles in 2017 Senate Bill 169 and 2017 Assembly Bill 247 (the bill).

Vehicles Generally

A person is generally prohibited under current law from placing, possessing, or transporting, in or on a vehicle, a loaded firearm other than a handgun (i.e., a long gun), a bow that has an arrow knocked, or a crossbow that is either cocked and uncased or loaded and encased. [s. 167.31 (2) (b), Stats.] The loading of a long gun in a vehicle is also prohibited under current law. [s. 167.31 (2) (c), Stats.] A loaded handgun may be placed, possessed, or transported in or on a vehicle, a handgun may be loaded in a vehicle, and a loaded long gun may also be placed or possessed on a vehicle if the vehicle is *stationary*. [s. 167.31 (2) (b) 1. and (4) (ag), Stats.]

The bill would eliminate the general prohibitions against placing, possessing, or transporting these types of weapons in or on a vehicle, and the prohibition against loading a long gun in a vehicle. [SECTIONS 18 and 19.]

All-Terrain Vehicles (ATVs)

Under current law, a person is generally prohibited from operating an ATV while possessing a loaded long gun. [s. 23.33 (3c), Stats.] A person may possess a loaded handgun while operating an ATV. The bill would eliminate the prohibition against operating an ATV while in possession of a loaded long gun. [SECTION 1.]

Motorboats

Under current law, a loaded handgun may be placed, possessed, or transported on a motorboat with its motor running. However, a person may not place, possess, or transport, in or on a motorboat with its motor running, any of the following: a loaded long gun, a bow that has an arrow knocked, or a crossbow that is either cocked and uncased or loaded and encased is prohibited. [s. 167.31 (2) (a), Stats.] The bill would eliminate this prohibition. [SECTION 18.]

Airplanes

Under current law, it is generally illegal to place, possess, or transport a firearm, bow, or crossbow in or on a commercial or noncommercial aircraft, unless the firearm is unloaded and encased or unless the bow or crossbow is unstrung or is enclosed in a carrying case, although placement, possession, or transport of a loaded and uncased *handgun* is permissible in a *noncommercial* aircraft. The bill would remove these prohibitions as they relate to *noncommercial* aircraft.

Public Mass Transportation Systems

Under the bill, a person may not be prohibited from going armed with a firearm, knife, or electric weapon on a vehicle that is part of a public mass transportation system.

Note that in *Wisconsin Carry, Inc., v. City of Madison*, 2017 WI 19, the Wisconsin Supreme Court recently ruled that neither the City of Madison nor its Transit and Parking Commission may prohibit passengers from bearing weapons, including firearms, knives, electric weapons, and billy clubs, on its Metro Transit buses.

If you have any questions, please feel free to contact me directly at the Legislative Council staff offices.

LAK:ty



WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director

Jessica Karls-Ruplinger, Deputy Director

TO: SENATOR VAN H. WANGGAARD

FROM: Larry Konopacki, Principal Attorney

RE: Legislative Action Related to Electric Weapons

DATE: May 26, 2017

This memorandum describes the changes to laws governing the possession and use of electric weapons under 2011 Wisconsin Act 35 and the proposed changes related to electric weapons contained in 2017 Senate Bill 169 and 2017 Assembly Bill 247.

Section 941.295, Stats., generally prohibits the sale, transportation, manufacture, and possession of an electric weapon,¹ and specifies that a person may not go armed with an electric weapon, with certain exceptions.² Violation of this prohibition is punishable as a Class H felony.³

2011 Wisconsin Act 35 created a number of additional exceptions to this prohibition, including authorization for the following:

- Possession of, going armed with, and transportation of an electric weapon by people authorized to carry concealed weapons in this state under Act 35.⁴

¹ "Electric weapon" means any device which is designed, redesigned, used, or intended to be used, offensively or defensively, to immobilize or incapacitate persons by the use of electric current. [s. 941.295 (1c) (a), Stats.]

² Prior to passage of Act 35, this prohibition included exceptions for law enforcement officers, armed forces personnel, corrections personnel, manufacturers, and common carriers, under certain conditions.

³ A Class H felony is punishable by a fine not to exceed \$10,000 or imprisonment not to exceed six years, or both. [s. 939.50 (3) (h), Stats.]

⁴ Act 35 created a licensing system which allows a license holder or an out-of-state licensee to carry a concealed weapon in this state. For more information about the legislation that became Act 35, see http://docs.legis.wisconsin.gov/misc/lc/information_memos/2011/im_2011_10 and s. 175.60, Stats.

- Possession of and going armed with an electric weapon by an individual who does so in his or her own dwelling or place of business or on land that he or she owns, leases, or legally occupies.
- Transportation of an electric weapon by people not authorized to carry concealed weapons in this state under Act 35 if the electric weapon is enclosed within a carrying case.

2017 Senate Bill 169 and 2017 Assembly Bill 247 (the bill) does the following with respect to laws related to electric weapons:

- Eliminates the general prohibition against the sale, transportation, manufacture, possession, or going armed with an electric weapon, except that this prohibition would apply to people who are prohibited from possessing a firearm.
- Generally prohibits regulation by political subdivisions related to the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permitting, registration, or taxation of any electric weapon unless the regulation is the same as or similar to, and no more stringent than, a state statute.
- Specifies that a person may not be prohibited from going armed with an electric weapon on a vehicle that is part of a public mass transportation system.
- Provides that unless other facts and circumstances that indicate a criminal or malicious intent on the part of the person apply, no person may be in violation of, or be charged with a violation of, disorderly conduct or other inappropriate behavior for carrying or going armed with an electric weapon, without regard to whether the electric weapon is concealed or openly carried.

Under the bill, a person under the age of 18 would continue to be subject to the general prohibition against possessing an electric weapon under s. 948.60, Stats. Also, the possession of electric weapons by people of any age would still generally be prohibited on school premises unless the electric weapon is kept in a vehicle, under certain conditions. [s. 948.61, Stats.] Under the bill, electric weapons would continue to be considered a "dangerous weapon" for purposes of certain criminal law provisions and penalty enhancers. [s. 939.22 (10), Stats.]

If you have any questions, please feel free to contact me directly at the Legislative Council staff offices.

LAK:ty

NORM REYNOLDS

**12741 W. Champion Drive
Muskego, Wisconsin 53150**

31 May 2017

The United States and Wisconsin Constitutions provide citizens with the right to keep and bear arms with the only stated condition being not to be infringed. The typical legal citizen exercises the rights in any way they can, especially in how the weapon is carried, where carried, secured, and under any clothing.

Perpetrators purposely hide their weapons under clothing from unsuspecting victims view to gain the surprise advantage over them when conducting a crime. Thus, it is only logical that the surprise element should favor the legal citizen by concealing a weapon than the criminal. It is the legal citizens duty to protect themselves and others from threat or harm by others.

This bill, SB 169, extends citizens protection for firearm possession on properties, especially in vehicles that can be secured in parking lots as their home away from home. Public and private entities reserve the right to post weapon prohibition in their buildings and all that ensues. This situation is essential for out of town visitors unaware that by simply turning onto a street they unknowingly can be within a school zone. Imagine the surprise if stopped by police and eventually charged as a felon for having a weapon. The same applies to family members dropping-off and picking-up school students as their daily duty and responsibility.

Years ago we were well cautioned by numerous politicians that concealed carry weapons would become the rebirth of the Wild West in our state. That surely has yet to happen and the general citizen exhibits sound judgment in not firing at-will on anyone at anytime. If anything, they are more circumspect on surroundings and weapon use. Further, states having constitutional carry for weapons have historically shown that citizens seek proper training on their own, as the risk has become too great in not having it.

This bill needs to become law and compliment the existing federal law for continuity by citizens for their protection. Not only is it logical, but also timely just to exercise the most dependable right for defense.

**NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
11250 WAPLES MILL ROAD
FAIRFAX, VIRGINIA 22030-7400**

Memorandum of Support

Date: May 31, 2017

To: Senate Committee on Judiciary & Public Safety

From: John Commerford, Deputy Director, State & Local Affairs

RE: Senate Bill 169

Mr. Chairman and members of the committee, I appreciate the opportunity to address you this morning. I am here today on behalf of the tens of thousands of NRA members throughout Wisconsin to express support for SB 169.

In Wisconsin, it is already legal to carry a firearm openly, as long as the individual is not prohibited by law from possessing a firearm. However, under current law, if a firearm becomes covered by a coat or if an individual prefers to carry a firearm for self-protection in a purse or handbag, one would need to obtain a concealed carry license.

Senate Bill 169 simplifies Wisconsin's current carry law, eliminates unnecessary government red-tape, and allows law abiding gun owners the ability to exercise their constitutional right to possess a firearm and use that firearm for self-defense.

With the passage of this legislation, only law abiding citizens who are eligible to possess a firearm under state or federal law would be able to exercise their right to carry without a license.

Federal disqualifiers for firearm possession include:

- Felony conviction
- Conviction of a misdemeanor crime of domestic abuse
- Having been adjudicated mentally incompetent
- Dishonorable discharge from the U.S. Military
- Unlawful user of alcohol, controlled substances or other drugs
- Currently subject to a protective order

SB 169 would not change the current licensing system. Individuals will still be able to apply for a license in order to take advantage of reciprocity agreements and to be in compliance with the federal gun free school zones act.

Wisconsin would become the 13th state to enact this concealed carry reform into law. In other states, such as Arizona, license issuance has seen a significant increase since the passage of constitutional carry.

In addition to the reform mentioned above, SB 169 provides an important fix to Wisconsin law that covers concealed carry on school grounds. Under federal law, an individual is exempted from the gun free school zones act if they possess a valid right to carry license. Wisconsin law currently does not mirror this exemption, and thus forces parents to forfeit their right to self-defense while picking up their children

from school. SB 169 implements that exemption, allowing for the carry of a firearm, with a license, on the public right of way. In other words, a parent may carry a firearm in their vehicle while picking up their child. School buildings and areas where after school functions may occur are still subject to firearm posting restrictions.

