

**WISCONSIN'S CARRYING CONCEALED WEAPON LAW  
QUESTIONS AND ANSWERS  
April 2017**

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**DISCLAIMER:** *This document broadly discusses—in question-and-answer format—the laws and procedures governing licenses to carry concealed weapons in Wisconsin. Every effort has been made to be as accurate as possible. However, this document does not constitute either an informal or formal opinion of the Wisconsin Attorney General, does not constitute legal advice or guidance and does not create an attorney-client relationship. It creates no rights beyond those established under the constitutions, statutes, regulations and administrative rules of the United States and the State of Wisconsin. Nor does it attempt to provide answers to every question that may arise regarding carrying concealed weapons. Many factors may affect your decision whether to apply for a license to carry concealed weapons in Wisconsin. You should review the statutes governing CCW and consult a private attorney for specific information and advice. This document only reflects the law as of the date of its publication and may be superseded or affected by other versions or changes in the law.*

**Visit the Wisconsin Department of Justice's Carry Concealed Weapons Webpage:  
<https://concealedcarry.doj.wi.gov>**

## CARRYING CONCEALED WEAPON LICENSE PROCESS AND REQUIREMENTS

### A. Eligibility for a CCW license

*Who is eligible to apply for a CCW license?*

In order to obtain a CCW license, the applicant must:

- Be 21 years of age or older.
- Not prohibited from possessing a firearm under state or federal law.
- Not have been ordered as a condition of bail or release in a criminal case from possessing a dangerous weapon.
- Be a Wisconsin resident (as evidenced by a valid Wisconsin driver's license or ID card), or be active military stationed in Wisconsin.
- Have provided proof of the firearms training required for a license. (see **Training Requirement** below)

*Wis. Stat. § 175.60(3)(a) through (g).*

*Who is prohibited from possessing a firearm under state and federal law?*

1. A person **convicted of a felony in Wisconsin**. *Wis. Stat. § 941.29(1m)(a).*

Exception: The person has been pardoned of the felony and has been expressly authorized to possess a firearm under 18 USC app. 1203; or has been relieved of disabilities under 18 USC 925(c). *Wis. Stat. § 941.29(5).*

2. A person **convicted of a crime elsewhere that would be a felony if committed in Wisconsin**. *Wis. Stat. § 941.29(1m)(b).*

Exception: The person has been pardoned of the felony and has been expressly authorized to possess a firearm under 18 USC app. 1203; or has been relieved of disabilities under 18 USC 925(c). *Wis. Stat. § 941.29(5).*

3. A person **adjudicated delinquent for an act committed on or after April 21, 1994, that if committed by an adult in this state would be a felony**. *Wis. Stat. § 941.29(1m)(bm).*

Exception: A court subsequently determines pursuant to *Wis. Stat. § 941.29(8)* that the person is not likely to act in a manner dangerous to public safety.

4. A person **found not guilty of a felony in Wisconsin by reason of mental disease or defect**. *Wis. Stat. § 941.29(1m)(c).*

*Exception:* A court subsequently determines pursuant to *Wis. Stat. § 941.29(7)* that: 1) the person is no longer insane or no longer has a mental disease, defect or illness, AND 2) the person is not likely to act in a manner dangerous to public safety.

5. A person **found not guilty or not responsible for a crime elsewhere that would be a felony in this state by reason of insanity or mental illness, disease or defect**. *Wis. Stat. § 941.29(1m)(d).*

Exception: A court subsequently determines pursuant to *Wis. Stat. § 941.29(7)* that: 1) the person is no longer insane or no longer has a mental disease, defect or illness, AND 2) the person is not likely to act in a manner dangerous to public safety.

6. A person **committed to treatment under s. 51.20(13)(a) and ordered not to possess a**

**firearm** under § 51.20(13)(cv)1. *Wis. Stat. § 941.29(1m)(e)*.

Exception: The prohibition has been cancelled. *Wis. Stat. § 941.29(9)(a)*.

7. A person **ordered not to possess a firearm under any of §§ 51.20(13)(cv)1, 51.45(13)(i)1, 54.10(3)(f)1, or 55.12(10)(a) (mental health commitments)**. *Wis. Stat. § 941.29(1m)(em)*.

Exception: The court order has been cancelled. *Wis. Stat. § 941.29(9)(b)*.

8. A person **enjoined under an injunction issued under § 813.12 or 813.122 or under a tribal injunction**. *Wis. Stat. § 941.29(1m)(f)*

Exceptions: (1) Injunctions issued by the Menominee Indian tribe of Wisconsin, *Wis. Stat. § 941.29(1m)(f)*.

(2) The person is a peace officer and the person possesses a firearm while in the line of duty or, if required to do so as a condition of employment, while off duty; *Wis. Stat. § 941.29(10)(a)*

(3) The person is a member of the U.S. armed forces or national guard and the person possesses a firearm while in the line of duty. *Wis. Stat. § 941.29(10)(b)*.

(Note – the prohibition against firearm possession under this subsection does not apply to any correctional officer employed before May 1, 1982, who is required to possess a firearm as a condition of employment. This exemption applies if the officer is eligible to possess a firearm under any federal law and applies while the officer is acting in an official capacity. *Wis. Stat. § 941.29(6)*.

**Under federal law** the following persons are prohibited from possessing a firearm that has been shipped or transported in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce. *18 U.S.C. Ch. 44 § 922(g)(1)-(9)*.

1. A person **convicted** in any court of, **a crime punishable by imprisonment for a term exceeding one year, or a misdemeanor crime punishable by a term of imprisonment of more than two years;**
2. A person who is a **fugitive** from justice;
3. A person who is an **unlawful user of or addicted to any controlled substance** (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));
4. A person **adjudicated as a mental defective or who has been committed to a mental institution;**
5. A person who, being an **alien-**
  - A. Is **illegally or unlawfully in the United States;** or
  - B. except as provided in subsection 18 U.S.C. 44 § 922(y)(2), **has been admitted to the United States under a nonimmigrant visa** (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(26));
6. A person **discharged from the Armed Forces under dishonorable conditions;**
7. A person who, having been a citizen of the United States, has **renounced his or her citizenship;**

8. A person **subject to a court order** that-
  - A. Was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;
  - B. Restrains **such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child**; and
  - C. (i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or  
(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or
  
9. A person who has been **convicted in any court of a misdemeanor crime of domestic violence**. Section 922(g)(9) of Title 18 includes a firearm prohibition for misdemeanor convictions even if state law does not specifically define the offense as domestic violence: 1) if there was use or attempted use of physical force or the threatened use of a deadly weapon and; 2) was committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.

## B. Application and general requirements

*Where do I obtain an application form?*

Online: [CCW Application Form](#)

By telephone: (608) 261-7998

By mail: Send a letter requesting an application to:

Wisconsin Department of Justice  
ATTN: Firearms Unit  
P.O. Box 7130  
Madison, WI 53707-7130

*How do I apply for a CCW license?*

Submit the following to: Wisconsin Department of Justice, ATTN: Firearms Unit, P.O. Box 7130, Madison, WI 53707-7130

1. A completed application form
  - a. Note! All signatures must be original. No copies!
2. A statement stating that the information you have provided is true and complete to the best of your knowledge.
3. A check or money order for the license fee of \$30.
4. A check or money order for a background check of \$10.
  - a. Note! The license fee and background fee can be submitted as a single check or money order for \$40.
5. Proof of Training

Applicants may also apply using the Department's online CCW system available at <https://concealedcarry.doj.wi.gov>.

*What happens if a check used to pay for the CCW license is returned for insufficient funds?*



The applicant will be assessed a \$20 insufficient funds fee. If a license has not yet been issued the application will be deemed incomplete. If the license has been issued it will be cancelled. *Wis. Stat. § 20.905(2)*. To obtain a CCW, the applicant will need to submit a new application, proof of training, \$40 application fee and \$20 insufficient funds fee.

*How long will it take to get a CCW license after I submit an application?*

DOJ will either issue a license or deny the license application within 21 days of receiving the completed application. *Wis. Stat. § 175.60(9)(b)*.

The above time limits do not apply to incomplete applications.

*What information is contained on a license?*

- Full name.
- Date of birth.
- Residence address.
- Physical description including sex, height, and eye color.
- Date of issuance of the license.
- Date of expiration of the license.
- The name of this state.
- A unique identification number.
- A statement of the requirement to inform DOJ of any change of address within 30 days after moving and the penalty for a violation.

