

Chapter RL 34

FIREARMS AND OTHER DANGEROUS WEAPONS

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RL 34.01 Conditions relating to carrying a firearm. (1) No owner or employe of an agency may carry on, about or near their person any firearm while on duty, unless all of the following apply:

(a) The circumstances or conditions of the owner's or employe's assignment as a private security person give rise to a substantial need for being armed.

(am) The agency requires the owner or employe to carry a firearm when acting as a private security person.

(b) The client of the agency requests in writing that the agency assign armed security personnel to it and the agency retains these requests and makes copies of them available to the department upon request by the department.

(c) The agency has received a permit from the department pursuant to s. RL 34.015.

(d) The owner or employe is not prohibited from possessing a firearm under s. 941.29, Stats.

(e) Subject to ss. 111.321, 111.322 and 111.335, Stats., the owner or employe has not been convicted of a misdemeanor.

(f) The owner or employe is in uniform.

(g) The owner or employe complies with all federal or state laws or local ordinances when carrying a firearm.

(2) Except as provided in sub. (4), an owner or employe of any agency may not carry on, about or near the person any concealed firearm at a time when he or she is on duty.

(3) Except as provided in sub. (4), a private detective, while in uniform and on duty as a private security person, may only carry on, about or near his or her person a firearm when all the conditions in sub. (1) are satisfied. This subsection does not prohibit a private detective from having on, about or near his or her person a firearm which the private detective obtained and is holding as evidence in an investigation.

(4) A person who is a peace officer, as defined in s. 939.22 (22), Stats., may carry on, about or near his or her person a firearm, concealed or otherwise, when acting as a private detective or private security person.

History: Cr. Register, October, 1988, No. 394, eff. 11-1-88; am. (1) (intro.), (a) to (c), cr. (1) (am), (d) to (g), (3) and (4), r. and recr. (2), Register, December, 1994, No. 468, eff. 1-1-95.

RL 34.015 Permit granted by the department. (1) An agency shall apply to the department for a permit to au-

thorize any of its owners or employes to carry a firearm when assigned to do so by the agency.

(2) The department may grant a permit to an agency pursuant to sub. (1) if the department has determined that all of the conditions and requirements in ss. RL 34.01, 34.02, 34.03 and 34.05 have been satisfied by the agency and the owner or employe who will be assigned by the agency to carry a firearm while on duty.

(3) A permit shall only be valid while the owner or employe performs private security services for the agency to which the permit was granted. When an owner or employe transfers employment to another agency, the other agency shall obtain a new permit before requiring or permitting the owner or employe to carry a firearm.

(4) The department may deny an application submitted to it pursuant to sub. (1) or may suspend, limit or revoke a permit which it has granted, if the department determines that the conditions and requirements described in sub. (2) have not been satisfied or do not continue to be satisfied. The department shall grant a hearing pursuant to ch. RL 1 or 2.

(5) An agency shall submit to the department 2 complete and satisfactory sets of fingerprints, as provided in s. RL 31.03 (1) (b), of each owner or employe who will be assigned to carry a firearm and the department may obtain a criminal history record search from the Wisconsin department of justice and the federal bureau of investigation relating to each owner or employe before initially granting a permit for that individual and every 2 years thereafter.

(6) The agency shall pay the reasonable costs incurred by the department in obtaining information relating to the eligibility and qualifications of each owner or employe to whom the permit applies, including the reasonable costs of criminal history record searches.

History: Cr. Register, December, 1994, No. 468, eff. 1-1-95.

RL 34.02 Certificates of proficiency to carry a firearm. (1) Before an agency may receive a permit from the department pursuant to s. RL 34.015, the owner or employe who will be assigned to carry a firearm while on duty shall obtain a certificate of proficiency in the care, handling and use of that specific type of firearm. For the purpose of this subsection the owner or employe shall obtain a separate certification of proficiency for each type of firearm which the owner or employe will carry on duty, such as a revolver, semi-automatic weapon or a shotgun.