For too long, law abiding gun owners have been cited and penalized for legally carrying a firearm in their cars when picking up their children from school. Getting rid of the 1000 foot rule, and allowing for the lawful access to parking and pick-up areas simplifies the law and does not criminalize parents and guardians who choose to lawfully carry their handguns.

SB 169 provides comprehensive Second Amendment reforms that will benefit hundreds of thousands of lawful firearm owners in the State of Wisconsin. On behalf of these individuals and NRA members, I respectfully request your support of Senate Bill 169.



"Leadership in Public School Governance"

JOHN H. ASHLEY, EXECUTIVE DIRECTOR

122 W. WASHINGTON AVENUE, MADISON, WI 53703
PHONE: 608-257-2622 FAX: 608-257-8386

TO: Members, Senate Committee on Judiciary and Public Safety
FROM: Dan Rossmiller, WASB Government Relations Director
DATE: May 31, 2017
RE: OPPOSITION to SENATE BILL 169, relating to going armed with a firearm and electric weapons, licenses for carrying a concealed weapon, trespassing while armed with a firearm, and providing criminal penalties

The Wisconsin Association of School Boards (WASB) **opposes** Senate Bill 169 on the grounds that it would broaden the ability of persons to possess firearms in school zones and on school grounds and would reduce the penalties for bringing firearms into school settings.

Among other things, Senate Bill 169 would: repeal the state's gun free school zones law; allow individuals to obtain a "basic" concealed carry licenses without completing firearms training, thus enabling them to be exempt from provisions in the federal gun free school zones act prohibiting possession of firearms within a school zone; require school boards to post school buildings and grounds to prohibit possession of firearms by concealed carry license holders in those places; and reduce penalties for persons who possess firearms in school buildings and on school grounds in violation of such postings.

Representatives of WASB member boards have adopted a resolution stating that "*the WASB opposes any initiatives at the state or federal level that would legalize any further ability for anyone, with the exception of sworn law enforcement officers, to bring a weapon or possess a weapon, including a facsimile or "look-alike" weapon, concealed or otherwise, in school zones or lessen the consequences for violation of existing safe school policies relating to guns and other weapons.*" Simply put, the majority of my members believe that guns and children are not a good mix.

Expanding Firearms Possession in School Zones:

Currently, both federal and state statutes include similar "Gun-Free School Zones" (GFSZ) provisions. These statutes generally ban the possession of firearms in school buildings, on school grounds and within 1,000 feet of the grounds of a school. Both laws provide a number of exceptions to the general prohibition. One important exception under both laws covers individuals who hold a state carrying concealed weapon (CCW) license. Under both laws, there is an incentive for individuals to obtain a CCW license because such a license allows them greater ability to possess a firearm in a school zone than a non-licensed individual

- Under current *federal* law, an individual with a *Wisconsin* carrying concealed weapon (CCW) licensee is **not subject** to the *federal* GFSZ law prohibition with respect to weapons possession *in Wisconsin* school zones, including in school buildings and on school grounds. (The *federal* GFSZ law does not restrict firearms possession by an individual "licensed to do so by the state in which the school zone is located.")
- Under current *state* law, CCW licensees may carry firearms within 1,000 feet of the grounds of a school but not in schools or on school grounds. Wisconsin's state GFSZ law (§948.605, Stats.) is thus more restrictive than the federal version with respect to CCW licensees. The general prohibition against an individual, including a student, knowingly possessing a firearm in or on school grounds applies to everyone. As noted, there is no exception for CCW licensees.

By repealing the state's gun-free school zones (GFSZ) statute, Senate Bill 169 would allow CCW licensees to possess firearms on school grounds and in school buildings unless the school posted signs prohibiting possession of firearms under state trespass law provisions (see §943.13, Stats.) created under the bill. With the repeal of the state's GFSZ law, there would no longer be a prohibition against possessing a firearm within 1,000 feet of the grounds of a school under state law.

Reducing Penalties for Firearms Possession in School Zones, Including on School Grounds and in School Buildings:

Under the current *state* GFSZ law, unless otherwise covered by an exception, any individual who knowingly possesses a firearm at a place that the individual knows, or has reasonable cause to believe, is in or on the grounds of a school is guilty of a Class I felony, a crime punishable by a fine not to exceed \$10,000 or imprisonment not to exceed 3 years and 6 months, or both. Any individual who knowingly possesses a firearm at a place that the individual knows, or has reasonable cause to believe, is within 1,000 feet of the grounds of a school is subject to a Class B forfeiture, punishable by a monetary forfeiture not to exceed \$500. (Under Wisconsin law, a crime is conduct which is prohibited by state law and punishable by fine or imprisonment or both. Conduct punishable only by a forfeiture is not a crime.)

Senate Bill 169 would repeal the current *state* GFSZ law, eliminating the penalties noted above. In its place, the bill would allow schools to post school buildings and grounds. The penalty for possessing a firearm in a school building in violation of such a posting would be a Class C misdemeanor, a crime punishable by a fine not to exceed \$500 or imprisonment not to exceed 30 days, or both. The penalty for possessing a firearm on school grounds in violation of such a posting would be a Class B forfeiture, punishable by a monetary forfeiture not to exceed \$500. (As noted, conduct punishable only by a forfeiture is not a crime.)

Eliminating Training Requirement to Obtain a Carry Concealed Weapon (CCW) Permit:

Under Senate Bill 169, bill, gun owners over the age of 18 who can legally own a firearm would no longer be required to obtain a license in order to carry a concealed firearm in Wisconsin. However, in order to lawfully possess a firearm in a school zone without violating the current federal GFSZ law, gun owners would still be required to obtain a CCW license. The bill would create a basic carrying concealed weapon permit that would require a background check but would not require firearms training. In the interest of school safety, we are concerned that individuals would no longer have to complete a firearms safety or training course in order to receive a basic CCW license, which, as noted, would enable them to possess a firearm within a school zone without violating the federal GFSZ act.

For these reasons, the WASB opposes Senate Bill 169.

Kim Kaukl
Executive Director
1755 Oakwood Circle
Plain, WI 53577
Cell Phone: (608) 553-0689
kimkaukl@wirsa.org



President, Ken Kasinski CESA12
President-Elect, Robert Smudde
Secretary, Diana Bohman,
Regional Public Library Rep
Treasurer, Jerry Walters CESA11
Past President, Jeremy Biehl CESA 5

May 31, 2017

Members of the Committee on Judiciary and Public Safety:

Thank you for allowing my testimony on SB 169. I am Kim Kaukl, Executive Director of the Wisconsin Rural Schools Alliance (WiRSA) an organization of 200 plus members with 150 school districts and several CESAs, technical colleges, universities, business and individual members. WiRSA represents the students, administrators, teachers, school board members and community of our rural schools. I am writing to register our opposition to SB 169.

Our organization is opposed to this bill due to the impact it would have on the safety of our children. Growing up in rural Wisconsin and working in public education for 34 years I never saw the need by myself or others to possess a weapon on school grounds. Our concern with this bill is that it lessens the requirements of who can carry, along with expanding the number of people that can carry. This lowering of requirements and expansion increases the chance for incidents or accidents to occur on school property. In talking with both School Resource Officers and police officers in the field, the increased chance of accidents is one of their biggest concerns with this bill. In those discussions, they shared incidents and scenarios that would support those concerns. Another concern we have with the bill is the reduction of the penalty for a violation to trespassing. We see this as giving a pass to someone emboldened to prove a point of his/her right to carry on school grounds even if posted. Finally, this bill, because of the expansion, puts added pressure on school personnel and local police enforcement in dealing with the enforcement and posting.

Schools should continue to be gun free zones, with exceptions for law enforcement. I ask you to ask yourself, is there really a need to have a gun at a school or school event or is this an exercise in supporting the wishes of a few constituents and special interest? We need to ask ourselves, is this about the right to do something because we can or to use common sense – guns and schools are not a good mix. I have many friends that are gun owners and have their concealed carry permits but would also say there is no need to carry on school grounds. This recent survey commissioned by the Wisconsin Professional Police Association would seem to support those thoughts - "more than 70% of the respondents indicated their opposition to allowing people to legally carry concealed weapons within our schools and college campuses."

I ask you which is more important, the safety of our children or the rights of some adults that feel the need to push their agenda? Who will be the voice for children that don't have the power of money and a lobbyist? I ask you to be that voice and to do what is right and support the safety of our children by opposing SB 169

Thank you,
Kim Kaukl

Kim Kaukl
Executive Director
Wisconsin Rural Schools Alliance
608-553-0689
kimkaukl@wirsa.org

Senator Van Wanggaard, Committee Chair
Committee on Judiciary and Public Safety
Room 319 South
Wisconsin State Capitol
Madison, WI 53707-7882
Sen.Wanggaard@legis.wisconsin.gov

Senator Wanggaard,

I am writing this letter, and submitting this to your Committee on Judiciary and Public Safety Meeting on May 31st, relating to SB169, Right to Carry Legislation.

My name is Tom David, and I am the president of the New Berlin School Board. I am in support of SB169, and specifically support the right of CCW license holders to carry concealed on school grounds, while allowing individual school districts the right to post their buildings to prohibit firearms.

Currently, Wisconsin State Statute 948.605 (Gun Free Zones) is written to exempt persons under parts of 18 United States Code 922, which is the Federal Gun Free School Zone Act. 948.605, however, does not include the part of the Federal Gun Free School Zone Act which allows state licensed CCW permit holders to carry on school property. I believe this is because 948.605 was written prior to the passage of Wisconsin Act 35 in 2011, allowing for licensed concealed carry of firearms, and never was amended. One of the main sponsors of the Federal GFSZA that allows concealed carry on school property? Wisconsin's own former Senator Herb Kohl.

As the law stands now, any parent who is a CCW license holder, and is carrying concealed while on school grounds, even in their car to drop off or pick up a child, is committing a Class I felony. As there currently has been over 350,000 CCW licenses issued in Wisconsin, many of these CCW license holders may very well be parents who take their kids to school.