*Wis. Stat. § 175.60(2m)(b)*. How long is a license good for?

Five (5) years from the date on which it was issued, unless the license is suspended or revoked. *Wis. Stat. § 175.60(15)(a)*.

*What happens if my license is lost or destroyed?*

A licensee may submit to the department a replacement request [form](#) requesting a replacement license, the license or any portions of the license if available, and a \$12 replacement fee. The department will issue a replacement license to the licensee within 14 days of receiving the statement and fee. *Wis. Stat. § 175.60(13)*.

*What if I currently have a license or permit as a private detective or private security business?*

A person employed by a private detective agency or private security firm may carry concealed **if they have a CCW license** or are qualified current or former law enforcement officers. The firearms training course required of employees of private detective agencies or private security companies meets the training requirement necessary to obtain a CCW license. *Wis. Stat. §175.60(4)(a)(d)*.

## C. Training requirement

*What kind of training is required to get a license?*

The proof of training requirement may be met by **any** of the following:

1. A copy of a document, or an affidavit from an instructor or organization that conducted the course or program, that indicates that the individual completed any of the following:
  - a. The hunter education program established by the Department of Natural Resources (DNR) or a substantially similar program that is established by another state, country, or province and that is recognized by DNR.

- b. A firearms safety or training course that is conducted by a national or state organization that certifies firearms instructors. A model certificate is available [here](#).
  - c. A firearms safety or training course that is available to the public and is offered by a law enforcement agency.
  - d. A firearms safety or training course that is taught by an instructor who is certified by a national or state organization that certifies firearms instructors or by an instructor certified by DOJ, and that is available to the public and offered by any of the following: a technical college, a college or university, a private or public institution or organization, or a firearms training school.
  - e. A firearms safety or training course that is offered to law enforcement officers or to owners and employees of licensed private detective and security agencies.
  - f. A firearms safety or training course that is conducted by a firearms instructor who is certified by a national or state organization that certifies firearms instructors or who is certified by DOJ.
2. Documentation that the individual completed military, law enforcement, or security training that gave the individual experience with firearms that is substantially equivalent to a course or program described above.
  3. A current or expired license, or a photocopy of a current or expired license, that the individual holds or has held that indicates that the individual is licensed or has been licensed to carry a firearm in this state or in another state or in a county or municipality of this state or of another state unless the license has been revoked for cause. You must complete form [DJ-LE-289](#) from the DOJ website and include it with a copy of the license.
  4. Documentation of completion of small arms training while serving in the U.S. armed forces as demonstrated by an honorable discharge or general discharge under honorable conditions or a certificate of completion of basic training with a service record of successful completion of small arms training and certification. *Wis. Stat. § 175.60(4)(a)*.

*Does the DOJ maintain a list of recommended classes or instructors?*

No.

*Will an on-line training course satisfy the requirements to obtain a concealed carry permit?*

No.

For questions related to being a CCW trainer, please refer to the [instructor FAQ document](#).

#### **D. Emergency license**

*What if I believe I have an emergency need for a CCW license?*

A person who believes he/she needs a license immediately may petition a court in the county where he or she resides for an emergency license. A court may issue an emergency license if the court determines it is necessary to protect the person from death or great bodily harm unless it knows that the person is ineligible for a license. *Wis. Stat. § 175.60(9r)(a)*.

*How long is an emergency license valid?*

An emergency license is good for 30 days unless revoked by the court. *Wis. Stat. § 175.60(9r)(b)*.

The court shall revoke an emergency license if it determines that the person is ineligible for a

license. *Wis. Stat. § 175.60(9r)(bm)*.

An emergency license is void if the person applies for a regular license and is found ineligible to get a license. *Wis. Stat. § 175.60(9r)(c)*.

*If I am issued an emergency license, must I follow the same laws, rules and restrictions as regular licensees?*

Yes. Your "emergency" license does not give you a greater right to defend yourself or others, nor are you exempted from the other laws and procedures governing concealed carry during the 30-day term of your license.

## **E. Change of address**

*What happens if I move after I get a CCW license?*

The law requires a licensee to notify DOJ of a change of address on the [Change of Address form](#) within 30 days of changing his or her address. *Wis. Stat. §175.60(11)(b)1*.

If you request a replacement license containing the new address you must include a check or money order in the amount of \$12 made payable to the Wisconsin Department of Justice. *Jus 17.12(3)*.

Licensees may also use the Department's [online CCW system](#) to notify the Department of a change of address or request a replacement address.

If you do not update your address information with the Department, you will not receive your renewal information, user identification number requests, or correspondence from the Department regarding the status of your license.

## **F. Change of name**

*What happens if I change my legal name?*

If you change your legal name, within 30 days you must notify the DOJ of the change. A [change of name form](#) is available on the DOJ [website](#). Submit the form to the Department with a check or money order in the amount of \$22 made payable to the Wisconsin Department of Justice. *Jus 17.08(2)*

## **G. Former law enforcement officers**

*Is there a different procedure to get a LEOSA certification card for a former state or federal law enforcement officer?*

Yes. However, such former officers may also obtain a regular CCW license. For information specific to former law enforcement officer certification cards, please refer to the Certification FAQ which can be found on [WILENET](#).

## **H. Appeal of license denial**

*What are my rights if my license application is denied?*

If DOJ denies a completed application, DOJ must inform the applicant in writing, stating the reason for the denial. *Wis. Stat. § 175.60(9)(b)2*. The denial must be completed within 21 days for completed applications. *Wis. Stat. § 175.60(9)(b); Wis. Act 35, § 100(2)*. **These time limits do not apply to incomplete applications.**

DOJ has [rules](#) that provide for the administrative review of any action by DOJ that denies a license application or suspends or revokes a license. *Wis. Stat. § 175.60(14g)*.

A person whose license has been denied, suspended, or revoked by DOJ may also appeal directly to the circuit court of the county in which the individual resides. *Wis. Stat. § 175.60(14m)(a) and (b)*.

A court appeal must be initiated by filing a petition for review within 30 days of receiving notice of the denial, revocation or suspension. *Wis. Stat. § 175.60(14m)(b)*.

#### **I. Penalties for false information**

*What if someone provides false information on a CCW license application?*

A person who submits false information may be committing a crime. *Wis. Stat. §§ 175.60(7)(b) and (15)(b)2* require applicants to state that the information the applicant is submitting is true and complete to the best of his or her knowledge.

#### **J. Updates on license qualification**

*Is information on eligibility to have a CCW license updated?*

Yes. Clerks of court are required to notify DOJ of felony convictions and other bases for license disqualification. DOJ will check that information with the list of CCW licensees and, if applicable, either revoke or suspend the license. *Wis. Stat. § 175.60(11)*.

A person who becomes disqualified from possessing a firearm may be prosecuted for such conduct regardless of whether their CCW license has been suspended or revoked.

#### **K. Reciprocity with other states**

*Does a Wisconsin license allow me to carry concealed in another state?*

Maybe. Whether another state will recognize a Wisconsin CCW license is governed by the law of the other state. A Wisconsin CCW licensee should always contact the particular state where they wish to carry concealed for information on the laws of that state.

### **OUT-OF-STATE LICENSES**

*Do I need a Wisconsin license if I already have a CCW license from another state?*

**Yes. If you are a Wisconsin resident.** An out-of-state licensee is defined as an individual with an out-of-state CCW license who is 21 years of age or over, and **who is not a Wisconsin resident**. *Wis. Stat. § 175.60(1)(g)*. Therefore, if you currently reside in Wisconsin and have a CCW license or permit issued by another state, your out-of-state license is not legally sufficient to carry concealed in Wisconsin and you must qualify for and obtain a Wisconsin CCW license in order to carry concealed in Wisconsin.

However, training obtained under the training requirement of another state may be sufficient to meet Wisconsin's firearms training requirement.

*If I am visiting Wisconsin from another state and I have a CCW license from that state, is it okay for me to carry concealed in Wisconsin?*

Maybe. DOJ has established a [list of states](#) that issue a CCW license or permit that either

requires **or** designates that the holder of the license or permit chose to submit to a background check that is comparable to the check conducted under Wisconsin law. *Wis. Stat. § 165.25(12)*. A person who possesses a CCW license or permit from one of the states designated may carry concealed in Wisconsin. *Wis. Stat. § 175.60(1)(f) and (2g)(a)*.

