

# State of Wisconsin



2023 Senate Bill 829

Date of enactment: **March 26, 2024**

Date of publication\*: **March 27, 2024**

## 2023 WISCONSIN ACT 218

AN ACT *to amend* 165.85 (3) (a), 165.85 (3) (c), 165.85 (3) (cm) (intro.), 5. and 6., 175.44 (1) (b) and 943.13 (4m) (bm); and *to create* 29.089 (2) (am), 29.091 (2) (am), 29.621 (4) (am), 165.85 (2) (fh), 165.85 (4) (am), 440.26 (3m) (am), 941.23 (2) (am), 948.605 (2) (b) 2e. and 948.605 (3) (b) 5m. of the statutes; **relating to**: allowing a tactical emergency medical services professional to carry a firearm in prohibited areas.

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

**SECTION 1.** 29.089 (2) (am) of the statutes is created to read:

29.089 (2) (am) A person who is certified as a tactical emergency medical services professional under s. 165.85 (3) while acting in the line of duty.

**SECTION 2.** 29.091 (2) (am) of the statutes is created to read:

29.091 (2) (am) A person who is certified as a tactical emergency medical services professional under s. 165.85 (3) while acting in the line of duty.

**SECTION 3.** 29.621 (4) (am) of the statutes is created to read:

29.621 (4) (am) A person who is certified as a tactical emergency medical services professional under s. 165.85 (3) while acting in the line of duty.

**SECTION 4.** 165.85 (2) (fh) of the statutes is created to read:

165.85 (2) (fh) "Tactical emergency medical services professional" means a licensed emergency medical services professional who has been endorsed by the department of health services as a person who provides medical services when operating as part of a law enforcement tactical team and operating with the prior written approval

of the sheriff or chief of police for the jurisdiction in which the licensed emergency medical services professional is authorized to carry out his or her duties.

**SECTION 5.** 165.85 (3) (a) of the statutes is amended to read:

165.85 (3) (a) Promulgate rules for the administration of this section including the authority to require the submission of reports and information pertaining to the administration of this section by law enforcement agencies, tribal law enforcement agencies, jails, juvenile detention facilities, and schools approved by the board and operated by or for this state or any political subdivision of the state for the specific purpose of training law enforcement recruits, law enforcement officers, tribal law enforcement recruits, tribal law enforcement officers, tactical emergency medical services professionals, jail officer recruits, jail officers, juvenile detention officer recruits, or juvenile detention officers in this state.

**SECTION 6.** 165.85 (3) (c) of the statutes is amended to read:

165.85 (3) (c) Except as provided under sub. (3m) (a), certify persons as being qualified under this section to be law enforcement officers, tribal law enforcement officers, tactical emergency medical services professionals, jail officers, or juvenile detention officers. Prior to

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

being certified under this paragraph, a tribal law enforcement officer shall agree to accept the duties of law enforcement officers under the laws of this state.

**SECTION 7.** 165.85 (3) (cm) (intro.), 5. and 6. of the statutes are amended to read:

165.85 (3) (cm) (intro.) Decertify law enforcement officers, tribal law enforcement officers, tactical emergency medical services professionals, jail officers, or juvenile detention officers who do any of the following:

5. Are convicted of a felony or of any offense that, if committed in Wisconsin, could be punished as a felony. A law enforcement officer or tactical emergency medical services professional so convicted shall notify the board within 30 days of his or her conviction.

6. Are convicted of a misdemeanor crime of domestic violence, as defined in 18 USC 921 (a) (33), or are convicted of domestic abuse, as defined in s. 968.075 (1) (a), or the conviction is subject to the imposition of the domestic abuse surcharge under s. 973.055 (1), regardless of whether any part of the surcharge is waived by the court under s. 973.055 (4). A law enforcement officer or tactical emergency medical services professional so convicted shall notify the board within 30 days of his or her conviction.

**SECTION 8.** 165.85 (4) (am) of the statutes is created to read:

165.85 (4) (am) *Tactical emergency medical services professionals.* 1. The board shall establish minimum training standards for tactical emergency medical services professionals. In establishing the minimum training standards, the board shall consider recommendations made by the curriculum advisory committee. The board may amend the standards as needed to respond to technological changes affecting law enforcement or tactical emergency medical services, additional recommendations made by the curriculum advisory committee, or other conditions affecting the public interest in maintaining training standards of a proper professional character. Notwithstanding s. 227.10 (1), the standards established under this subdivision need not be promulgated as rules under ch. 227.