Senator Wanggaard, when you sponsored and supported legislation to allow off-duty and retired licensed police officers to carry on school grounds, you mentioned in a radio interview that you were cleaning up the concealed carry legislation. This is another instance where the CCW legislation needs to be cleaned up. Wisconsin needs to better mirror the Federal Gun Free School Zone Act. Nearly a dozen states allow licensed concealed carry on school property; without incident.

As this legislation provides for local school districts to have the option to post their buildings as "gun free zones", they are welcome to have the false sense of security that those signs provide, while allowing parents who are licensed CCW permit holders to carry concealed while outside of those buildings.

Thank you for your time and consideration in this matter.

Best Regards,

Tom David, President
New Berlin School Board
4333 S. Sunnyslope Road
New Berlin, WI 53151
(262) 789-6590, ext. 2562
tom.david@nbexcellence.org



SCHOOL DISTRICT OF BARABOO

423 Linn Street
Baraboo, WI 53913
(608) 355-3950 · Fax (608) 355-3919
email: dmering@barabooschools.net



To Senate Judiciary and Public Safety

Pg 1 of 2

From: Doug Mering Baraboo School Board

Subject: SB 169 Gun Free School Zone Law

Date: May 31, 2017

Thank you members of the Senate Committee on Judiciary and Public Safety. My name is Doug Mering and I am a member of the Baraboo School Board.

We in the Baraboo School District in cooperation with all parties including parents, community members, school employees, and other local governmental entities has determined that school safety is high priority item for us.

In 2015 our community passed a referendum which helped to secure the entrances of all our schools. Our survey of the community showed that the members of the Baraboo School District placed a high value on school safety. The referendum passed which then allowed for more secure entrances at all of our school buildings. We also know that these secure entrances was only a part of the equation to create a safer environment for our students.

The Baraboo School District has ventured to collaborate with our local police/fire departments and county emergency services, to have a high level training for all staff and students to learn the safest methods of minimizing death and injury from an active shooter situation , The protocols we used are those as given to us from the ALICE Training Institute. Acronym for ALICE stands for Alert, Lockdown, Inform, Counter and Evacuate.

We currently have two School Resource Police Officers in our buildings. Per our Police Chief this law will complicate their response to an active shooter in the building. Under SB169 determining who is the bad guy will become highly more difficult?

It is my hope that this bill will be defeated for the following reasons:

1. Another unfunded mandate. A gun free posting law will require extensive signage on very large properties. Unintended consequences of higher legal liability and lawyer fees will also occur.
2. Further erosion of local control. Do not change the law that will further erode our ability to protect our students, teachers and staff.
3. No current student should be able to have a gun on the school premises. We do have 18 year olds or older currently going to school which SB169 may allow to have a gun on the school grounds.
4. In an active shooter situation it creates an environment which is difficult to control where the likelihood of an innocent person to get shot is much higher.

Changes that could improve the bill.

- 1, Add provisions that will not make school district liable if they have gun free posting signs.
2. Initial training and continuous gun training must match or be above that of each school district's law enforcement before any additional guns are allowed on site if this has been approved by the local school board. Baraboo's Police Department is 40 hrs initial gun training and 2 hrs additional training each month.
3. All gun owners that bring guns onto school property even those in the parking lots need to register both in the office and with local law enforcement.
4. For schools that have secure entrances that unauthorized people who circumvent those entrance face a serious fine, jail time and possible felony.
5. Provisions to allow posting for no guns on all property adjacent to school property including university/college property.
6. Provisions for the protection of kindergarten and all preK sites even those that are in a off site public building.

Please for all the reasons listed above, but primarily because it will increase that safety risk for innocent people, please do not pass this bill.

Doug Mering
Legislative Contact
Baraboo School Board



May 30, 2017

Dear Legislators,

I am writing to voice concerns about SB 169.

Our schools are very safe places and we work hard to keep them safe. Every school has a detailed safety plan that staff are prepared to follow in the event of an emergency. Our staff members know what protocol to follow, and law enforcement respond when necessary. Having strong safety systems, along with the support of uniformed law enforcement when necessary, is important to us.

We're concerned that this bill would create confusion, uncertainty and possibly dangerous situations by encouraging more guns in and around our schools. Allowing people other than law enforcement 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.

Even if schools post that firearms are not allowed – an additional burden to post on every facility in our district – penalties would be dramatically decreased, making it harder to deter.

School officials manage school safety and work hard to ensure that schools are safe and positive environments. We should not be encouraging guns in or around schools. Legislators can take school safety seriously by supporting our staff, not undermining school safety systems by encouraging guns in and around schools.

We ask that you support our schools by opposing this bill. We are happy to provide any other information you may need. If you have any questions, please feel free to contact Rachel Strauch-Nelson at rmstrauchnel@madison.k12.wi.us or 663-1903.

Sincerely,

Jennifer Cheatham
Superintendent

Statement of Rabbi Jonathan Biatch, Madison, WI
Speaking in Opposition to proposed SB 169
Wisconsin Legislature, May 31, 2017
Contact Information: 608-238-3123; rabbi@tbemadison.org

Good morning.

I am Jonathan Biatch, Rabbi of Temple Beth El in Madison. I am present to speak against SB 169, the so-called permitless-carry legislation. If we as a state were to eliminate the need for a permit and firearm training, and if we were to require schools and/or school districts to opt in and actively declare that guns be restricted from their premises, we would be abdicating our responsibilities as wise and prudent guardians of the lives of the citizens of this state.

Removing these requirements, as SB 169 would do, would allow people without adequate skills and social consciousness to operate firearms in our state. The Supreme Court has ruled that states may impose reasonable gun laws, and I believe our state should establish rules that will lessen the chance that someone will use a weapon in an irresponsible way. To weaken current legislation would surely be an irresponsible course of action for Wisconsin.

Jewish tradition teaches that, "Whoever destroys a single life is considered to have destroyed the whole world, and whoever saves a single life is considered to have saved the whole world."¹ The traditions of Christianity² and Islam³ also mandate an approach to life and society where human life is sacred, especially as beings made in the Divine Image. The three Abrahamic

¹ Mishnah Sanhedrin 4:5; Babylonian Talmud Sanhedrin 37a

² See Matthew 26:47ff, where one of the disciples tries to defend Jesus with a sword in the garden of Gethsemane, where Jesus responds, "Put your sword back into its place; for all who take the sword will perish by the sword." In other words, resorting to violence only leads to more violence, and thus we can't, as individuals or a society, achieve true security through violence or the threat of violence. Even if one allows that lethal violence may be necessary in some circumstances to protect life, its use must be rigorously controlled by lawful authority and practical competence of the sorts that this legislation removes. This approach is better than vigilantism.

³ Koran, Sura 5:32

traditions agree that anytime we can save a life we must do so. I ask us to be mindful of these moral admonitions before we loosen reasonable regulations on firearms. There could be great danger in weakening the common-sense weapons principles that we have enshrined in our state law.

In fact, our Abrahamic traditions insist on peaceful pursuit of our mutual welfare. Isaiah exhorts the people of the earth to “beat their swords into plowshares, and their spears into pruning hooks.”⁴ We are commanded to turn weapons of destruction into tools for the greater good of society.

I come to you from a religious point of view. What about the feelings of all Wisconsinites irrespective of religious background? Recent opinion polls report that 91% of Wisconsinites – including 86% of gun owners in our state – support the current requirements in state law. Most Wisconsinites would want the law to remain as it is.

As elected officials, you should consider the rights, desires, and well-being of all citizens, not just the few who want to carry guns in public places with no questions asked.

Please stand with the clear majority of Wisconsin citizens, who support common sense gun legislation, and stand up to the gun lobby, which wants to further weaken our state’s gun laws. Thank you.

⁴ Isaiah 2:4

Statement to the Senate Committee on Judiciary and Public Safety, Regarding Senate Bill 169

Dear Chairman Wanggaard and members of the Committee:

Thank you for hearing my testimony today in opposition to Senate Bill 169. While I understand the interest in eliminating any inconveniences for gun carriers, good and sound laws must balance the convenience and rights of individuals with the safety and welfare of the public.

In writing for the majority in *District of Columbia v. Heller*, Supreme Court Justice Scalia made clear that, while the 2nd Amendment confers an individual right, that right is not unlimited. The summary of the decision includes this important passage:

Like most rights, the Second Amendment right is not unlimited. It is not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose: For example, concealed weapons prohibitions have been upheld under the Amendment or state analogues. The Court's opinion should not be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings...

Also important to the legislation you are currently considering, which would eliminate the requirement for training, the *Heller* Decision includes a definition of "well-regulated," stating that it means "the imposition of proper discipline and training."

Clearly, the United States Supreme Court's decision did not seek to justify guns in schools or the carrying of guns in public places by untrained, unscreened individuals. The Court's desire to balance individual rights with public safety is shared by Wisconsinites.

A survey conducted this year by SurveyUSA found that 91% of Wisconsinites support the current permit system, with its requirements of background checks and training. The support for keeping the current permit requirements is overwhelming for all measured subgroups, including gender, geographic location, level of urbanity, political party affiliation, level of education and parenthood status. Strikingly, 86% of gun owners and 85% of current concealed permit holders support the existing requirements, as do 93% of non-gun owners.

I, along with all of WAVE's members, stand with the 91%, and urge you to oppose SB 169.

