Municipal Authority Relating to Concealed Carry, Switchblades & Facility Security

Presenters:
- Chad P. Wade – Strang, Patterson, Renning, Lewis, & Lacy
- Captain Aaron Goldstein – Fond du Lac Police Department

Concealed Carry

What’s New?
- 2015 Act 23
- 2015 Act 67
- 2015 Act 149

I always carry a knife in my purse. You know in case of cheesecake or something.
Concealed Carry Overview

Who is eligible for a CCW permit?

- General Public (WI Resident)*
- Person 21 years of age or older
- Submit application
- Submit proof of firearms training
- Pay required fees
- A circuit court judge may issue an emergency license that is valid for 30 days

* 2015 WI Act 67: Active Military Service Members stationed in WI scheduled to remain for at least 1 year (NEW)

CCW Overview

Not prohibited from possessing a firearm as a condition of bail or release in a criminal matter

Not prohibited from possessing a firearm under state or federal law

CCW Overview

What are the prohibitions under State Law?

- Convicted of a felony in WI (includes outside WI if a felony in WI)
- Adjudicated delinquent for an act that if committed by an adult in WI would be a felony
- Found not guilty of a felony in WI by reason of mental disease or defect (includes outside WI if a felony on WI)
- Ordered not to possess a firearm under any mental health commitment
- Enjoined from possessing a firearm by an injunction issued for harassment or domestic abuse
CCW Overview

What are the prohibitions under Federal Law?
- Convicted of a crime punishable by imprisonment > 1 year (a Felony)
- Fugitive, illegal aliens, dishonorably discharged from Armed Forces, renounced citizenship
- Convicted of DV (misd. crime) where use/ attempted use of physical force or threatened use of deadly force
- Subject of court order (harassing, stalking, etc.)

What weapons are covered by CCW permit?
- Handguns

What weapons are covered by CCW permit?
- Electric Weapon
**CCW Overview**

What weapons are covered by CCW permit?
- Billy Club

What weapons are NOT covered by CCW permit?
- Rifles and other long guns
- Knives with the exclusion of switch blades were originally included as a weapon under CCW
  - 2015 WI Act 149: Knives (New)

**2015 WI Act 149 Overview**

- Knives that used to be prohibited are no longer illegal, and are no longer any different under the law than any other knife.
- A CCW license is no longer required to carry a concealed knife.
- The Act removes knives from §941.23 (carrying a concealed weapon), and creates §941.231 (carrying a concealed knife).
- Under newly-created §941.231, the concealed carry of a knife is a class A misdemeanor only if prohibited from possessing a firearm under §941.29.
The Act adds knife carry to behavior protected under §947.01(2), which specifies that carrying or going armed with a firearm or knife, whether worn openly or concealed, is not disorderly conduct absent other facts or circumstances that indicate a criminal or malicious intent.

Prevents local units of government from enacting or enforcing any ordinance that more strictly regulates firearms or knives than state statute. However, a local unit of government can prohibit the possession of knives in buildings owned, occupied, or controlled by that unit of government.

What's new for Law Enforcement Officers?
– Changed exceptions to carry a firearm in a school or on school grounds for:
  - Off-Duty
  - Qualified former Law Enforcement Officer
  - Out-of-State Law Enforcement Officer

– Provided exception to trespass laws to allow whether or not the school has posted a notice prohibiting firearms on the premises

What do you think?
– No, Act 149 did not change Wis. Stat. §948.61 (dangerous weapons other than firearms on school premises). This statute prohibits dangerous weapons - as defined by Wis. Stat. §939.22(10) - on school grounds. Because knives are still classified as dangerous weapons by §939.22(10), they are prohibited on school grounds.
What do you think?

Does a “no weapon” sign posted at a local business apply to concealed knives?
– Yes. Wis. Stat. §943.13(2)(bm) allows businesses and property owners to post signs prohibiting firearms, thereby placing conditions on the use of their property. Using that precedent, a “no weapons” sign is likely to satisfy the requirements of §943.13(1m)(b).

What do you think?

Can people carry switchblades into a police department, county courthouse, etc.?
– While Wis. Stat. §175.60(16) prohibits licensees from carrying a concealed “weapon” into law enforcement agencies, jails, prisons, courthouses, etc., this prohibition only applies to weapons specified in §175.60(1)(j). Act 149 removed knives from that definition. Wis. Stat §175.60 no longer prohibits knives in these areas.

Open Carry

Vs.

Concealed Carry
Facility Security

What can we do?

- Train Staff to:
  - Be decisive and make decisions based on available information
  - Trust their instincts
  - Maintain situational awareness
  - Know the facility including evacuation routes
  - Recognize early warning signs
  - Recognize characteristics of armed people
You will not see it....

Facility Security ($$$)

- Keep a “bright line” between authorized and unauthorized
- Diligent housekeeping of access privileges
- LOCKED doors
- Monitoring

Facility Security ($$$$

- Design
  - Hardening
  - Readers (physical access control systems)
  - Cameras, DVR’s
  - Multiple Barriers (makes the intruder work harder)
  - Alarm system
Thank You for your time!!!

Facilitators:
- Chad P. Wade – Strang, Patterson, Renning, Lewis, & Lacy
- Captain Aaron Goldstein – Fond du Lac Police Department