*What type of out-of-state license is acceptable?*

It must be a valid permit, license, approval or other authorization issued by another state if all of the following apply:

- If the permit, license, approval or other authorization is for the carrying of a concealed weapon. *Wis. Stat. § 175.60(1)(f)1*.
- The state is [listed by rule](#) under *Wis. Stat. § 165.25(12)*. *Wis. Stat. § 175.60(1)(f)2; 165.25(12)*.
- The holder must be over the age of 21. *Wis. Stat. § 175.60(1)(g)*.
- The holder must not be a Wisconsin resident. *Wis. Stat. § 175.60(1)(g)*.

*If I am not a Wisconsin resident can I get a Wisconsin license?*

No. Only Wisconsin residents may get a Wisconsin CCW license. *Wis. Stat. § 175.60(3)(g)*. However, as noted above, a person who has a CCW license from another state that is recognized by Wisconsin may be allowed to carry concealed in Wisconsin.

*What rules on carrying concealed must a CCW licensee from another state follow?*

If the out-of-state CCW licensee is from a state that issues CCW licenses or permits recognized by Wisconsin and thus legally able to carry concealed in Wisconsin, the person must comply with all Wisconsin legal requirements.

That includes, while carrying a concealed weapon, also carrying the out-of-state license or permit as well as a driver's license or state ID card that is substantially equivalent to Wisconsin licenses or cards. *Wis. Stat. § 175.60(1)(h)*.

*Does a Wisconsin license allow me to carry concealed in another state?*

Maybe. Whether another state will recognize a Wisconsin CCW license is governed by the law of the other state. A Wisconsin CCW licensee should always contact the particular state where they wish to carry concealed for information on the laws of that state.

## **REVOCATION, SUSPENSION AND RENEWAL OF CCW LICENSE**

*How can a license be revoked?*

A license can be revoked if the license holder is no longer legally eligible to possess a concealed weapon. For example, where a person becomes unable to possess a firearm due to a felony conviction, the person becomes subject to an injunction prohibiting weapons possession, the person is no longer a Wisconsin resident, etc. *Wis. Stat. § 175.60(14)(a)*.

**NOTE: It is unlawful to possess a firearm if you are prohibited from doing so by law (e.g. a felony conviction) even if your CCW license has not been formally revoked.**

*How can a license be suspended?*

A license can be suspended if a court has prohibited a license holder from possessing a dangerous weapon as a condition of bail. *Wis. Stat. § 175.60(14)(am)*. If you cease to be subject to this prohibition, you may submit authenticated documentation establishing that fact to the above address along with a check or money order payable to the Wisconsin Department of Justice in the amount of \$22 to conduct a new background check pursuant to Jus

17.07(2)(b) and 17.12(2). In such a case the license will be restored within 5 business days of notification that the bail condition no longer applies. **NOTE: It is unlawful to possess a firearm if you are prohibited from doing so by law (e.g. condition of bail) even if your CCW license has not been formally suspended.**

*When do suspensions or revocations take effect?*

DOJ is required to send by mail notice of the revocation or suspension to the licensee within one day after the revocation or a suspension. § 175.60(14)(b)1. The suspension or revocation takes effect when the individual receives that notice. *Wis. Stat. § 175.60(14)(b)2.*

*What must a person do when they received a notice of suspension or revocation?*

The person must, within 7 days of receiving notice that their license has been suspended or revoked, do one of the following: 1) deliver the license personally or by certified mail to DOJ, or 2) mail a signed statement to DOJ stating that he or she no longer has possession of the license and stating the reasons why he or she no longer has possession. *Wis. Stat. § 175.60(14)(b)3.*

An intentional failure to do so may result in a fine of not more than \$500 and imprisonment for not more than 30 days or both. *Wis. Stat. § 175.60(17)(b).*

*Is there an appeal process for a revocation or suspension?*

Yes. DOJ has [rules](#) that provide for the administrative review of any action by DOJ that denies a license application or suspends or revokes a license. *Wis. Stat. § 175.60(14g).*

A person whose license has been denied, suspended or revoked by DOJ may also appeal directly to the circuit court of the county in which the individual resides without regard to whether the individual has sought review under DOJ's review process. *Wis. Stat. § 175.60(14m)(a) and (b).*

A court appeal must be initiated by filing a petition for review within 30 days of receiving notice of the denial, revocation, or suspension. *Wis. Stat. § 175.60(14m)(b).*

*How do I renew a CCW license?*

At least 90 days before the expiration date of a license, DOJ will mail to the licensee a notice of expiration. *Wis. Stat. § 175.60(15)(b).* This notice will include a unique identification number (separate from the license number) that is used to access the [online CCW system](#). A licensee may use the online system to renew their license or they may obtain a paper renewal form by downloading one from the [Department's web page](#), requesting a form in writing or by calling the Department's CCW Helpdesk at (608) 261-7998.

The license will be renewed if, no later than 90 days after the expiration date of the license, the licensee does all of the following:

1. Submits a renewal application on the form provided by DOJ.
2. Submits a statement reporting that the information provided on the application form is true and complete to the best of his or her knowledge and that he or she is not disqualified under § 175.60(3).
3. Pays a renewal fee in an amount to be determined by DOJ, but not to exceed \$12.
4. Pays a fee for a background check that is equal to the fee under § 175.35(2i). [Currently, this fee is \$10.]

*Wis. Stat. § 175.60(15)(b).*

DOJ will issue a renewal license within 21 days of receiving the renewal application, statement and fees. *Wis. Stat. § 175.60(15)(d)*.

*What if my renewal application is denied?*

See **APPEAL OF LICENSE DENIAL**.

## **LICENSED CCW REQUIREMENTS**

*What type of weapons can I carry with a CCW license?*

The license is for a “weapon”, which is defined as a handgun, an electric weapon as defined in § 941.295(1c)(a), or a billy club. *Wis. Stat. § 175.60(1)(j)*.

A handgun does not include a machine gun, a short barreled rifle or a short barreled shotgun. *Wis. Stat. 175.60(1)(bm)*.

Long guns (rifles, shotguns) may not be carried concealed.

*Do I need to carry my license with me at all times?*

Yes, a licensee or an out-of-state licensee who is carrying a concealed weapon must have with him or her their valid license document **and** photographic identification card unless the concealed weapon is being carried in the licensee’s dwelling or place of business or on land that he or she owns, leases, or legally occupies. *Wis. Stat. § 175.60(2g)(b)*.

*What kind of photo ID is required?*

A photo ID means either a current and valid Wisconsin drivers license or a current and valid driver’s license from another state (for out-of-state licensees) that is substantially equivalent to a Wisconsin driver’s license. *Wis. Stat. § 175.60(1)(h)1 and 2*.

**OR**

a current and valid Wisconsin state identification card or a current and valid identification card issued by another state that is substantially equivalent to a Wisconsin identification card. *Wis. Stat. § 175.60(1)(h)1 and 2 and (i)*.

A license or ID card is current and valid if it is not expired, cancelled, denied, surrendered, or voided, and the holder is still a resident of the state. However, a license or ID card may be considered current and valid even if the holder’s motor vehicle operating privilege is revoked, suspended, or disqualified, as long as the card is not expired, cancelled, denied, surrendered, or voided, and the holder is still a resident of the state.

*Do I have to show anyone my CCW license?*

A licensee or out-of-state licensee who is carrying a concealed weapon must display the license and photo identification to a **law enforcement officer upon the request of the law enforcement officer** while the law enforcement officer is acting in an official capacity and with lawful authority. *Wis. Stat. § 175.60(2g)(c)*.

Failure to display the license to a law enforcement officer is a \$25 forfeiture. *Wis. Stat. § 175.60(17)(a)*.

*What is the penalty for not carrying or displaying a CCW license and photo ID?*

A person who does not carry or display a CCW license and photo ID as required may be ordered to forfeit not more than \$25 except that the a person is exempt from this penalty if he or she presents, within 48 hours of the request, his or her license document and photographic identification to the law enforcement agency who employs the officer who lawfully requested the documents. *Wis. Stat. § 175.60(17)(a)*.