Respectfully submitted,

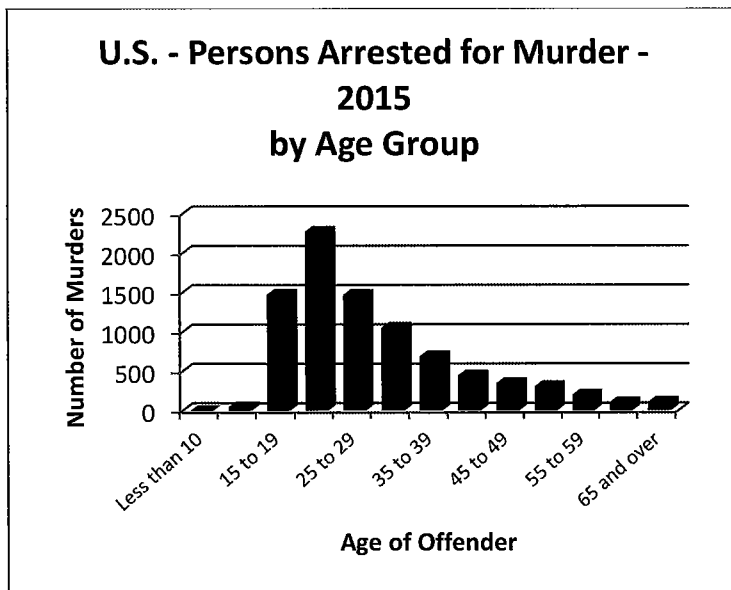
Jeri Bonavia
Executive Director
WAVE Educational Fund
jmbwave@aol.com
414.351.9283

SB 169 would legalize the carrying of concealed weapons by 18, 19 and 20 year olds.

Current Wisconsin law allows 18, 19 and 20 year olds to purchase handguns from unlicensed sellers, even though they are prohibited from buying handguns from licensed firearm dealers. SB 169 would allow these individuals to legally carry concealed guns in public places.

- These three years – 18, 19 and 20 – are part of the extremely high-risk age groups for violent criminal behavior.¹
- Nationwide, among all ages, the highest number of people arrested for serious crimes, such as murder, rape and robbery are often 18, 19 and 20 year olds.²

United States - 2015	1 st Highest Number Of Arrested Suspects	2 nd Highest Number Of Arrested Suspects	3 rd Highest Number of Arrested Suspects
Murder	21 year olds	19 year olds	20 year olds
Rape	18 year olds	19 year olds	20 year olds
Robbery	18 year olds	17 year olds	19 year olds



¹ U.S. Department of Justice, Federal Bureau of Investigation, *Uniform Crime Report, 2015, Table 38*. Accessed at <https://ucr.fbi.gov/crime-in-the-u.s/2015/crime-in-the-u.s.-2015/tables/table-38>

² Ibid

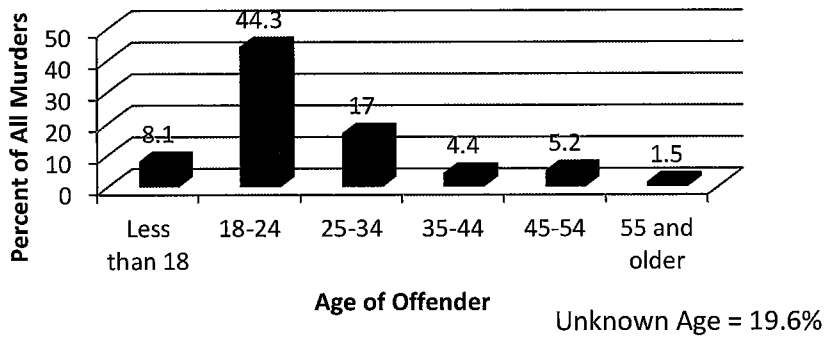
**U.S. - Persons Arrested for Murder -
2015
Ages 15 - 24**



With regard to criminality among young people, Wisconsin follows a similar pattern to the nation.

- In Wisconsin 18, 19 and 20 year olds fall into the highest risk group for violent crimes, including murder.³

**Percentage of Murders by Age
Wisconsin - 2012**



For more information, please contact:

WAVE Educational Fund, WAVE@WaveEdFund.org, 414-351-9283

³ Wisconsin Department of Justice, Crime Information Bureau, Crime in Wisconsin, 2012, July 2013. Accessed at <https://wilenet.org/html/justice-programs/programs/justice-stats/library/crime-and-arrest/2012-crime-in-wi.pdf>



Wisconsin Firearms Coalition
Greg Pruett, Political Director

Testimony on Senate Bill 169
May 31, 2017

Chairman Wanggaard, Vice Chairman Testin, and Members of the Judiciary and Public Safety Committee,

I'm Greg Pruett from the Wisconsin Firearms Coalition, and thank you Mr. Chair for scheduling this testimony hearing and the opportunity to testify in front of you today in favor of Senate Bill 169, Sen. Craig's Constitutional Carry bill that our organization is mobilizing on behalf of.

S.B. 169, at its core, is the simple idea that if you're legal to own a firearm, you should be able to carry it for any lawful purpose with no additional permits, fees, government mandated training, or bureaucratic paperwork required.

The right to keep and bear arms is a God-given, natural right enshrined in our Constitution, not a right bestowed on citizens by government or legislature.

Senate Bill 169 makes the current Wisconsin permit system optional so that everyday lawful Wisconsinites can continue obtaining a permit, if they choose to do so, for reciprocity purposes - so they can carry in states that have entered into a reciprocity agreement with the state of Wisconsin.

When considering this bill or the very idea of Constitutional Carry, it is important to keep in mind current Wisconsin law: it is legal right now to carry a firearm openly, with no training, no taxes or fees or and with no government permission required.

And this system seems to work out well: we don't have a problem here in Wisconsin with the accidental shooting of bystanders during self-defense situations, nor do we have a problem with vigilante justice being meted out at the hands of these "open carriers."

Additionally, Senate Bill 169 leaves unchanged the current disqualifiers on owning firearms at the Federal and State level - in other words, Constitutional Carry would not allow criminals any ability to own or carry firearms while committing criminal acts.

Some will naively say that by making the permit process - and the accompanying background checks - optional, that we're going to see an uptick in crime. But that's just not the case.

As a reminder, some of the worst killing sprees in recent memory were committed by people who passed their background checks.

The Charleston church shooter murdered 9 people after passing his background check.

The Aurora, Colorado killer in 2012 murdered 12 innocent citizens after passing a background check.

The Virginia Naval Yard murderer killed 13 people in 2013 after a background check.

The Ft. Hood shootings, the Virginia Tech shooting, the criminal who attempted to murder Gabby Giffords - all cases where thugs passed background checks before their crimes of violence.

FBI's annual crime report consistently has some of the lowest, if not THE lowest, violent crime rates per capita in the country.

Again, no vigilante justice. No negligent shootings. No blood in the streets.

It only makes sense.

The more guns in the hands of law-abiding citizens, the safer our communities are.

In fact, the city of Kennesaw, GA (a suburb of Atlanta) in 1982 passed a law requiring heads of households to keep at least one firearm in the house. The residential burglary rate subsequently dropped 89% in Kennesaw, compared to the modest 10.4% drop in Georgia as a whole.

Ten years later (1991), the residential burglary rate in Kennesaw was still 72% lower than it had been in 1981, before the law was passed!

In Orlando in 1966 and 1967, the media highly publicized a safety course which taught Orlando women how to use guns.

The result: Orlando's rape rate dropped 88% in 1967, whereas the rape rate remained constant in the rest of Florida and the nation.

Criminals get the message. Quickly.

And America doesn't have a problem with law abiding gun owners having firearms.

Law abiding gun owners are America's best citizens when it comes to not committing crimes, better than any other class of American citizens, bar none.

In fact, a study using data compiled from 1987-2015 in Texas and Florida showed "that permit holders are convicted of misdemeanors and felonies at less than a sixth the rate for police officers."

The point is, criminals willing to commit crimes of violence are not deterred by laws preventing them from procuring weapons to carry out their crimes!

If they can't buy a gun legally, they'll just go borrow one from one of their thug friends! Or they'll steal one as we saw in Janesville recently! Or, they'll strap on a knife, jump in their vehicle and drive to the nearest University and start mowing down students as we saw in Ohio.

In other words, criminals don't obey the laws: hence the term "criminal."

Instead, what these barriers do is make it harder for law-abiding citizens to possess and carry firearms for self-defense against the criminals who disregard the law anyway.

The great news is, Constitutional Carry is gaining popularity across the country. Just this year, it's passed in both North Dakota and New Hampshire.

Last year, it not only passed in Republican-controlled states like Mississippi and Idaho, but it passed into law in both Missouri and neighboring West Virginia as well -- even with Democrat Governors.

In fact, under President Barack Obama America went from two to eleven Constitutional Carry states, and today thirteen states have restored this right to their citizens, with over a dozen more currently considering it this year.

And despite the hand-wringing of nanny-staters like Michael Bloomberg and his front-groups like Moms Demand Action and Wisconsin Anti-Violence Effort, states with Constitutional Carry aren't hotbeds of Old West shootouts or vigilante justice.

That's because career criminals know that running into a potential victim who is armed is a recipe for early retirement.

In fact, in the state of Vermont, which has never regulated the carrying of firearms for self-defense, according to the

"Among police, firearms violations occur at a rate of 16.5 per 100,000 officers. Among permit holders in Florida and Texas, the rate is only 2.4 per 100,000. That is just one-seventh of the rate for police officers."

You see, this bill is fantastic for public safety and very bad for violent criminals.

Under current law criminals take more gambles with their crimes because they know many citizens don't have the time or money or desire to jump through government hoops before defending themselves.

Under Constitutional Carry, EVERY potential victim could be armed and the risk to commit crimes is even greater to a criminal's life.

Again, as stated before, law-abiding citizens exercising their 2nd Amendment rights are some of the finest citizens in the state of Wisconsin. They respect the rule of law and they respect our excellent law-enforcement community.

It's my belief that it is time for Wisconsin to take what is clearly the next step in defending the 2nd Amendment at the state level by enacting Constitutional Carry legislation.

Surely the citizens of Wisconsin are just as law-abiding and just as responsible with their firearms as the other citizens in the other 13 states who have already passed this law.

Thank you for your time. I ask that you vote in favor of this bill, with no weakening amendments. I will stand for questions.



Middleton-Cross Plains
Area School District
inclusive. innovative. inspiring.

