



**TO:** All Legislature

**FROM:**

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**RE:** Co-Sponsorship of the "RIGHT TO CARRY ACT"  
LRB-2039/1

**DATE:** March 28, 2017

**Deadline for Co-Sponsorship: 4:00pm on Tuesday, April 4, 2017**

After 5 years and more than 300,000 concealed carry licenses issued, responsible and law-abiding gun owners have made the clear case to move Wisconsin forward and expand state law to reflect the constitutional **right to carry** a weapon in self-defense. This bill allows for the concealed carry of a firearm *without a license* anywhere in the state a person is legally allowed to carry a firearm and simplifies state law while reducing the cost to citizens who choose to protect themselves and their families.

The current license structure limits those who follow the law and presents administrative and cost barriers to self-protection. With this bill, we make carrying more affordable and provide greater freedom for those who obey the law while maintaining stiff penalties for criminals who commit crimes with firearms.

Under current law, the “open” or exposed carry of a firearm is legal without a concealed carry license. However, current law does not allow person to carry their defense firearm or non-lethal weapon in a purse or under a winter coat unless they get a concealed carry license. By removing the requirement for a concealed carry license, we align concealed and open carry laws and allow for a wide variety of carry options for those who wish to carry for self-defense. Law-abiding citizens will have the same right to carry discreetly that they currently have to carry openly.

Currently, 12 states have Constitutional Carry laws and an additional 20 states are considering the issue this legislative session. With this bill, Wisconsin will take the next step towards aligning our state law with our nation’s founding ideals.

The individual right to keep and bear arms is guaranteed in our nation’s constitution and is further enumerated in Wisconsin’s constitution to provide the “*right to keep and bear arms for security, defense, hunting, recreation or any other lawful purpose.*” It is with this constitutional provision in mind that we reaffirm the rights and liberties of law-abiding citizens to carry a concealed weapon without a license.

**This bill allows public and private schools to post their buildings and grounds. This bill does not change current law concerning colleges and universities.**

**Should you wish to be added on as a co-sponsor of this legislation, please reply to this email prior to 4:00pm on Tuesday, April 4, 2017.** Should you have any questions, please feel free to contact [Adam Gibbs](#) in Senator Craig’s office (6-5400) or [Liz Portz](#) in Representative Felzkowski’s office (6-7694).

Co-sponsors will be included on the Senate and Assembly versions unless otherwise specified.

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#### ***Analysis by the Legislative Reference Bureau***

Current law generally prohibits an individual from carrying a concealed weapon unless the individual has a license to carry a concealed weapon that is issued by the Department of Justice or unless the individual has a law enforcement identification card indicating that he or she is a qualified current or former law enforcement officer. This bill eliminates the general prohibition against going armed with a concealed weapon without regard to licensure status.

This bill also eliminates current law prohibitions against carrying firearms in specified places, but retains the current law that allows certain persons to post buildings and grounds so that individuals who carry a firearm in violation of the posting commit trespass. For instance, this bill eliminates the prohibition on carrying a firearm on school grounds and, for persons without a license to carry a concealed weapon, in a school zone. Instead, this bill allows schools to post their buildings and grounds under the trespassing laws. An individual who violates the trespassing provision is guilty of a Class C misdemeanor if the individual is in a posted school building and a Class B forfeiture if the individual is on the posted grounds of a school.

Likewise, the bill eliminates the general prohibition against carrying a firearm in other buildings, such as a police station, a house of correction, or a secure mental health facility, but allows the appropriate governmental entity to post the buildings against carrying a firearm. This bill also eliminates the prohibitions against carrying a firearm, bow, or crossbow in a wildlife refuge and eliminates the

prohibitions against carrying a firearm, bow, or crossbow while engaging in certain activities, such as operating an all-terrain vehicle. In addition, current law prohibits an individual from shining wildlife while the individual is hunting or possessing a firearm, bow and arrow, or crossbow. This bill maintains that the individual may not shine wildlife while hunting but eliminates the prohibition on shining while possessing a firearm, bow and arrow, or crossbow.

The federal gun-free school zone law generally prohibits the possession of a firearm in a school zone but exempts an individual who is licensed to possess a firearm by the state in which the school zone is located if the license involves a background check on the individual. For purposes of being able to possess a firearm in a school zone under federal law, as well as for purposes of being allowed to carry a firearm in other states that require licensure, this bill maintains the license to carry a concealed weapon and the law enforcement identification cards. This bill makes two modifications to the process to obtain a new license to carry a concealed weapon. First, under this bill, DOJ may issue a license to an applicant who is not a Wisconsin resident; under current law, only a resident may be issued a license. Second, although current law requires proof of completing a training program for a license, under this bill, if an otherwise qualified applicant does not provide proof of completing a training program, DOJ must issue the applicant a license that indicates that the license is a basic license. For in-state purposes, the license and the basic license are indistinguishable, and, under this bill, both are optional. The bill also provides that, if the federal government creates standards that would allow a license to carry a concealed weapon to be recognized by other states and the license issued by DOJ does not comply with the federal standards, DOJ must create an optional enhanced license to carry a concealed weapon that complies with the federal standards.

Finally, current law generally prohibits the possession of electric weapons, commonly known as tasers. This bill eliminates that prohibition except the prohibition is maintained for an individual who is prohibited from possessing a firearm. This bill also changes the definition of "firearm" by specifically excluding antique firearms, as defined under federal law, which excludes firearms manufactured before 1898 and muzzleloading firearms.

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