*What should I do if I have a CCW license and I have contact with a law enforcement officer while in possession of a concealed weapon?*

While the law does not impose any specific requirements other than displaying a photo ID and CCW license upon request of a law enforcement officer, there are some recommendations when you have contact with a law enforcement officer. Such a situation could be a traffic stop, an officer approaching you for information, or you requesting assistance from an officer. If you have a CCW license and you have contact with a law enforcement officer while carrying a concealed weapon, you should do the following:

1. Immediately tell the officer that you have a CCW license, you're carrying a concealed weapon and where it's located.
2. Keep your hands where the officer can see them.
3. Cooperate fully with the officer.
4. Don't make any quick movements, especially toward the weapon.
5. If you're in a vehicle:
  - a. Roll down your window and place your hands in plain view on the steering wheel.
  - b. If it is at night, turn on the vehicle's dome light.
  - c. Calmly tell the officer you have a CCW license and that you have a weapon with you.
  - d. Ask the officer if they have particular instructions concerning the weapon.
  - e. Do not touch or attempt to touch the weapon unless specifically told to do so by the officer.
  - f. Do not leave your vehicle unless specifically told to do so by the officer.

In certain circumstances, a law enforcement officer may ask to take temporary possession of the weapon or may seize the weapon during interaction with the individual to ensure the safety of the officer and others or to secure the weapon as evidence. The officer will return the weapon at the end of the stop unless the individual is placed under arrest for a violation of the law that allows the weapon to be seized.

## **USE OF A WEAPON BY A PERSON HOLDING A CCW LICENSE**

*Does having a CCW license give me a greater right to defend myself or others than anyone else?*

No. A CCW license does not give anyone any new or additional rights to exercise self defense or defense of others as provided for by law.

*A brief summary of Wisconsin law is as follows:*

A person is privileged to threaten or intentionally use force against another for the purpose of preventing or terminating what the person reasonably believes to be an unlawful interference with his or her person by such other person. The actor may intentionally use only such force or threat thereof as the actor reasonably believes is necessary to prevent or terminate the interference. The actor may not intentionally use force which is intended or likely to cause death or great bodily harm unless the actor reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or herself. *Wis. Stat. § 939.48(1)*.

A person who provokes an attack, whether by lawful or unlawful conduct, with intent to use



such attack as an excuse to cause death or great bodily harm to his or her assailant is not entitled to claim the privilege of self-defense. *Wis. Stat. § 939.48(2)(c)*.

A person is privileged to defend a 3rd person from real or apparent unlawful interference by another under the same conditions and by the same means as those under and by which the person is privileged to defend himself or herself from real or apparent unlawful interference, provided that the person reasonably believes that the facts are such that the 3rd person would be privileged to act in self-defense and that the person's intervention is necessary for the protection of the 3rd person. *Wis. Stat. § 939.48(4)*.

There is both a subjective component to self-defense-that is, a person must actually believe he or she was preventing or terminating an unlawful interference; and an objective threshold component-that is, the belief must be reasonable. *State v. Hampton*, 207 Wis.2d 367, 380-81, 558 N.W.2d 884 (Ct. App. 1996). The reasonableness of the belief is judged from the position of a person of ordinary intelligence and prudence in the same situation. *Hampton*, 207 Wis. 2d at 381.

There is no privilege to resist an unlawful arrest. *State v. Hobson*, 218 Wis. 2d 350, 380-81, 577 N.W.2d 825 (1997).

*Are laws that prohibit the discharge of firearms in a city, village or town still valid?*

Yes. Under current law, a city, village, or town exercising village powers may, by ordinance or resolution, restrict the discharge of a firearm. Current law also prohibits discharging a firearm near certain parks, from a vehicle, from or across a highway, or in or from an aircraft.

However, **such ordinances do not apply if** the person's conduct is justified or privileged. (e.g., was under circumstances of coercion or necessity or was in self- defense). *Wis. Stat. § 66.0409(3)(b)*.

## CCW AND OPEN CARRY

*Does CCW licensure affect my ability to openly carry a firearm?*

No. The CCW licensure statute does not limit an individual's right to carry a firearm that is not concealed. *Wis. Stat. § 175.60(2)(c)*.

*Are there any locations where it is illegal to openly carry a firearm or any weapon?*

Yes. It is unlawful for anyone (except for law enforcement), including persons with a CCW license, to knowingly carry an unconcealed weapon (firearm, electric weapon, or a billy club) in the following locations:

- Any portion of a building that is a police station, sheriff's office, state patrol station, or the office of a Division of Criminal Investigation special agent of DOJ.
- Any portion of a building that is a prison, jail, house of correction, or secured correctional facility.
- The Sand Ridge Secure Treatment Center, the Wisconsin Resource Center, or any secured unit or secured portion of a mental health institution, including a facility designated as the Maximum Security Facility at the Mendota Mental Health Institute.
- Any portion of a building that is a county, state, or federal courthouse.
- Any portion of a building that is a municipal courtroom if court is in session.
- A place beyond a security checkpoint in an airport.
- School grounds and premises:

No one, including a CCW licensee may carry a firearm in or on the grounds of a school

unless another specific statutory exception applies. *Wis. Stat. § 948.605(2)(b)1r.*

No one, including a CCW licensee may carry any other dangerous weapon on school premises unless a specific statutory exception applies. *Wis. Stat. § 948.61(2) and (3).*

*Also see:* **POSSESSION OF FIREARMS AND OTHER WEAPONS ON SCHOOL PROPERTY.**

- Persons who do not have a CCW permit may not carry a handgun in a tavern and those persons with a CCW license may carry a concealed handgun in a tavern only if NOT consuming alcohol. *Wis. Stat. § 941.237(3)(cx).*
- **Federal law applies to the possession of firearms and weapons on US government property.**

*Are there some weapons that cannot be carried openly?*

Yes, illegal weapons (*Wis. Stat. § 941.28*) (unless a specific possession exception under the statute applies).

It is also unlawful for a person who does not have a CCW license to openly carry an **electric weapon.**

*Does the open or concealed carry of a firearm constitute disorderly conduct?*

Generally no. Unless the facts and circumstances indicate a malicious or criminal intent, a person may not be charged with an ordinance or criminal offense of disorderly conduct for going armed with a concealed or openly carried firearm. *Wis. Stat. §§ 947.01(2) and 66.0409(6).*

*Can I carry a firearm, concealed or open, in a tavern?*

**No one may possess a handgun in a tavern unless** they are a law enforcement officer, a correctional officer in the line of duty, a member of the US armed forces or national guard in the line of duty, a private security person meeting certain criteria, the tavern licensee, owner or manager or their authorized employee or agent, or have a CCW license or valid out of state license. *Wis. Stat. § 941.237(2) and (3)(a)-(cx).*

A peace officer, a Wisconsin CCW licensee, a qualified out-of-state licensee, a qualified out-of-state law enforcement officer and a former law enforcement officer **can carry a concealed handgun** in a tavern and a CCW licensee and authorized out-of-state CCW licensee can carry a concealed handgun in a tavern **only if they are not consuming alcohol on the premises.** *Wis. Stat. § 941.237(3)(cr), (ct), and (cx).*

It is illegal for a person who does not possess a CCW license to carry a concealed handgun in a tavern. *Wis. Stat. § 941.237(2).* This prohibition does not apply to an unloaded and encased handgun in a vehicle in a parking lot, a private or public gun or sportsmen's range or club or if possession of a handgun is authorized by the owner or manager of a Class B license or permit premises for a specific event of a limited duration. *Wis. Stat. § 941.237(3)(e) to (j).*

However, it is a class A misdemeanor (punishable by 9 months jail and/or \$10,000 fine) **for anyone to go armed with a firearm while under the influence of an intoxicant.** *Wis. Stat. § 941.20(1)(b).* "Under the Influence has been defined as materially impairing the ability to handle a firearm which is further explained as consuming an amount of alcohol to cause the person to be less able to exercise clear judgment and steady hand necessary to handle a firearm. *WI Jury Instruction-CRIMINAL 1321.*

In addition, a tavern owner may prohibit anyone from carrying a firearm in their business. See **RESTRICTIONS BY BUSINESSES AND PROPERTY OWNERS.**

A tavern is any establishment, other than a private or fraternal organization, in which alcohol beverages are sold for consumption on the premises. Wis. Stat. § 941.237(1)(fm) and (3)(cx).

## **ELECTRIC WEAPONS (STUN GUNS) AND CCW**

*Has the law changed regarding electric weapons?*

Yes. Prior law made it a felony for anyone, other than law enforcement, correctional officers and military personnel acting in the line of duty from possessing an electric weapon. Under the CCW laws, the prohibition against possessing or going armed with an electric weapon does not apply to any of the following:

- A CCW licensee or an out-of-state licensee.
- An individual who goes armed with an electric weapon in his or her own dwelling or place of business or on land that he or she owns, leases, or legally occupies.