Resolution – Opposing Potential Legislation Regarding Guns on School Grounds

Whereas, the Middleton-Cross Plains Area School District (MCPASD) is committed to providing safe learning environments for all students, staff, parents, visitors, and volunteers;

Whereas, current law prohibits a person from possessing a firearm on the grounds of a school;

Whereas, the MCPASD looks to their first responders to address safety and security concerns, and believes if others are armed in a school or on school grounds who may or may not be prepared and trained in accordance with rigorously thought-out plans, it jeopardizes the lives of innocent bystanders, police officers and children;

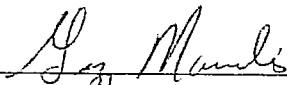
Whereas, the MCPASD does permit a weapon in the possession of and under the control of law enforcement in their official capacity to be in school buildings and other buildings owned, occupied or controlled by the school district, on school properties, in school-provided transportation, or at any school-sponsored or school-supervised activity;

Whereas, the MCPASD does permit a weapon in the possession of and under the control of off-duty law enforcement to be in school buildings and other buildings owned, occupied or controlled by the school district, on school properties, in school-provided transportation, or at any school-sponsored or school-supervised activity;

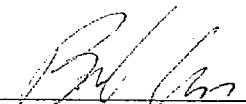
Whereas, the MCPASD does not permit someone with a Concealed Carry Weapon (CCW) license/permit, to use or possess a firearm, whether loaded or unloaded, in school buildings and other buildings owned, occupied or controlled by the school district, on school properties, in school-provided transportation, or at any school-sponsored or school-supervised activity;

Therefore Be It Resolved, the MCPASD Board of Education opposes legislation at the state or federal level that would legalize any further ability for anyone to bring a weapon or possess a weapon, concealed or otherwise, in school buildings and other buildings owned, occupied or controlled by the school district, on school properties, in school-provided transportation, or at any school-sponsored or school-supervised activity.

Dated this 22nd day of May, 2017.



Superintendent



Board of Education President

May 31, 2017

To the Committee on Judiciary and Public Safety

Statement of Opposition to SB 169

Bonnie Berger-Durnbaugh, MD, 4009 Chippewa Dr., Madison, WI 53711

I graduated from University of IL College of Medicine in Chicago and completed my medical school training in surgery at Michael Reese Hospital in Chicago's gang ridden impoverished southside. Everyday, usually starting in the afternoon, I admitted many young people with gun shot wounds. I don't know if you've ever seen someone who's been shot. It isn't like what you see on TV or the movies where people always die immediately. In real life victims get infections, fevers, abscesses in their organs that fester, lose limbs, become disabled. There are bystanders that are shot. There are families that are destroyed.

While Chicago may have one of the most extreme gun violence problems, cities in Wisconsin are not immune to it.

By lowering the age of eligibility for gun carry from 21 to 18, SB 169 would include adolescents. People of this age group do not have fully mature frontal cortices, which is the part of the brain that allows for caution and rational thinking. Adolescents age 18 -20 account for committing gun violence at a rate 4x that of adults. Allowing for lowering the age limit would be profoundly unwise and I urge you to reject SB 169.

I would also like to tell you about my friends Scott and Marissa. They were medical students with me, and Scott and I became close friends. He was kind, thoughtful, extremely artistic, and even wrote material for a stand-up comic. Scott married Marissa and they were loving attentive parents to 2 beautiful, bright, talented little daughters. Unfortunately Scott and Marissa's marriage didn't work out and Marissa filed for divorce, which was resolved amicably. But Scott went into a depression. He got a gun, went to where Marissa and the girls were staying, and when Marissa took her morning jog, he ambushed her, shooting her dead and then shooting himself in the head moments later. Their daughters suddenly had no parents and a legacy of a father that was a murderer. The younger girl suffered for years with emotionally related disabilities. Scott and Marissa's families fought over the girls while not being able to have peace with one another.

Had Scott not had easy access to a gun, he and Marissa would be alive today. He would not have killed Marissa if he had to be up close. Shooting from a distance made it easier to do. Those precious girls would have their parents. Scott and Marissa's parents, sisters and brothers would not feel pain for the rest of their lives. And Scott and Marissa's community and patients would not have suffered this tragedy and loss.

We need to have better screening to prevent people who are not mentally stable from having access to guns, not entirely remove requirements for background checks. For this reason, again, I urge you to reject SB 169.

Thank you for your attention,
Bonnie Berger-Durnbaugh, MD

WISCONSIN STATE SENATE

Public Hearing

Written Testimony

Mike Tharow

Name

8833 W. Mequon Rd

Street Address or Route Number

Mequon 53097

City/Zip Code

Organization (if applicable)

5/31/17

Date

Constitutional Carry

Subject

Registering: In Favor Against

I want to thank the body for hearing my testimony today. I am speaking to you today as a firefighter in a large Wisconsin city. As a father of two small children, and as resident of a small town with low crime. While I freely admit every citizen is entitled to have a fire arm, that in no way means society does not have the right to put common sense restrictions on this right. This body in fact has put restrictions on citizens right to vote the most basic right we have in this nation. We allow all those that wish to drive, but because of the huge responsibility that comes with operating a vehicle with so much power & weight we require all those that wish to drive complete a drivers education class, a written test, practical driving test, a vision test, along with maintaining current registration & insurance if one wants to own a car. Now we require all that for a machine that

if used properly gets you from point A to point B,
we require all that because society takes a very real
risk by allowing access to such a powerful machine
that if used incorrectly would result in deadly consequences.
Why then would we allow a machine's intended result
is deadly force to be more accessible than a driver's
license or our ~~fund~~ fundamental right to vote.

While every citizen has a right to obtain a firearm
for self defense, target shooting, hunting, collection or
whatever lawful reason one has to own a gun. Society
though, & government by its extension has the right &
duty to put common sense restrictions on that right.

While I feel the moral argument is on the side of
striking down this law. I remind this body that this
law has a human cost as well. I have been on
far too many runs in the city that I work
~~at~~ where children were caught in the cross fire. I have
been on far too many runs where a law abiding
citizen without proper training have shot themselves or a
close family member by mistake, and unfortunately
we have had far too many times my brothers in
the fire department have been shot at. To remove
common sense restrictions would put society at an
unreasonable risk. ~~Finally~~ ^{Also} as a father of two
small children I find it indefensible in the light
of Sandy Hook & numerous other school shootings our great
State would move to loosen our gun laws. In
conclusion, I ~~call into question~~ have to be so direct
but I call into question the moral integrity of
a legislative body that would move to restrict the
most basic right we have in this country the right
to vote because of a precieved unestablished claim of voter
fraud that would this move is that of the sun

NORM REYNOLDS

**12741 W. Champion Drive
Muskego, Wisconsin 53150**

31 May 2017

The United States and Wisconsin Constitutions provide citizens with the right to keep and bear arms with the only stated condition being not to be infringed. The typical legal citizen exercises the rights in any way they can, especially in how the weapon is carried, where carried, secured, and under any clothing.

Perpetrators purposely hide their weapons under clothing from unsuspecting victims view to gain the surprise advantage over them when conducting a crime. Thus, it is only logical that the surprise element should favor the legal citizen by concealing a weapon than the criminal. It is the legal citizens duty to protect themselves and others from threat or harm by others.

This bill, SB 169, extends citizens protection for firearm possession on properties, especially in vehicles that can be secured in parking lots as their home away from home. Public and private entities reserve the right to post weapon prohibition in their buildings and all that ensues. This situation is essential for out of town visitors unaware that by simply turning onto a street they unknowingly can be within a school zone. Imagine the surprise if stopped by police and eventually charged as a felon for having a weapon. The same applies to family members dropping-off and picking-up school students as their daily duty and responsibility.

Years ago we were well cautioned by numerous politicians that concealed carry weapons would become the rebirth of the Wild West in our state. That surely has yet to happen and the general citizen exhibits sound judgment in not firing at-will on anyone at anytime. If anything, they are more circumspect on surroundings and weapon use. Further, states having constitutional carry for weapons have historically shown that citizens seek proper training on their own, as the risk has become too great in not having it.

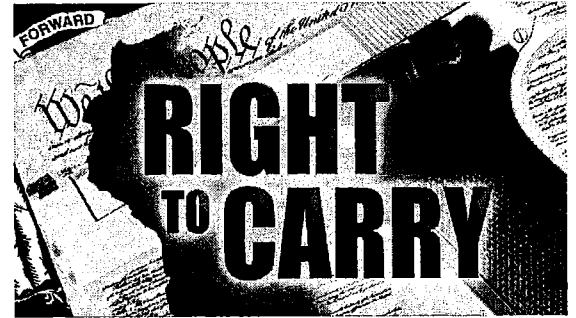
This bill needs to become law and compliment the existing federal law for continuity by citizens for their protection. Not only is it logical, but also timely just to exercise the most dependable right for defense.



DAVID CRAIG

STATE SENATOR

Senate Committee on Judiciary and Public Safety
Public Hearing, May 31, 2017
Senate Bill 169
Senator David Craig, 28th Senate District



Chairman Wanggaard and Committee Members,

Thank you for hearing testimony on Senate Bill 169 regarding the right to carry a firearm.

After 5 years and more than 300,000 concealed carry licenses issued, responsible and law-abiding gun owners have made the clear case to move Wisconsin forward and expand state law to reflect the constitutional **right to carry** a weapon in self-defense. This bill allows for the concealed carry of a firearm *without a license* anywhere in the state a person is legally allowed to carry a firearm and simplifies state law while reducing the cost to citizens who choose to protect themselves and their families.

The current license structure limits those who follow the law and presents administrative and cost barriers to self-protection. With this bill, we make carrying more affordable and provide greater freedom for those who obey the law while maintaining stiff penalties for criminals who commit crimes with firearms.

Under current law, the "open" or exposed carry of a firearm is legal without a concealed carry license. However, current law does not allow person to carry their defense firearm or non-lethal weapon in a purse or under a winter coat unless they get a concealed carry license. By removing the requirement for a concealed carry license, we align concealed and open carry laws and allow for a wide variety of carry options for those who wish to carry for self-defense. Law-abiding citizens will have the same right to carry discreetly that they currently have to carry openly.