2. No person may be certified as a tactical emergency medical services professional, except on a temporary or probationary basis, unless the person has satisfactorily met the standards established under subd. 1. and has been certified by the board as being qualified to be a tactical emergency medical services professional. No person may be certified as a tactical emergency medical services professional without the prior written approval of the sheriff or chief of police for the jurisdiction in which the tactical emergency medical services professional is authorized to carry out his or her duties. The sheriff or chief of police must have authority and responsibility over the team on which he or she is approving the tactical emergency medical services professional to go armed with a firearm.

3. A person who has met the minimum training standards established under subd. 1., and who seeks certification as a tactical emergency medical services professional, shall be fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's fingerprints, or by other technologies approved by the department of justice. The fingerprints shall be submitted to the department of justice for verification of the identify of the person fingerprinted and to obtain records of his or her criminal arrests and convictions in Wisconsin. The department of justice shall provide for the submission of the fingerprint cards or fingerprints by other technologies to the federal bureau of investigation for the purpose of verifying the person fingerprinted and obtaining records of his or her criminal arrests and convictions on file with the federal bureau of investigation.

4. No person who has been convicted of any federal felony, any crime of domestic violence, or of any offense that, if committed in Wisconsin, could be punished as a felony qualifies for certification as a tactical emergency medical services professional unless he or she has been granted an absolute and unconditional pardon for the crime.

5. a. No person may continue to be certified as a tactical emergency medical services professional unless that person maintains employment as a tactical emergency medical services professional, maintains the approval of the sheriff or chief of police for the jurisdiction in which the tactical emergency medical services professional is authorized to carry out his or her duties, and meets annual recertification training standards.

b. Each tactical emergency medical services professional who is subject to this subdivision shall annually complete a handgun qualification course from curricula based upon model standards established by the board under par. (e). Hours of training completed under this subd. 5. b. shall count toward the hours of training required for certification.

**SECTION 9.** 175.44 (1) (b) of the statutes is amended to read:

175.44 (1) (b) "Law enforcement officer" has the meaning given in s. 165.85 (2) (c) and includes a tactical emergency medical services professional, as defined in s. 165.85 (2) (fh), certified under s. 165.85 (3).

**SECTION 10.** 440.26 (3m) (am) of the statutes is created to read:

440.26 (3m) (am) A person who is certified as a tactical emergency medical services professional under s. 165.85 (3) to carry a concealed firearm.

**SECTION 11.** 941.23 (2) (am) of the statutes is created to read:

941.23 (2) (am) A person who is certified as a tactical emergency medical services professional under s. 165.85 (3) while acting in the line of duty.

**SECTION 12.** 943.13 (4m) (bm) of the statutes is amended to read:

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943.13 (4m) (bm) Subsection (1m) (c) 2. and 4. does not apply to a law enforcement officer employed in this state by a public agency to whom s. 941.23 (1) (g) 2. to 5. and (2) (b) 1. to 3. applies, to a tactical emergency medical services professional certified under s. 165.85 (3) acting in the line of duty, to a qualified out-of-state law enforcement officer, as defined in s. 941.23 (1) (g), to whom s. 941.23 (2) (b) 1. to 3. applies, or to a former officer, as defined in s. 941.23 (1) (c), to whom s. 941.23 (2) (c) 1. to 7. applies if the law enforcement officer, the tactical emergency medical services professional, the qualified out-of-state law enforcement officer, or the former

officer is in or on the grounds of a school, as defined in s. 948.61 (1) (b).

**SECTION 13.** 948.605 (2) (b) 2e. of the statutes is created to read:

948.605 (2) (b) 2e. A person who is certified as a tactical emergency medical services professional under s. 165.85 (3) acting in his or her official capacity.

**SECTION 14.** 948.605 (3) (b) 5m. of the statutes is created to read:

948.605 (3) (b) 5m. By a person who is certified as a tactical emergency medical services professional under s. 165.85 (3) acting in his or her official capacity.

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