



2013 ASSEMBLY BILL 165

April 25, 2013 - Introduced by Representatives BEWLEY, BERNIER, CZAJA, KLEEFISCH, SMITH, STROEBEL, THIESFELDT, VRUWINK and WRIGHT, cosponsored by Senators LEHMAN, SCHULTZ and L. TAYLOR. Referred to Committee on Judiciary.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to amend* 175.49 (3) (title), (a) (intro.), 1., 2. and 4., (b) and (c), 175.49
2 (5) and 941.23 (3) (b) 2. a.; and *to create* 175.49 (1) (em) of the statutes;
3 **relating to:** certification cards to carry concealed weapons for residents of
4 Wisconsin who formerly were employed as law enforcement officers in another
5 state.

Analysis by the Legislative Reference Bureau

Current law generally prohibits a person from going armed with a concealed and dangerous weapon. This prohibition has many exceptions, including an exception for former law enforcement officers who have one of the following: 1) a photographic identification issued by the law enforcement agency that formerly employed him or her that indicates that, within the previous 12 months, that agency found him or her to meet the firearms training standards the law enforcement agency sets for active law enforcement officers to carry the type of firearm the former officer is carrying; or 2) both a photographic identification issued by the law enforcement agency that formerly employed the officer and a certification card issued in Wisconsin, if the former officer resides in Wisconsin, or a certification card issued by the state in which the former officer resides. The certification card must indicate that, within the previous 12 months, the former officer's state of residence, or a certified firearms instructor if such an instructor may conduct a firearms qualification test for active law enforcement officers in that state, has found the former officer to meet the firearms training standards for active law enforcement

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officers to carry the type of firearm he or she is carrying. Current law permits a qualified former law enforcement officer who was employed by a state or local Wisconsin law enforcement agency to receive a certification card from the law enforcement agency that employed him or her. Current law permits the Department of Justice (DOJ) to issue a certification card to a qualified former federal law enforcement officer who resides in Wisconsin. This bill permits DOJ to issue a certification card also to a qualified former law enforcement officer who was employed by a state or local law enforcement agency in another state but who resides in Wisconsin.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 175.49 (1) (em) of the statutes is created to read:

2 175.49 (1) (em) “Former out-of-state law enforcement officer” means a person
3 who separated from service as a law enforcement officer at a state or local law
4 enforcement agency in a state other than Wisconsin and who resides in Wisconsin.

5 **SECTION 2.** 175.49 (3) (title), (a) (intro.), 1., 2. and 4., (b) and (c) of the statutes
6 are amended to read:

7 175.49 (3) (title) CERTIFICATION OF FORMER FEDERAL AND OUT-OF-STATE LAW
8 ENFORCEMENT OFFICERS. (a) (intro.) Upon the request of a former federal law
9 enforcement officer or a former out-of-state law enforcement officer and at the
10 expense of the former federal that law enforcement officer, the department may,
11 except as provided in par. (b), issue the former federal law enforcement officer or
12 former out-of-state law enforcement officer a certification card as described in sub.
13 (4) stating all of the following:

14 1. The type of firearm the former federal law enforcement officer or former
15 out-of-state law enforcement officer is certified to carry, but no former federal law

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1 enforcement officer or former out-of-state law enforcement officer may be certified
2 to carry a machine gun, a firearm silencer, or a destructive device.

3 2. The former federal law enforcement officer or former out-of-state law
4 enforcement officer has been found by the state, or by a certified firearms instructor
5 if such an instructor is qualified to conduct a firearms qualification test for active law
6 enforcement officers in the state, to meet the standards for qualification in firearms
7 training for active law enforcement officers to carry a firearm of the type under subd.
8 1., that are established by the state or, if the state does not establish standards, by
9 any law enforcement agency in the state.

10 4. That, due to the finding under subd. 2., the former federal law enforcement
11 officer or former out-of-state law enforcement officer is qualified to carry a concealed
12 firearm of the type under subd. 1.

13 (b) The department may not issue ~~the~~ a former federal law enforcement officer
14 or former out-of-state law enforcement officer a certification card under par. (a)
15 unless the department first verifies all of the following:

16 1. The former federal law enforcement officer or former out-of-state law
17 enforcement officer separated from service as a law enforcement officer with the law
18 enforcement agency in good standing.

19 2. The former federal law enforcement officer or former out-of-state law
20 enforcement officer served as a law enforcement officer for an aggregate of at least
21 10 years or the former federal law enforcement officer or former out-of-state law
22 enforcement officer separated from law enforcement service due to a
23 service-connected disability, as determined by the law enforcement agency from
24 which the former federal law enforcement officer separated, after completing any
25 applicable probationary period.

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1 3. a. A qualified medical professional employed by the law enforcement agency
2 from which the former federal law enforcement officer or former out-of-state law
3 enforcement officer separated has not found the former federal law enforcement
4 officer to be unqualified to be a law enforcement officer for reasons related to the
5 former officer's mental health.

6 b. The former federal law enforcement officer or former out-of-state law
7 enforcement officer has not entered into an agreement with the law enforcement
8 agency from which he or she separated from service in which the former officer
9 acknowledges that he or she is not qualified to be a law enforcement officer for
10 reasons related to his or her mental health.

11 4. The former federal law enforcement officer or former out-of-state law
12 enforcement officer is not prohibited under federal law from possessing a firearm as
13 indicated by a search of the transaction information for management of enforcement
14 system and the national criminal background check system.

15 5. The former federal law enforcement officer or former out-of-state law
16 enforcement officer has, during the previous 12 months at his or her own expense,
17 been found by the state, or by a certified firearms instructor if such an instructor is
18 qualified to conduct a firearms qualification test for active law enforcement officers
19 in the state, to meet the standards for qualification in firearms training for active law
20 enforcement officers to carry a firearm of the type under par. (a) 1., that are
21 established by the state or, if the state does not establish standards, by any law
22 enforcement agency in the state.

23 (c) If, under par. (a), the department issues a former federal law enforcement
24 officer or former out-of-state law enforcement officer a certification card, the

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1 department shall add the former ~~federal law enforcement~~ officer's information to the
2 list the department maintains under s. 175.60 (12) (a).

3 **SECTION 3.** 175.49 (5) of the statutes is amended to read:

4 175.49 (5) RENEWAL OF CERTIFICATION CARDS. A person who holds a current
5 certification card issued under sub. (2) or (3) may renew the certification card by
6 requesting the law enforcement agency or the department, whichever issued the
7 current certification card, to renew the certification card at the expense of the person
8 holding the card, if, before the date the certification card expires, the law
9 enforcement agency verifies sub. (2) (b) 4. and 5. if the certification card holder is a
10 former law enforcement officer, or the department verifies sub. (3) (b) 4. and 5. if the
11 certification card holder is a former federal law enforcement officer or former
12 out-of-state law enforcement officer, and the certification card holder provides any
13 information necessary for the verification. The renewal shall state the date on which
14 verification was made and an expiration date that is 12 months later than that date.

15 **SECTION 4.** 941.23 (3) (b) 2. a. of the statutes is amended to read:

16 941.23 (3) (b) 2. a. A certification card issued under s. 175.49 (2) or (3), if the
17 former officer resides in this state.

18

(END)