Currently, 12 states have Constitutional Carry laws and an additional 20 states are considering the issue this legislative session. With this bill, Wisconsin will take the next step towards aligning our state law with our nation's founding ideals.

The individual right to keep and bear arms is guaranteed in our nation's constitution and is further enumerated in Wisconsin's constitution to provide the "*right to keep and bear arms for security, defense, hunting, recreation or any other lawful purpose.*" It is with this constitutional provision in mind that we reaffirm the rights and liberties of law-abiding citizens to carry a concealed weapon without a license.

Thank you for holding a public hearing on this bill and for hearing our testimony.

RIGHT TO CARRY

FAQs

What is the difference between a concealed carry license, and a basic concealed carry license?

The concealed carry license stays the same as the license issued by the Department of Justice under current law requiring completion of a training program. In addition to this current license, the bill creates a basic concealed carry license that does not require completion of a training program. To receive either license, DOJ must complete a background check. Both of these licenses are retained despite the fact that they are no longer necessary to carry a firearm in Wisconsin for purposes of reciprocity with other states and minimizing the applicability of federal firearm restrictions.

Under this bill, do I have to have a concealed carry license at all?

No, both licenses are optional. However, a person may choose to obtain one of these licenses for purposes of carrying a firearm in another state or to minimize the applicability of federal firearm restrictions. The only difference between the two licenses is that one has a training program requirement, and the other does not.

Do I need a concealed carry license to carry a handgun in my car?

No. This bill clarifies the law and allows all those legally allowed to possess a handgun to carry in their vehicle, regardless of whether it is concealed or not.

Under this bill, if I currently have a concealed carry license, do I need to obtain a new license?

No.

My employer's property is posted to prohibit possession of a firearm. Can I leave my firearm in my car?

Yes. Current law allows employees to possess a firearm in a vehicle in parking lots with posted signs prohibiting possession of firearms by their employer if they have a concealed carry license. This bill removes the requirement for this license. This provision applies to all employers.

What is an antique firearm?

For the purposes of the National Firearms Act, the term "Antique Firearms" means any firearm not intended or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

Antique firearm also generally includes any muzzleloading rifle, muzzleloading shotgun, or muzzleloading pistol, which is designed to use black powder, or a black powder substitute, and which cannot use fixed ammunition.

Can non-residents of Wisconsin carry their firearm openly or concealed in Wisconsin?

Yes, as long as they are not entering legally posted property prohibiting possession of firearms, and if they are in a school zone, they hold one of the two types of Wisconsin licenses.

RIGHT TO CARRY

FAQs

What does this bill change regarding shining?

The bill removes the general prohibition against carrying a firearm while shining wildlife. For example, under current law, if you were to shine the headlights of your vehicle at a deer at night while possessing a firearm in your vehicle, you would be violating current law. Under this bill, situations where you are carrying a firearm and shining (but NOT shooting the firearm) would be allowed.

This bill does NOT allow shining and shooting of any wildlife for which this is not allowed under current law, such as deer and bear.

SCHOOL ZONES AND COLLEGE CAMPUSES

Does this bill allow for the carrying of firearms in school buildings and on school grounds?

Generally, yes. **However**, the bill does leave it up to the schools to decide whether carrying a firearm in school buildings or on school grounds is permissible, with one exception. It is important to note that no one is permitted under federal law to carry a firearm in a school zone unless they are licensed by the state in which the school is located. For example;

a. If you have a Wisconsin concealed carry license and the school does not post signs prohibiting possession of firearms in their buildings and/or grounds:

You would be able to carry a firearm in the school zone.

b. If you do not have a Wisconsin concealed carry license and the school does not post signs prohibiting possession of firearms in their buildings and/or grounds:

If you do not have a Wisconsin concealed carry license, you cannot carry a firearm in the school zone under federal law. This bill does not and cannot change federal law.

c. If you have a Wisconsin concealed carry license and the school does post signs prohibiting possession of firearms in their buildings and/or grounds:

You would not be able to carry a firearm in the buildings and/or grounds. However, if the buildings and/or grounds are posted, you are still able to carry a loaded or unloaded firearm in any vehicle driven or parked in a parking facility in school buildings or on school grounds.

d. If you do not have a Wisconsin concealed carry license and the school does post signs prohibiting possession of firearms in their buildings and/or grounds:

You would not be able to carry a firearm anywhere within the school zone under federal AND state law.

Does this bill allow for carrying of firearms in college buildings and on campus grounds?

Current law allows for colleges and universities to post their buildings. If the building is posted, you cannot enter while carrying a firearm. Current law does not allow for colleges and universities to post their grounds. This bill does not change current law.

Can I carry a firearm openly or concealed into a stadium?

Generally, yes. There is no state prohibition of carrying a firearm in stadiums. **However**, some stadiums may be legally posted with signs prohibiting possession of firearms, such as stadiums on school grounds, stadiums that are part of special events, stadiums that qualify as buildings, or stadiums that require access to enter through a posted building.



WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director

Jessica Karls-Ruplinger, Deputy Director

TO: SENATOR DAVID CRAIG
LK
FROM: Larry Konopacki, Principal Attorney
RE: LRB-2039/1 - Possession of Firearms in School Zones
DATE: March 6, 2017 (Revised April 14, 2017)

This memorandum describes the provisions in LRB-2039/1 ("the bill draft") relating to the possession of firearms in school zones.

BACKGROUND

Both state and federal law include very similar "gun free school zones" provisions generally banning the possession of firearms in school buildings, on the grounds of a school, and within 1,000 feet of the grounds of a school. [s. 948.605, Stats.; 18 U.S.C. s. 922 (q) (2).] There are a number of exceptions to these general rules.¹

A person who has a Wisconsin concealed carry license under current law ("a licensee") is *not* subject to the *federal* gun free school zones law with respect to schools in Wisconsin. [18 U.S.C. s. 922 (q) (2) (B) (ii).]² In addition, a licensee is not subject to the general state prohibition against possessing a firearm within 1,000 feet of the grounds of a school.

Under state law, a person who knowingly possesses a firearm at a place that the person knows, or has reasonable cause to believe, is **in or on the grounds of a school** is guilty of a Class I felony. Any person who is not a licensee who knowingly possesses a firearm at a place that

¹ Some exceptions to these general rules include possession of a firearm for use in a school-approved program, possession under a contract with the school, possession by law enforcement officers, possession of unloaded and encased (federal law requires the case to be "locked") firearms, and possession while legally hunting in a school forest.

² The penalties for violation of the federal gun free school zones law are a fine up to \$5,000 or imprisonment for up to five years, or both. [18 U.S.C. s. 924 (a); 18 U.S.C. s. 357.] Federal law defines this penalty as a misdemeanor.

the person knows, or has reasonable cause to believe, is within 1,000 feet of the grounds of a school is subject to a Class B forfeiture.

LRB-2039/1

The bill draft makes a number of changes related to the possession of firearms in or near a school. The bill draft eliminates the state gun free school zones law and instead specifies that schools may choose to prohibit the possession of firearms in schools or on the grounds of schools under state trespass law, by posting signs notifying people of the prohibition. If schools choose to "post" their school buildings or grounds in this way, such a prohibition would generally not apply to a firearm that is kept in a vehicle. Under the bill draft, possession of a firearm in a posted school building is punishable as a Class C misdemeanor and possession of a firearm on the posted grounds of a school is punishable as a Class B forfeiture.

As noted above, a person who holds a Wisconsin concealed carry license is not subject to the federal gun free school zones law with respect to schools in Wisconsin. This bill draft creates an additional type of Wisconsin concealed carry license that requires a background check to be conducted on the applicant but does not require the applicant to complete a training course. A person who obtains one of these new "basic" concealed carry licenses would also not be subject to the federal gun free school zones law with respect to schools in Wisconsin.

Under current law and the bill, a person must be at least 21 years old to obtain a Wisconsin concealed carry license. Therefore, possession of a firearm in a school zone by a person younger than 21 years old would remain illegal under federal law.

If you have any questions, please feel free to contact me directly at the Legislative Council staff offices.

LAK:ty



WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director

Jessica Karls-Ruplinger, Deputy Director

TO: SENATOR VAN H. WANGGAARD

FROM: Larry Konopacki, Principal Attorney

RE: Changes Related to Weapons in Vehicles Under 2017 Senate Bill 169 and 2017
Assembly Bill 247

DATE: May 30, 2017

This memorandum describes the changes to laws relating to weapons in vehicles in 2017 Senate Bill 169 and 2017 Assembly Bill 247 (the bill).

Vehicles Generally

A person is generally prohibited under current law from placing, possessing, or transporting, in or on a vehicle, a loaded firearm other than a handgun (i.e., a long gun), a bow that has an arrow knocked, or a crossbow that is either cocked and uncased or loaded and encased. [s. 167.31 (2) (b), Stats.] The loading of a long gun in a vehicle is also prohibited under current law. [s. 167.31 (2) (c), Stats.] A loaded handgun may be placed, possessed, or transported in or on a vehicle, a handgun may be loaded in a vehicle, and a loaded long gun may also be placed or possessed on a vehicle if the vehicle is *stationary*. [s. 167.31 (2) (b) 1. and (4) (ag), Stats.]

The bill would eliminate the general prohibitions against placing, possessing, or transporting these types of weapons in or on a vehicle, and the prohibition against loading a long gun in a vehicle. [SECTIONS 18 and 19.]

All-Terrain Vehicles (ATVs)

Under current law, a person is generally prohibited from operating an ATV while possessing a loaded long gun. [s. 23.33 (3c), Stats.] A person may possess a loaded handgun while operating an ATV. The bill would eliminate the prohibition against operating an ATV while in possession of a loaded long gun. [SECTION 1.]

Motorboats

Under current law, a loaded handgun may be placed, possessed, or transported on a motorboat with its motor running. However, a person may not place, possess, or transport, in or on a motorboat with its motor running, any of the following: a loaded long gun, a bow that has an arrow knocked, or a crossbow that is either cocked and uncased or loaded and encased is prohibited. [s. 167.31 (2) (a), Stats.] The bill would eliminate this prohibition. [SECTION 18.]