Wis. Stat. § 941.295(2g).

The prohibition against transporting an electric weapon does not apply to any of the following:

- A licensee or an out of state licensee.
- An individual who is not a licensee or out-of-state licensee who transports an electric weapon if the electric weapon is enclosed within a carrying case.

Wis. Stat. § 941.295(2r).

*Can I carry an electric weapon concealed if I have a CCW license?*

Yes. See above.

*Are there other persons who can legally carry an electric weapon?*

Yes. In addition to licensees and out-of-state licensees, peace officers, correctional officers and armed forces/national guard personnel while on official duty, manufacturers and sellers to authorized persons and a common carrier may also carry electric weapons. Wis. Stat. § 941.295(2)(a) to (e).

*Can I carry an electric weapon concealed if I do not have a CCW license?*

If you are not specifically allowed to carry an electric weapon (see above) you are only allowed to carry an electric weapon in your own dwelling or place of business or on land that you own, lease, or legally occupy. Wis. Stat. § 941.295(2g). You may also transport the weapon if it is enclosed within a carrying case. Wis. Stat. § 941.295(2r). The possession or carrying of an electric weapon in any other situations is a felony. Wis. Stat. § 941.295(1m).

*Can a qualified out-of-state law enforcement officer or former law enforcement officer carry an electric weapon?*

No. The statute does not provide an exception for an out-of-state law enforcement officer or former law enforcement officer. However, the exceptions for possessing on a dwelling or place of business or on land that such a person owns, leases, or legally occupies apply as does the exception for transporting (see below).

*Is it unlawful to sell or manufacture electric weapons in Wisconsin?*

A person may manufacture and sell electric weapons to authorized persons which includes a peace officer, armed forces or national guard personnel while on official duty, a person with a Wisconsin CCW license or out-of-state CCW licensee, or a person for use in his or her home or business that they own. *Wis. Stat. § 941.295(2)(d)*. A violation of this statute is a felony. *Wis. Stat. § 941.295(1m)*.

## **RESTRICTIONS BY EMPLOYERS**

*Can an employer prohibit employees from carrying concealed weapons on the job?*

Yes. An employer may prohibit an employee from carrying a concealed weapon or a particular type of concealed weapon in the course of the employee's employment or during any part of the course of the employee's employment. *Wis. Stat. § 175.60(15m)(a)*.

*Does that prohibition apply to my car or the employer's parking lot?*

No. An employer may not prohibit a person with a CCW license, as a condition of employment, from carrying a concealed weapon, a particular type of concealed weapon, or ammunition or from storing a weapon, a particular type of weapon, or ammunition in the licensee's own motor vehicle, regardless of whether the motor vehicle is used in the course of employment or whether the motor vehicle is driven or parked on property used by the employer. *Wis. Stat. § 175.60(15m)(b)*.

*If an employer allows the carrying of concealed weapons and someone is injured or killed as a result of a license holder using the weapon, is the employer legally liable?*

Generally no. However, there may be circumstances where such liability may exist and a discussion of such situations is beyond the scope of this brief legal summary.

The law provides:

- A person who does not prohibit an individual from carrying a concealed weapon on property that the person owns or occupies is immune from any liability arising from his or her decision. *Wis. Stat. § 175.60(21)(b)*.
- An employer who does not prohibit one or more employees from carrying a concealed weapon is immune from any liability arising from that decision. *Wis. Stat. § 175.60(21)(c)*.
- A person providing a firearms training course in good faith is immune from liability from any act or omission related to the course if the course is one of the courses listed in statute. *Wis. Stat. § 175.60(21)(d)*.

## **RESTRICTIONS BY BUSINESSES AND PROPERTY OWNERS**

*Can a business or property owner limit or prohibit the carrying of concealed weapons on its premises?*

Yes. With regard to private property, with very few exceptions, the owner of the property sets the rules. The owner is well within his or her rights to say no weapons, or no concealed weapons, or any other rules the owner sees fit.

### ***Special events (e.g. sporting events, concerts, etc):***

It is unlawful for any person to enter or remain at a special event if the organizers of the special event have notified the actor not to remain at the special event while carrying a firearm or with that type of firearm. The provision does not apply if the firearm is in a vehicle driven or parked in the parking facility, to any part of the special event grounds or building that is used as a parking facility. The law defines special event as an event that is open to the public, is for a

duration of not more than three weeks, and either has designated entrances to and from the event that are locked when the event is closed or requires an admission. *Wis. Stat. § 943.13(1m)(c)3.*

***Private university or college:***

It is unlawful for any person to enter or remain in any **privately or publicly owned** buildings on the grounds of a university or college, **if** the university or college has notified the actor not to enter or remain in the building while carrying a firearm or with that type of firearm. The provision does not apply to a person who leases residential or business premises in the building or, if the firearm is in a vehicle driven or parked in the parking facility, to any part of the building used as a parking facility. In order to give notice under the above provisions, other than the provision relating to single family residences, an owner or occupant must post a sign notifying persons of the restriction. If an owner or occupant of a building or part of a building is permitted to post a sign to notify that carrying of firearms is prohibited in the building or part of the building, the owner or occupant must post a sign that is located in a prominent place near all of the entrances of the part of the building to which the restriction applies and it must be posted so that any individual entering the building must be reasonably expected to see the sign. If grounds of a building or land are posted, as described above, the owner or occupant must post a sign that is located in a prominent place near all probable access points to the grounds or land to which the restriction applies and any individual entering the grounds or land can be reasonably expected to see the sign. Finally, organizers of a special event may post the special event by posting a sign that is located in a prominent place near all of the entrances to the special event and any individual attending the special event can be reasonably expected to see the sign. *Wis. Stat. § 943.13(1m)(c)5.*

*If a private business or property owner allows the carrying of concealed weapons and someone is injured or killed as a result of a license holder using the weapon, is the employer or property owner legally liable?*

Generally no. However, there may be circumstances where such liability may exist and a discussion of such situations is beyond the scope of this brief legal summary.

The law provides:

- A person who does not prohibit an individual from carrying a concealed weapon on property that the person owns or occupies is immune from any liability arising from his or her decision. *Wis. Stat. § 175.60(21)(b).*
- An employer who does not prohibit one or more employees from carrying a concealed weapon is immune from any liability arising from that decision. *Wis. Stat. § 175.60(21)(c).*
- A person providing a firearms training course in good faith is immune from liability from any act or omission related to the course if the course is one of the courses listed in statute. *Wis. Stat. § 175.60(21)(d).*

## **RESTRICTIONS BY GOVERNMENTS AND PUBLIC COLLEGES AND UNIVERSITIES**

*Are there restrictions on carrying in state and local government buildings?*

**Yes.** In some locations the carrying of concealed weapons is **absolutely prohibited** (see section entitled **LOCATIONS WHERE CCW IS PROHIBITED** below).

In other places government entities and agencies **MAY** prohibit CCW if appropriate notice is given.

Also see **NOTICE OF REFUSAL OF RIGHT TO CARRY CONCEALED** for details on the **type of notice required.**

**State or local government buildings:**

It is unlawful for any person to enter or remain in **any part of a building that is owned, occupied, or controlled by the state or any local governmental unit** if the state or local governmental unit has notified the person not to enter or remain in the building while carrying a firearm or a type of firearm. This provision does not apply to a person who leases residential or business premises in the building or, if the firearm is in a vehicle driven or parked in a parking facility, to any part of a building used as a parking facility. *Wis. Stat. § 943.13(1m)(c)4.*

**NOTE: FEDERAL LAW APPLIES TO THE CARRYING OF FIREARMS ON FEDERAL PROPERTY.**

*Are there restrictions on carrying on public colleges or universities?*

**State university or college:**

It is unlawful for any person to enter or remain in any privately or **publicly owned** buildings on the grounds of a university or college, if the university or college has notified the actor not to enter or remain in the building while carrying a firearm or with that type of firearm. The provision does not apply to a person who leases residential or business premises in the building or, if the firearm is in a vehicle driven or parked in the parking facility, to any part of the building used as a parking facility. *Wis. Stat. § 943.13(1m)(c)5.*

Also see **NOTE** to preceding question and answer.

