

State of Wisconsin



2015 Assembly Bill 77

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2015 WISCONSIN ACT 68

AN ACT to amend 175.48 (3), 175.49 (2) (a) (intro.), 175.49 (2) (a) 2., 175.49 (2) (b) 1., 175.49 (2) (b) 2., 175.49 (2) (b) 3. a., 175.49 (2) (b) 5., 175.49 (3) (title), (a) (intro.), 1., 2. and 4., (b) and (c), 175.49 (5) and 941.23 (3) (b) 2. a.; and to create 175.49 (1) (em) and 175.49 (1) (i) of the statutes; **relating to:** certification cards to carry concealed weapons for residents of Wisconsin who formerly were employed as law enforcement officers in another state and successor law enforcement agencies to assume responsibility of issuing certification cards to carry concealed weapons to former officers.

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

SECTION 1. 175.48 (3) of the statutes is amended to read:

175.48 (3) Unless sub. (2) (a), (b), (c), or (d) applies, if a Wisconsin law enforcement agency does not issue photographic identification cards to its officers, ~~the law enforcement agency, or its successor agency, as defined in s. 175.49 (1) (i)~~, shall issue such a card to an officer who separates from service with ~~that the law enforcement agency~~ upon the separating officer's request and at his or her expense.

SECTION 2. 175.49 (1) (em) of the statutes is created to read:

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

SECTION 3. 175.49 (1) (i) of the statutes is created to read:

175.49 (1) (i) "Successor agency" means a law enforcement agency that assumes the responsibilities and duties of another law enforcement agency.

SECTION 4. 175.49 (2) (a) (intro.) of the statutes is amended to read:

175.49 (2) (a) (intro.) Upon the request of a former law enforcement officer and at the expense of the former law enforcement officer, a law enforcement agency that employed the former law enforcement officer, or its successor agency, shall, except as provided in par. (b), issue the former law enforcement officer a certification card as described in sub. (4) stating all of the following:

SECTION 5. 175.49 (2) (a) 2. of the statutes is amended to read:

175.49 (2) (a) 2. The former law enforcement officer has been found by the state, or by a certified firearms instructor if such an instructor is qualified to conduct a firearms qualification test for active law enforcement officers in the state, to meet the standards for qualification in firearms training for active law enforcement officers to carry a firearm of the type under subd. 1., that are established by the state or, if the state does not establish

* 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."

standards, by the law enforcement agency from which the former law enforcement officer separated or its successor agency.

SECTION 6. 175.49 (2) (b) 1. of the statutes is amended to read:

175.49 (2) (b) 1. The former law enforcement officer separated from service as a law enforcement officer with the law enforcement agency that employed him or her in good standing.

SECTION 7. 175.49 (2) (b) 2. of the statutes is amended to read:

175.49 (2) (b) 2. The former law enforcement officer served as a law enforcement officer for an aggregate of at least 10 years or the former law enforcement officer separated from law enforcement service due to a service-connected disability, as determined by the law enforcement agency from which he or she separated from service, after completing any applicable probationary period.

SECTION 8. 175.49 (2) (b) 3. a. of the statutes is amended to read:

175.49 (2) (b) 3. a. A qualified medical professional employed by the law enforcement agency from which the former law enforcement officer separated from service has not found the former law enforcement officer to be unqualified to be a law enforcement officer for reasons related to the former officer's mental health.

SECTION 9. 175.49 (2) (b) 5. of the statutes is amended to read:

175.49 (2) (b) 5. The former law enforcement officer has, during the previous 12 months at his or her own expense, been found by the state, or by a certified firearms instructor if such an instructor is qualified to conduct a firearms qualification test for active law enforcement officers in the state, to meet the standards for qualification in firearms training for active law enforcement officers to carry a firearm of the type under par. (a) 1., that are established by the state or, if the state does not establish standards, by the law enforcement agency from which the former law enforcement officer separated or its successor agency.

SECTION 10. 175.49 (3) (title), (a) (intro.), 1., 2. and 4., (b) and (c) of the statutes are amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

(c) If, under par. (a), the department issues a former federal law enforcement officer or former out-of-state law enforcement officer a certification card, the department shall add the former ~~federal law enforcement~~ officer's information to the list the department maintains under s. 175.60 (12) (a).

SECTION 11. 175.49 (5) of the statutes is amended to read:

175.49 (5) RENEWAL OF CERTIFICATION CARDS. A person who holds a current certification card issued under sub. (2) or (3) may renew the certification card by

requesting the law enforcement agency or its successor agency, if the card was issued under sub. (2), or the department, ~~whichever issued the current certification card~~ if the card was issued under sub. (3), to renew the certification card at the expense of the person holding the card, if, before the date the certification card expires, the law enforcement agency verifies sub. (2) (b) 4. and 5. if the certification card holder is a former law enforcement officer, or the department verifies sub. (3) (b) 4. and 5. if the certification card holder is a former federal law enforcement officer or former out-of-state law enforcement officer, and the certification card holder provides any information necessary for the verification. The renewal shall state the date on which verification was made and an expiration date that is 12 months later than that date.

SECTION 12. 941.23 (3) (b) 2. a. of the statutes is amended to read:

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