Airplanes

Under current law, it is generally illegal to place, possess, or transport a firearm, bow, or crossbow in or on a commercial or noncommercial aircraft, unless the firearm is unloaded and encased or unless the bow or crossbow is unstrung or is enclosed in a carrying case, although placement, possession, or transport of a loaded and uncased *handgun* is permissible in a *noncommercial* aircraft. The bill would remove these prohibitions as they relate to *noncommercial* aircraft.

Public Mass Transportation Systems

Under the bill, a person may not be prohibited from going armed with a firearm, knife, or electric weapon on a vehicle that is part of a public mass transportation system.

Note that in *Wisconsin Carry, Inc., v. City of Madison*, 2017 WI 19, the Wisconsin Supreme Court recently ruled that neither the City of Madison nor its Transit and Parking Commission may prohibit passengers from bearing weapons, including firearms, knives, electric weapons, and billy clubs, on its Metro Transit buses.

If you have any questions, please feel free to contact me directly at the Legislative Council staff offices.

LAK:ty



WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director

Jessica Karls-Ruplinger, Deputy Director

TO: SENATOR VAN H. WANGGAARD

FROM: Larry Konopacki, Principal Attorney

RE: Legislative Action Related to Electric Weapons

DATE: May 26, 2017

This memorandum describes the changes to laws governing the possession and use of electric weapons under 2011 Wisconsin Act 35 and the proposed changes related to electric weapons contained in 2017 Senate Bill 169 and 2017 Assembly Bill 247.

Section 941.295, Stats., generally prohibits the sale, transportation, manufacture, and possession of an electric weapon,¹ and specifies that a person may not go armed with an electric weapon, with certain exceptions.² Violation of this prohibition is punishable as a Class H felony.³

2011 Wisconsin Act 35 created a number of additional exceptions to this prohibition, including authorization for the following:

- Possession of, going armed with, and transportation of an electric weapon by people authorized to carry concealed weapons in this state under Act 35.⁴

¹ "Electric weapon" means any device which is designed, redesigned, used, or intended to be used, offensively or defensively, to immobilize or incapacitate persons by the use of electric current. [s. 941.295 (1c) (a), Stats.]

² Prior to passage of Act 35, this prohibition included exceptions for law enforcement officers, armed forces personnel, corrections personnel, manufacturers, and common carriers, under certain conditions.

³ A Class H felony is punishable by a fine not to exceed \$10,000 or imprisonment not to exceed six years, or both. [s. 939.50 (3) (h), Stats.]

⁴ Act 35 created a licensing system which allows a license holder or an out-of-state licensee to carry a concealed weapon in this state. For more information about the legislation that became Act 35, see http://docs.legis.wisconsin.gov/misc/lc/information_memos/2011/im_2011_10 and s. 175.60, Stats.

- Possession of and going armed with an electric weapon by an individual who does so in his or her own dwelling or place of business or on land that he or she owns, leases, or legally occupies.
- Transportation of an electric weapon by people not authorized to carry concealed weapons in this state under Act 35 if the electric weapon is enclosed within a carrying case.

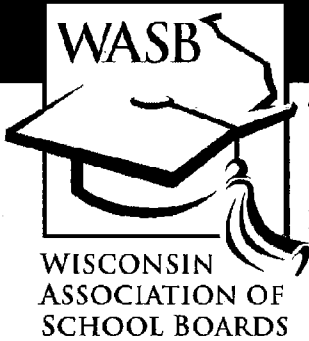
2017 Senate Bill 169 and 2017 Assembly Bill 247 (the bill) does the following with respect to laws related to electric weapons:

- Eliminates the general prohibition against the sale, transportation, manufacture, possession, or going armed with an electric weapon, except that this prohibition would apply to people who are prohibited from possessing a firearm.
- Generally prohibits regulation by political subdivisions related to the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permitting, registration, or taxation of any electric weapon unless the regulation is the same as or similar to, and no more stringent than, a state statute.
- Specifies that a person may not be prohibited from going armed with an electric weapon on a vehicle that is part of a public mass transportation system.
- Provides that unless other facts and circumstances that indicate a criminal or malicious intent on the part of the person apply, no person may be in violation of, or be charged with a violation of, disorderly conduct or other inappropriate behavior for carrying or going armed with an electric weapon, without regard to whether the electric weapon is concealed or openly carried.

Under the bill, a person under the age of 18 would continue to be subject to the general prohibition against possessing an electric weapon under s. 948.60, Stats. Also, the possession of electric weapons by people of any age would still generally be prohibited on school premises unless the electric weapon is kept in a vehicle, under certain conditions. [s. 948.61, Stats.] Under the bill, electric weapons would continue to be considered a "dangerous weapon" for purposes of certain criminal law provisions and penalty enhancers. [s. 939.22 (10), Stats.]

If you have any questions, please feel free to contact me directly at the Legislative Council staff offices.

LAK:ty



"Leadership in Public School Governance"

JOHN H. ASHLEY, EXECUTIVE DIRECTOR

122 W. WASHINGTON AVENUE, MADISON, WI 53703
PHONE: 608-257-2622 FAX: 608-257-8386

TO: Members, Senate Committee on Judiciary and Public Safety
FROM: Dan Rossmiller, WASB Government Relations Director
DATE: May 31, 2017
RE: OPPOSITION to SENATE BILL 169, relating to going armed with a firearm and electric weapons, licenses for carrying a concealed weapon, trespassing while armed with a firearm, and providing criminal penalties

The Wisconsin Association of School Boards (WASB) **opposes** Senate Bill 169 on the grounds that it would broaden the ability of persons to possess firearms in school zones and on school grounds and would reduce the penalties for bringing firearms into school settings.

Among other things, Senate Bill 169 would: repeal the state's gun free school zones law; allow individuals to obtain a "basic" concealed carry licenses without completing firearms training, thus enabling them to be exempt from provisions in the federal gun free school zones act prohibiting possession of firearms within a school zone; require school boards to post school buildings and grounds to prohibit possession of firearms by concealed carry license holders in those places; and reduce penalties for persons who possess firearms in school buildings and on school grounds in violation of such postings.

Representatives of WASB member boards have adopted a resolution stating that "*the WASB opposes any initiatives at the state or federal level that would legalize any further ability for anyone, with the exception of sworn law enforcement officers, to bring a weapon or possess a weapon, including a facsimile or "look-alike" weapon, concealed or otherwise, in school zones or lessen the consequences for violation of existing safe school policies relating to guns and other weapons.*" Simply put, the majority of my members believe that guns and children are not a good mix.

Expanding Firearms Possession in School Zones:

Currently, both federal and state statutes include similar "Gun-Free School Zones" (GFSZ) provisions. These statutes generally ban the possession of firearms in school buildings, on school grounds and within 1,000 feet of the grounds of a school. Both laws provide a number of exceptions to the general prohibition. One important exception under both laws covers individuals who hold a state carrying concealed weapon (CCW) license. Under both laws, there is an incentive for individuals to obtain a CCW license because such a license allows them greater ability to possess a firearm in a school zone than a non-licensed individual

- Under current *federal* law, an individual with a *Wisconsin* carrying concealed weapon (CCW) licensee is **not subject** to the *federal* GFSZ law prohibition with respect to weapons possession *in Wisconsin* school zones, including in school buildings and on school grounds. (The *federal* GFSZ law does not restrict firearms possession by an individual "licensed to do so by the state in which the school zone is located.")
- Under current *state* law, CCW licensees may carry firearms within 1,000 feet of the grounds of a school but not in schools or on school grounds. Wisconsin's state GFSZ law (§948.605, Stats.) is thus more restrictive than the federal version with respect to CCW licensees. The general prohibition against an individual, including a student, knowingly possessing a firearm in or on school grounds applies to everyone. As noted, there is no exception for CCW licensees.

By repealing the state's gun-free school zones (GFSZ) statute, Senate Bill 169 would allow CCW licensees to possess firearms on school grounds and in school buildings unless the school posted signs prohibiting possession of firearms under state trespass law provisions (see §943.13, Stats.) created under the bill. With the repeal of the state's GFSZ law, there would no longer be a prohibition against possessing a firearm within 1,000 feet of the grounds of a school under state law.

Reducing Penalties for Firearms Possession in School Zones, Including on School Grounds and in School Buildings:

Under the current *state* GFSZ law, unless otherwise covered by an exception, any individual who knowingly possesses a firearm at a place that the individual knows, or has reasonable cause to believe, is in or on the grounds of a school is guilty of a Class I felony, a crime punishable by a fine not to exceed \$10,000 or imprisonment not to exceed 3 years and 6 months, or both. Any individual who knowingly possesses a firearm at a place that the individual knows, or has reasonable cause to believe, is within 1,000 feet of the grounds of a school is subject to a Class B forfeiture, punishable by a monetary forfeiture not to exceed \$500. (Under Wisconsin law, a crime is conduct which is prohibited by state law and punishable by fine or imprisonment or both. Conduct punishable only by a forfeiture is not a crime.)

Senate Bill 169 would repeal the current *state* GFSZ law, eliminating the penalties noted above. In its place, the bill would allow schools to post school buildings and grounds. The penalty for possessing a firearm in a school building in violation of such a posting would be a Class C misdemeanor, a crime punishable by a fine not to exceed \$500 or imprisonment not to exceed 30 days, or both. The penalty for possessing a firearm on school grounds in violation of such a posting would be a Class B forfeiture, punishable by a monetary forfeiture not to exceed \$500. (As noted, conduct punishable only by a forfeiture is not a crime.)

Eliminating Training Requirement to Obtain a Carry Concealed Weapon (CCW) Permit:

Under Senate Bill 169, bill, gun owners over the age of 18 who can legally own a firearm would no longer be required to obtain a license in order to carry a concealed firearm in Wisconsin. However, in order to lawfully possess a firearm in a school zone without violating the current federal GFSZ law, gun owners would still be required to obtain a CCW license. The bill would create a basic carrying concealed weapon permit that would require a background check but would not require firearms training. In the interest of school safety, we are concerned that individuals would no longer have to complete a firearms safety or training course in order to receive a basic CCW license, which, as noted, would enable them to possess a firearm within a school zone without violating the federal GFSZ act.