*Can government prohibit the carrying of a concealed weapon in parks or other public lands?*

No. The restrictions above only apply to government buildings. Persons with a CCW license may carry concealed on public lands. *Wis. Stat. § 943.13(1m)(c)2 and § 943.13(1e)(cm).* **Note that federal law applies to federal property.**

Several existing prohibitions on carrying firearms on public lands (wildlife refuges, state parks and fish hatcheries) have been changed.

- The law prohibiting the possession of a firearm unless it is unloaded or encased in a **state wildlife refuge** does not apply to a licensee or an out-of state licensee if the firearm is a handgun, or to a law enforcement officer, a qualified out-of-state law enforcement officer, or a former officer if they meet certain conditions. *Wis. Stat. §§ 29.091(1) and (2); 29.621(4).* **Note that federal law applies to federal property.**
- The law prohibiting the possession or under one's control a firearm on land located in **state parks or state fish hatcheries** unless the firearm is unloaded and in a carrying case does not apply to a licensee or an out-of state licensee if the firearm is a handgun, or to a law enforcement officer, a qualified out-of-state law enforcement officer, or a former officer if they meet certain conditions. *Wis. Stat. § 29.089(2)(a)-(d).* **Note that federal law applies to federal property.**
- As of February 22, 2010, it became legal for persons to carry firearms in any unit of the National Park System or the National Wildlife Refuge System **IF**
  - the individual is not otherwise prohibited by law from possessing the firearm; and
  - the possession of the firearm is in compliance with the law of the State in which the unit of the National Park System or the National Wildlife Refuge System is located.

*16 USC § 1a-7b.*

However, federal law also prohibits firearms in certain facilities in parks and Wildlife refuges (such as visitor centers, government offices, etc.). The law also does not allow the concealed carry of other weapons. Persons wishing to carry firearms or other weapons on federal lands should contact the appropriate federal agency for information on federal law.

**POSSESSION OF FIREARMS AND OTHER WEAPONS ON SCHOOL PROPERTY**

The new CCW statute repeals or restates portions of prior law regarding possessing a firearm in a school zone. The statute also differentiates between possession of a firearm in or on school grounds and possession within 1,000 feet of school grounds.

## A. Firearms

*Are there restrictions on carrying a firearm on school property?*

Yes. It is a **felony** for a person to knowingly **possess** a **firearm** (concealed or otherwise) on the **grounds** of a school. *Wis. Stat. § 948.605(2)(a).*

It is a **forfeiture** for a person to knowingly possess a firearm (concealed or otherwise) at a place that the person knows or has reasonable cause to believe is **within 1,000 feet of the grounds** of a school. *Wis. Stat. § 948.605(2)(a).*

*What are the exceptions?*

There are a number of exceptions to the restrictions on possessing a firearm in or on school grounds or within 1,000 feet of school grounds.

It is lawful to possess a firearm **in or on the grounds of a school or within 1,000 feet of the grounds of a school** as follows:

- On private property that is not part of school grounds. *Wis. Stat. § 948.605(2)(b)1m and 18 USC 922(q)(2)(B)(i).*
- For use in a program approved by a school in the school zone. *Wis. Stat. § 948.605(2)(b)1m and 18 USC 922(q)(2)(B)(iv).*
- In accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual. *Wis. Stat. § 948.605(2)(b)1m and 18 USC 922(q)(2)(B)(v).*
- By a law enforcement officer acting in his or her official capacity. *Wis. Stat. § 948.605(2)(b)1m and 18 USC 922(q)(2)(B)(vi).*
- The firearm is unloaded and is possessed by an individual while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry on the school premises is authorized by school authorities. *Wis. Stat. § 948.605(2)(b)1m and 18 USC 922(q)(2)(B)(vii).*
- The firearm is not loaded and is encased or in a locked firearms rack that is on a motor vehicle. *Wis. Stat. § 948.605(2)(b)3a and b.*
- By a state-certified commission warden acting in his or her official capacity. *Wis. Stat. § 948.605(2)(b)2m.*
- By a person legally hunting in a school forest if the school board has decided that hunting may be allowed in the school forest. *Wis. Stat. § 948.605(2)(b)3m.*
- **A person who is a CCW licensee or out-of-state CCW licensee may possess a firearm within 1,000 feet of the grounds of a school, but not in or on school grounds.** *Wis. Stat. § 948.605(2)(b)1r.*

*Can a person with a CCW license or out-of-state CCW license carry a concealed weapon in or on school grounds?*

As noted above, no. The law does not allow a CCW licensee to carry a firearm, concealed or openly displayed, in or on school grounds unless one of the other statutory exceptions listed above exists and then only when in compliance with those exceptions. *Wis. Stat. § 948.605(2)(b)1r.*

*What is the definition of a school?*

School is defined as a public school, parochial or private school, or tribal school, as defined in s. 115.001(15m), which provides an educational program for one or more grades between grades 1 and 12 and which is commonly known as an elementary school, middle school, junior high school, senior high school, or high school. *Wis. Stat. §§ 948.605(1)(b), 948.61(1)(b).*

*What are the rules for public and private colleges and universities?*

See: **RESTRICTIONS BY GOVERNMENTS AND PUBLIC COLLEGES AND UNIVERSITIES**  
**and RESTRICTIONS BY BUSINESSES AND PROPERTY OWNERS.**

*Are there any other limits on firearms in school zones?*

Yes. It remains a felony for any who knowingly, or with reckless disregard for the safety of others, to discharge or attempt to discharge a firearm at a place the person knows is in or on or within 1,000 feet of school grounds unless:

- On private property not part of school grounds.
- For use in a program approved by a school in the school zone by an individual participating in the program.
- By an individual in accordance with a contract entered into between a school in a school zone and the individual or an employer of the individual.
- By a law enforcement officer or state certified commission warden acting in his or her official capacity.

*Wis. Stat. 948.605(3)(a) and (b).*

## **B. Other Weapons**

*Are there limits on possessing other weapons on school premises?*

Yes. It is a crime to possess a dangerous weapon (other than a firearm or BB or pellet gun) on or in any school building, school grounds, recreation area, athletic field or any other property owned, used or operated for school administration. *Wis. Stat. § 948.61.*

School is defined as a public, parochial or private, or tribal school that provides educational programs for one or more grades between grades 1 and 12 (elementary, middle, junior high and high school). *Wis. Stat. 948.61(1)(b).*

*What are the exceptions?*

The following are **exceptions** to the prohibition on possessing dangerous weapons on school premises by the following persons:

- A person who uses a weapon solely for school sanctioned purposes. *Wis. Stat. § 948.61(3)(a).*
- A person who engages in military activities sponsored by the federal or state government when acting in the discharge of his or her official duties. *Wis. Stat. § 948.61(3)(b).*
- A person who is a law enforcement officer or state certified commission warden acting in the discharge of his or her official duties. *Wis. Stat. § 948.61(3)(c).*
- A person who is participating in a convocation authorized by school authorities in which weapons of collectors or instructors are handled or displayed. *Wis. Stat. § 948.61(3)(d).*
- A person who drives a motor vehicle in which a dangerous weapon is located onto school premises for school sanctioned purposes or for the purpose of delivering or picking up passengers or property if the weapon is not removed from the vehicle or used in any way. *Wis. Stat. § 948.61(3)(e).*
- A person who possesses or uses a bow and arrow or knife while legally hunting in a school forest if the school board has decided that hunting may be allowed in the school



forest. *Wis. Stat. § 948.61(3)(f)*.

*Can a person with a CCW license carry a concealed weapon other than a firearm on school premises?*

Generally no, unless the licensee falls within one of the exceptions listed above.  
*Wis. Stat. § 948.61(2) and (3)*.

## **NOTICE OF REFUSAL OF RIGHT TO CARRY CONCEALED**

*While the specific statutory sections of the new law as noted above, only reference notices regarding firearms, property owners possess the general right to limit or condition access to their property. This would include prohibitions or limits on possessing dangerous weapons other than firearms. Therefore, the sign requirements discussed below can provide a reasonable basis for providing notice to persons of any weapons restrictions.*

*What kind of notice must be given to a CCW license holder regarding any prohibitions on carrying concealed weapons?*

Notice of statutorily prohibited locations is provided by statute and to the licensee on the license application and no other notice or sign is required for those locations.

Notice for other locations can be provided **verbally or in writing or if the land is posted by a sign** meeting certain criteria. *Wis. Stat. § 943.13(2)(am)*

*Where are signs required?*

**For non single family residences** (e.g. apartment, condos, etc): A sign must be located in a prominent place near all of the entrances to the part of the building to which the restriction applies **or** near all probable access points to the grounds to which the regulation applies and the individual entering the building or grounds can be reasonably expected to see the sign. *Wis. Stat. § 943.13(2)(bm)2.a.*

**For non-residential buildings, state or governmental property or university or college:** A sign must be posted in a prominent place near all of the entrances to the part of the building to which the restriction applies and any individual entering the building can be reasonably expected to see the sign. *Wis. Stat. § 943.13(2)(bm)2.b.*

**For the grounds of a nonresidential building or land:** A sign must be posted in a prominent place near all probable access points to the grounds or land to which the restriction applies and any individual entering the grounds or land can be reasonably expected to see the sign. *Wis. Stat. § 943.13(2)(bm)2.am.*

**For special events:** A sign must be posted in a prominent place near all of the entrances to the special event and the individual attending the special event can be reasonably expected to see the sign. *Wis. Stat. § 943.13(2)(bm)2.c.*

**For posting land:** A sign must be posted that is located in a prominent place near all probable access points to the grounds or land to which the restriction applies and any individual entering the grounds or land can be reasonably expected to see the sign. *Wis. Stat. § 943.13(2)(bm)2b.*

*How big of a sign must be used?*

A sign that states the restriction on carrying a firearm must be at least five inches by seven inches. *Wis. Stat. § 943.13(2)(bm)1.*

*What must the sign say?*

In regard to posting land, the law only provides that the sign must provide an appropriate notice and the name of the person giving the notice (listing self as either the owner or occupant). *Wis. Stats. § 943.13(2)am1*. In regard to other locations the sign must simply state the restriction imposed. *Wis. Stats. § 943.13(2)(bm)1*. At a minimum the sign must inform people that weapons or firearms are prohibited. There are a number of messages that would meet the standard and the ultimate purpose of the sign is to put individuals on notice of the prohibition or limitation.

## **PROHIBITED CONDUCT FOR ANYONE POSSESSING A WEAPON**

The CCW statutes do not, except where noted elsewhere, change any other existing laws governing the conduct of individuals and the use of weapons. For example, the following conduct is still prohibited:

*Disorderly conduct.* Where the facts and circumstances indicate a malicious or illegal intent a person may be prosecuted for loading, carrying, or going armed with a firearm. *Wis. Stat. § 947.01(1) and (2)*.

*Carrying a concealed firearm while intoxicated.* It is a class A misdemeanor (9 months jail and/or \$10,000 fine) for someone to go armed while under the influence of an intoxicant. *Wis. Stat. § 941.20(1)(b)*. "Under the Influence has been defined as materially impairing the ability to handle a firearm which is further explained as consuming an amount of alcohol to cause the person to be less able to exercise clear judgment and steady hand necessary to handle a firearm. *WI Jury Instruction-CRIMINAL 1321*.

*Carry a firearm while unlawfully using controlled substances.* It is a class A Misdemeanor (9 months jail and/or \$10,000 fine) to go armed with a firearm with a detectable amount of a restricted controlled substance in their blood without proof of a valid prescription. *Wis. Stat. § 941.20(1)(bm)*.

*Intentionally point a firearm at another unless such conduct is privileged.* *Wis. Stat. § 941.20(1)(c)*.

*Intentionally point a firearm at a law enforcement officer, fire fighter, EMT, first responder, ambulance driver or commission warden acting in their official capacity.* *Wis. Stat. § 941.20(1m)*.

*Intentionally discharge a firearm into a vehicle or building under circumstances in which the person should realize there might be a human being present unless privileged.* *Wis. Stat. § 941.20(2)*.

*Intentionally discharges a firearm from a vehicle while on a highway or in a parking lot unless justified or privileged.* *Wis. Stat. § 941.20(3), 167.30(2)*;

*Possess tear gas, mace or similar substance except for pepper spray.* *Wis. Stat. § 941.26(1)(b) and (4)*.

*Use tear gas or similar substances or pepper spray against a law enforcement officer or during a crime.* *Wis. Stat. s 941.26(2) and (4)*.

*Possess, purchase, sell, transport or use a machinegun unless authorized by law.* *Wis. Stat. § 941.26(1m) and (3)*.

*Possess, purchase, sell, transport or use a short-barreled shotgun or rifle* (shotgun with a barrel length of less than 18 inches or an overall length of less than 26 inches and a rifle with a barrel length of less than 16 inches or an overall length of less than 26 inches) unless specifically allowed by the statute to possess, sell, transport or use (military in the line of duty, any peace officer of the United States or political subdivision thereof, and anyone who has complied with federal registration and licensing requirements. *Wis. Stat. § 941.28*.

*Sell or distribute an imitation firearm. Wis. Stat. § 941.297.*

*Carry or display a facsimile firearm in a manner that could reasonably be expected to alarm, intimidate, threaten or terrify another person. Wis. Stat. § 941.2965.*

*Possess, sell or deliver a firearm silencer unless specifically allowed by law. Wis. Stat. § 941.298 and in compliance with federal law 26 U.S.C. 5801 to 5872.*

*Endanger the safety of another by the negligent operation of handling of a dangerous weapon. Wis. Stat. § 941.20(1)(a) (9 months jail and/or \$10,000 fine).*

*Recklessly endanger the safety of another person. Wis. Stat. § 941.30.*

*Homicide by negligent handling of a dangerous weapon. Wis. Stat. § 940.08.*

*Homicide by intoxicated use of a firearm. Wis. Stat. § 940.09.*

## **TRANSPORTING WEAPONS**

*If I have a CCW license can I transport the weapon on my person in a vehicle?*

Concealed carry license holders may carry a loaded, concealed handgun in a vehicle. Note, however, that rifles and shotguns have different legal requirements. Although 2011 WI Act 51 removed the requirement that rifles and shotguns be “encased,” it is still illegal to conceal a long-gun in a vehicle. Case law has established that a firearm within reach on a seat is concealed. Rifles and shotguns in a vehicle must be unloaded, and must be readily visible from outside the vehicle or be out of reach of the driver and passengers.

*If I do not have a CCW license how do I transport weapons in a vehicle?*

### **A. Handguns**

The law now allows a person who can legally possess a handgun to do the following **without a CCW permit**:

- **place, possess, or transport a handgun** in a vehicle without being unloaded or encased. *Wis. Stats. § 167.31(2)(b).*
- **load a handgun** in a vehicle. *Wis. Stats. § 167.31(2)(c).*
- **operate an all-terrain vehicle (ATV)** with a loaded uncased handgun in the operator’s possession. *Wis. Stat. § 23.33(3)(a).*
- place, possess, or transport a handgun **in or on a motorboat** with the motor running without being unloaded or encased. *Wis. Stats. § 167.31(2)(a), (b), (c).*
- place, possess, or transport a loaded uncased handgun **in or on a noncommercial aircraft.**

**IMPORTANT NOTE:** *Persons who do not have a CCW license may still not carry weapons concealed. In a vehicle this means that the firearm cannot be hidden or concealed and within reach.*

### **B. Long Guns**

The law has been changed regarding hand guns but the requirements for transporting long guns still remains. A long gun being placed within or transported in or on a vehicle, boat, or non-commercial aircraft simply must be unloaded and not

hidden/concealed from view when within reach. Long guns do not need to be cased unless within certain areas of the state where other laws require firearms (other than handguns possessed by a CCW license holder) be encased, such as school zones and state parks. *Wis. Stat. § 167.31(2)(a), (b)*

### **C. Other weapons**

As a general rule, persons without a CCW permit may not carry concealed weapons in a vehicle. This means that the weapon cannot be hidden and within reach. Case law has established that a weapon within reach on a seat is concealed.

### **D. Electric weapons**

A CCW licensee may transport an electric weapon without restrictions.

A person who is not a licensee may only transport an electric weapon if it is enclosed within a carrying case. *Wis. Stat. § 941.295(2r)*.

Also see: **[ELECTRIC WEAPONS \(STUN GUNS\) AND CCW.](#)**

*Can I transport weapons on public or private buses, transport vehicles or cabs?*

The same rules as discussed above regarding transporting in vehicles apply. In addition, private entities may prohibit or restrict the possession and transport of weapons. Also See: **[RESTRICTIONS BY EMPLOYERS. RESTRICTIONS BY BUSINESSES AND PROPERTY OWNERS. RESTRICTIONS BY GOVERNMENTS AND PUBLIC COLLEGES AND UNIVERSITIES.](#)** and **[NOTICE OF REFUSAL OF RIGHT TO CARRY CONCEALED.](#)**

*What is the law regarding transporting firearms on a commercial airplane?*

Any firearm, handgun or long gun must be unloaded and encased. *Wis. Stat. § 167.31(3)(a)1.*

Under federal law firearms may not be carried in carry-on baggage and can only be placed in checked baggage. Airlines may also have additional requirements.