For these reasons, the WASB opposes Senate Bill 169.

**NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
11250 WAPLES MILL ROAD
FAIRFAX, VIRGINIA 22030-7400**

Memorandum of Support

Date: May 31, 2017

To: Senate Committee on Judiciary & Public Safety

From: John Commerford, Deputy Director, State & Local Affairs

RE: Senate Bill 169

Mr. Chairman and members of the committee, I appreciate the opportunity to address you this morning. I am here today on behalf of the tens of thousands of NRA members throughout Wisconsin to express support for SB 169.

In Wisconsin, it is already legal to carry a firearm openly, as long as the individual is not prohibited by law from possessing a firearm. However, under current law, if a firearm becomes covered by a coat or if an individual prefers to carry a firearm for self-protection in a purse or handbag, one would need to obtain a concealed carry license.

Senate Bill 169 simplifies Wisconsin's current carry law, eliminates unnecessary government red-tape, and allows law abiding gun owners the ability to exercise their constitutional right to possess a firearm and use that firearm for self-defense.

With the passage of this legislation, only law abiding citizens who are eligible to possess a firearm under state or federal law would be able to exercise their right to carry without a license.

Federal disqualifiers for firearm possession include:

- Felony conviction
- Conviction of a misdemeanor crime of domestic abuse
- Having been adjudicated mentally incompetent
- Dishonorable discharge from the U.S. Military
- Unlawful user of alcohol, controlled substances or other drugs
- Currently subject to a protective order

SB 169 would not change the current licensing system. Individuals will still be able to apply for a license in order to take advantage of reciprocity agreements and to be in compliance with the federal gun free school zones act.

Wisconsin would become the 13th state to enact this concealed carry reform into law. In other states, such as Arizona, license issuance has seen a significant increase since the passage of constitutional carry.

In addition to the reform mentioned above, SB 169 provides an important fix to Wisconsin law that covers concealed carry on school grounds. Under federal law, an individual is exempted from the gun free school zones act if they possess a valid right to carry license. Wisconsin law currently does not mirror this exemption, and thus forces parents to forfeit their right to self-defense while picking up their children

from school. SB 169 implements that exemption, allowing for the carry of a firearm, with a license, on the public right of way. In other words, a parent may carry a firearm in their vehicle while picking up their child. School buildings and areas where after school functions may occur are still subject to firearm posting restrictions.

For too long, law abiding gun owners have been cited and penalized for legally carrying a firearm in their cars when picking up their children from school. Getting rid of the 1000 foot rule, and allowing for the lawful access to parking and pick-up areas simplifies the law and does not criminalize parents and guardians who choose to lawfully carry their handguns.

SB 169 provides comprehensive Second Amendment reforms that will benefit hundreds of thousands of lawful firearm owners in the State of Wisconsin. On behalf of these individuals and NRA members, I respectfully request your support of Senate Bill 169.



SCHOOL DISTRICT OF BARABOO

423 Linn Street
Baraboo, WI 53913
(608) 355-3950 · Fax (608) 355-3919
email: dmering@barabooschools.net



To Senate Judiciary and Public Safety

Pg 1 of 2

From: Doug Mering Baraboo School Board

Subject: SB 169 Gun Free School Zone Law

Date: May 31, 2017

Thank you members of the Senate Committee on Judiciary and Public Safety. My name is Doug Mering and I am a member of the Baraboo School Board.

We in the Baraboo School District in cooperation with all parties including parents, community members, school employees, and other local governmental entities has determined that school safety is high priority item for us.

In 2015 our community passed a referendum which helped to secure the entrances of all our schools. Our survey of the community showed that the members of the Baraboo School District placed a high value on school safety. The referendum passed which then allowed for more secure entrances at all of our school buildings. We also know that these secure entrances was only a part of the equation to create a safer environment for our students.

The Baraboo School District has ventured to collaborate with our local police/fire departments and county emergency services, to have a high level training for all staff and students to learn the safest methods of minimizing death and injury from an active shooter situation , The protocols we used are those as given to us from the ALICE Training Institute. Acronym for ALICE stands for Alert, Lockdown, Inform, Counter and Evacuate.

We currently have two School Resource Police Officers in our buildings. Per our Police Chief this law will complicate their response to an active shooter in the building. Under SB169 determining who is the bad guy will become highly more difficult?

It is my hope that this bill will be defeated for the following reasons:

1. Another unfunded mandate. A gun free posting law will require extensive signage on very large properties. Unintended consequences of higher legal liability and lawyer fees will also occur.
2. Further erosion of local control. Do not change the law that will further erode our ability to protect our students, teachers and staff.
3. No current student should be able to have a gun on the school premises. We do have 18 year olds or older currently going to school which SB169 may allow to have a gun on the school grounds.
4. In an active shooter situation it creates an environment which is difficult to control where the likelihood of an innocent person to get shot is much higher.

Changes that could improve the bill.

- 1, Add provisions that will not make school district liable if they have gun free posting signs.
2. Initial training and continuous gun training must match or be above that of each school district's law enforcement before any additional guns are allowed on site if this has been approved by the local school board. Baraboo's Police Department is 40 hrs initial gun training and 2 hrs additional training each month.
3. All gun owners that bring guns onto school property even those in the parking lots need to register both in the office and with local law enforcement.
4. For schools that have secure entrances that unauthorized people who circumvent those entrance face a serious fine, jail time and possible felony.
5. Provisions to allow posting for no guns on all property adjacent to school property including university/college property.
6. Provisions for the protection of kindergarten and all preK sites even those that are in a off site public building.

Please for all the reasons listed above, but primarily because it will increase that safety risk for innocent people, please do not pass this bill.

Doug Mering
Legislative Contact
Baraboo School Board



May 30, 2017

Dear Legislators,

I am writing to voice concerns about SB 169.

Our schools are very safe places and we work hard to keep them safe. Every school has a detailed safety plan that staff are prepared to follow in the event of an emergency. Our staff members know what protocol to follow, and law enforcement respond when necessary. Having strong safety systems, along with the support of uniformed law enforcement when necessary, is important to us.

We're concerned that this bill would create confusion, uncertainty and possibly dangerous situations by encouraging more guns in and around our schools. Allowing people other than law enforcement 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.

Even if schools post that firearms are not allowed – an additional burden to post on every facility in our district – penalties would be dramatically decreased, making it harder to deter.

School officials manage school safety and work hard to ensure that schools are safe and positive environments. We should not be encouraging guns in or around schools. Legislators can take school safety seriously by supporting our staff, not undermining school safety systems by encouraging guns in and around schools.

We ask that you support our schools by opposing this bill. We are happy to provide any other information you may need. If you have any questions, please feel free to contact Rachel Strauch-Nelson at rmstrauchnel@madison.k12.wi.us or 663-1903.

Sincerely,

Jennifer Cheatham
Superintendent

Statement of Rabbi Jonathan Biatch, Madison, WI
Speaking in Opposition to proposed SB 169
Wisconsin Legislature, May 31, 2017
Contact Information: 608-238-3123; rabbi@tbemadison.org

Good morning.

I am Jonathan Biatch, Rabbi of Temple Beth El in Madison. I am present to speak against SB 169, the so-called permitless-carry legislation. If we as a state were to eliminate the need for a permit and firearm training, and if we were to require schools and/or school districts to opt in and actively declare that guns be restricted from their premises, we would be abdicating our responsibilities as wise and prudent guardians of the lives of the citizens of this state.

Removing these requirements, as SB 169 would do, would allow people without adequate skills and social consciousness to operate firearms in our state. The Supreme Court has ruled that states may impose reasonable gun laws, and I believe our state should establish rules that will lessen the chance that someone will use a weapon in an irresponsible way. To weaken current legislation would surely be an irresponsible course of action for Wisconsin.

Jewish tradition teaches that, "Whoever destroys a single life is considered to have destroyed the whole world, and whoever saves a single life is considered to have saved the whole world."¹ The traditions of Christianity² and Islam³ also mandate an approach to life and society where human life is sacred, especially as beings made in the Divine Image. The three Abrahamic

¹ Mishnah Sanhedrin 4:5; Babylonian Talmud Sanhedrin 37a

² See Matthew 26:47ff, where one of the disciples tries to defend Jesus with a sword in the garden of Gethsemane, where Jesus responds, "Put your sword back into its place; for all who take the sword will perish by the sword." In other words, resorting to violence only leads to more violence, and thus we can't, as individuals or a society, achieve true security through violence or the threat of violence. Even if one allows that lethal violence may be necessary in some circumstances to protect life, its use must be rigorously controlled by lawful authority and practical competence of the sorts that this legislation removes. This approach is better than vigilantism.

³ Koran, Sura 5:32

traditions agree that anytime we can save a life we must do so. I ask us to be mindful of these moral admonitions before we loosen reasonable regulations on firearms. There could be great danger in weakening the common-sense weapons principles that we have enshrined in our state law.

In fact, our Abrahamic traditions insist on peaceful pursuit of our mutual welfare. Isaiah exhorts the people of the earth to “beat their swords into plowshares, and their spears into pruning hooks.”⁴ We are commanded to turn weapons of destruction into tools for the greater good of society.

I come to you from a religious point of view. What about the feelings of all Wisconsinites irrespective of religious background? Recent opinion polls report that 91% of Wisconsinites – including 86% of gun owners in our state – support the current requirements in state law. Most Wisconsinites would want the law to remain as it is.

As elected officials, you should consider the rights, desires, and well-being of all citizens, not just the few who want to carry guns in public places with no questions asked.

Please stand with the clear majority of Wisconsin citizens, who support common sense gun legislation, and stand up to the gun lobby, which wants to further weaken our state’s gun laws. Thank you.

⁴ Isaiah 2:4