Check with the Federal Traffic Safety Administration (TSA) for further information: TSA- laws and requirements for firearms

## **ACCESS TO CCW LICENSE INFORMATION**

*Will there be a list of persons who have CCW licenses?*

Yes. The law requires DOJ to maintain a computerized record listing the names of and specified information (including but not limited to dates of birth, sex and the identification number of the CCW license) concerning all individuals who have been issued a license and former federal law enforcement officers (but not former state law enforcement officers) who have been issued certification cards. *Wis. Stat. § 175.60(12)(a).*

*Is the information regarding CCW licenses available to the public?*

No. The information regarding CCW licenses is not considered a public record and the DOJ, Department of Transportation (DOT), or any employee of DOJ or DOT, cannot make it available to the public except in the context of a prosecution for an offense in which the person's status as a licensee or holder of a certification card is relevant or through DOJ's annual report to the Legislature and the Governor. *Wis. Stat. § 175.60(12)(c).*

*Does DOJ issue any reports regarding CCW licenses?*

DOJ is required to submit a statistical report to the Legislature and the Governor annually by March 1 of each year. The report must indicate the number of licenses applied for, issued, denied, suspended, and revoked during the previous calendar year. For the licenses denied, the report must indicate the reasons for the denials and the part of the application process in which the reasons for denial were discovered. For licenses suspended or revoked, the report must indicate the reasons for the suspensions and revocations. DOJ may not include in the report any information that may be used to identify an applicant or a licensee, including but not limited to a name, address, birth date, or Social Security number. *Wis. Stat. § 175.60(19)*.

*To whom can DOJ release information on CCW licenses?*

Law enforcement agencies upon proper request and reports to the governor and legislature. Proper requests from law enforcement include: 1) to confirm that a license or certification card produced by an individual at the request of a law enforcement officer is valid; 2) if an individual claims to hold a valid license or law enforcement certification but does not have his or her license document or law enforcement certification card with him or her, to confirm that the individual holds a valid license or certification card; and 3) to investigate whether a person submitted an intentionally false statement in a license application or renewal. *Wis. Stat. §§ 175.60(12g)(a) and (19)*.

*Is the information regarding CCW licenses available to a law enforcement agency?*

Yes, in limited circumstances. A law enforcement officer may not request or be provided information from such computerized record concerning a specific individual except for specified purposes including to confirm that a license or certification card produced by an individual at the request of a law enforcement officer is valid or, if an individual does not have his or her license document or certification card with him or her, to confirm that the individual holds a valid license or certification card or to investigate whether the person made false statements in their license application or renewal. *Wis. Stat. § 175.60(12)(b) and (12g)(b)*.

*How can law enforcement agencies use CCW license information?*

To confirm that a license or certification card produced by an individual at the request of a law enforcement officer is valid. *Wis. Stat. § 175.60(12)(b)1a*.

If an individual claims to hold a valid license or law enforcement certification but does not have his or her license document or law enforcement certification card with him or her, to confirm that the individual holds a valid license or certification card. *Wis. Stat. § 175.60(12)(b)1b*.

To investigate whether a person submitted an intentionally false statement in a license application or renewal. *Wis. Stat. § 175.60(12)(b)1c*.

To investigate whether a person complied with the requirements governing the return of revoked or suspended CCW licenses. *Wis. Stat. § 175.60(12)(b)1d*.

*Is information available to law enforcement agencies outside of Wisconsin?*

Yes: 1) information to confirm that a license or certification card produced by an individual at the request of a law enforcement officer is valid; or, 2) if an individual claims to hold a valid license or law enforcement certification but does not have his or her license document or law enforcement certification card with him or her, to confirm that the individual holds a valid license or certification. *Wis. Stat. § 175.60(12)(b) 2*.

*Are there some things a law enforcement agency cannot do with license information?*

Neither a law enforcement agency nor any of its employees may store or maintain information regarding an individual that was obtained from DOJ based on the individual's status as a licensee or holder of a certificate card. *Wis. Stat. § 175.60(12g)(b)*.

In addition, neither a law enforcement agency nor any of its employees may sort or access information regarding vehicle stops, investigations, civil or criminal offenses, or other activities involving the agency based on the status as licensees or holders of certification cards of any individuals involved. *Wis. Stat. § 175.60(12g)(b)2-3*.

## **CRIMES AND OFFENSES RELATED TO CCW**

### *Making false statements on a CCW license application:*

DOJ is authorized to enforce the offense of false swearing with respect to false statements submitted or made in an application for a license or an application to renew a license.

False swearing: *Wis. Stat. § 946.32*.

### *Firearms instructor intentionally submitting false documentation indicating that a person has met the CCW training requirements.*

May be prosecuted under *Wis. Stat. § 946.32* (false swearing). *Wis. Stat. § 175.60(17)(c)*.

### *Failure to provide updated address to DOJ*

For a first violation the department must issue the licensee a warning. *Wis. Stat. § 175.60(11)(b)2*. For a second violation a forfeiture of \$50. *Wis. Stat. § 175.60(17)(ac)*.

If the person's license is suspended or revoked, or they fail to submit a timely change of address, the individual is subject to a forfeiture of \$50. *Wis. Stat. §§ 175.60(11)(b)3 and 175.60(17)(ac)*.

A licensee may not be charged with a violation if the department learns of the violation when the licensee informs the department of the address change *Wis. Stat. § 175.60(11)(b)4*.

### *Intentional failure to return a CCW license after revocation or suspension or signed statement that the holder no longer possesses the license.*

Shall be fined not more than \$500 or imprisoned for not more than 30 days in jail or both. *Wis. Stat. § 175.60(17)(e)*.

### *Carrying a concealed weapon by a licensee without carrying or displaying as required the license and photo ID.*

A person who does not carry or display a CCW license and photo ID as required may be required to forfeit not more than \$25 except that the a person is exempt from this penalty if, within 48 hours of the request, he or she presents their license document and photographic identification to the law enforcement agency that employs the law enforcement officer who lawfully requested the documents. *Wis. Stat. § 175.60(17)(a) and (ac)*.

### *Carrying a concealed weapon with a permit in a prohibited location:*

May be fined not more than \$500 or jailed for not more than 30 days jail or both. *Wis. Stat. § 175.60(17)(c)*.

### *Unlawful Use of a License*

A person who is issued a license and who does any of the following is guilty of a Class A misdemeanor (punishable by 9 months jail and/or \$10,000 fine): *Wis. Stat. § 946.71(2)*.

- Intentionally represents as valid any revoked, suspended, fictitious, or fraudulently altered license.
- Intentionally sells or lends the license to any other individual or knowingly permits another individual to use the license.
- Intentionally represents as one's own any license not issued to him or her.
- Intentionally permits any unlawful use of that license.
- Intentionally reproduces by any means a copy of a license for a purpose that is prohibited.
- Intentionally defaces or intentionally alters a license.

### *Carrying a concealed weapon without a permit*

A class A misdemeanor (9 months jail and/or \$10,000 fine). This would apply to any concealed weapon including a firearm, electric weapon, or billy club.

## **QUESTIONS AND ANSWERS FOR PERSONS WITHOUT A CCW LICENSE**

*What is the penalty for carrying a concealed weapon without a CCW license?*

It is a Class A misdemeanor punishable by jail not to exceed 9 months and/or a fine not to exceed \$10,000. *Wis. Stat. § 941.23(2)*.

*What is the penalty for carrying a firearm, openly or concealed, if I am prohibited from possessing a firearm?*

It is a Class G felony punishable by imprisonment not to exceed 10 years and/or a fine not to exceed \$25,000. *Wis. Stat. § 941.29(2)*.

*If I do not get a CCW license can I carry a firearm openly?*

The CCW statute does not limit an individual's right to carry a firearm that is not concealed. *Wis. Stat. § 175.60(2)(c)*.

*How do I transport weapons if I do not have a CCW license?*

See the section above entitled **TRANSPORTING WEAPONS**.