RL 34.02

Note: A copy of Form #467, Firearms Certification of Proficiency, may be obtained from the Department of Regulation and Licensing, Bureau of Direct Licensing and Real Estate, 1400 East Washington Avenue, Room 281, P.O. Box 8935, Madison, Wisconsin 53708.

(2) Certification shall be received from a person who is approved as a firearms proficiency certifier by the department under s. RL 34.04. The certificate shall be notarized and shall include at least:

(a) A full and complete description of each type of firearm, the care, handling and use of which the owner or employee is proficient.

(b) Statements to the effect that the owner or employe has successfully completed the training required in s. RL 34.03. These statements shall include the date, time of day, the number of hours and the location where the owner or employe completed the training.

Note: A copy of the firearms training guide entitled "Demonstrate Care and Use of Firearms" as approved by the Wisconsin Law Enforcement Standards Board is available for inspection at the Bureau of Direct Licensing and Real Estate, 1400 East Washington Avenue, Room 281, Madison, WI.

(3) A certificate of proficiency shall be valid for one year. An owner or employe shall obtain a new certificate of proficiency by satisfying the requirements in subs. (1) and (2), except that the training course shall consist of a 6-hour refresher course which more briefly covers the required course contents described in s. RL 34.03.

(4) An owner or employe who has not obtained a certificate of proficiency under this section at any time during the 5 years preceding the issuance of a permit by the department pursuant to s. RL 34.015 shall obtain a new certificate by successfully completing the full 36-hour course, as required in s. RL 34.03.

History: Cr. Register, October, 1988, No. 394, eff. 11-1-88; r. and recr. Register, December, 1994, No. 468, eff. 1-1-95.

RL 34.03 Training requirements for carrying a firearm. (1) GENERAL REQUIREMENT Except as provided in sub. (2), completion of a training program of not less than 36 hours consisting of the following is required as a prerequisite for obtaining an initial certificate of proficiency to carry a firearm under s. RL 34.02. The training program shall consist of:

(a) Instruction in the dangers relating to the use of the firearm, safety rules, care and cleaning of the firearm.

(b) Training in the care, handling and use of the firearm, provided in accordance with the current firearms training guide which the Wisconsin law enforcement standards board has approved for training Wisconsin law enforcement officers. When the Wisconsin law enforcement standards board has approved a new edition of the training guide to replace an older edition, training which is received after the date of which a new edition is approved may be based on the older edition for a period not to exceed 12 months after approval of the new edition by the board.

Note: A copy of the firearms training guide entitled "Demonstrate Care and Use of Firearms" as approved by the Wisconsin Law Enforcement Standards Board is available for inspection at the Bureau of Direct Licensing and Real Estate, 1400 East Washington Avenue, Room 281, Madison, WI.

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(c) Instruction in the legal use of firearms under the provisions of the Wisconsin criminal code and relevant court decisions.

(d) A presentation stressing the ethical and moral considerations which should be taken into account by any person who uses a firearm.

(e) A review of the law regarding lawful detentions.

(f) A review of the law on criminal and civil liability for intentional and negligent acts.

(2) **EQUIVALENT TRAINING** A person who had received at least 30 hours of training, as described in sub. (1), except that the training did not include the provisions of Wisconsin law, as in sub. (1) (b) and (c), shall complete the 6-hour refresher course under s. RL 34.02 (3) to satisfy sub. (1), provided the person was authorized by another licensing jurisdiction or governmental agency to carry a firearm while on duty as a peace officer, a person who stands watch for security purposes or as a private detective at any time during the 5 years preceding application for a permit under s. RL 34.015.

History: Cr. Register, October, 1988, No. 394, eff. 11-1-88; r. and recr. Register, December, 1994, No. 468, eff. 1-1-95.

RL 34.04 Approval as a firearms proficiency certifier. (1) Before certifying the proficiency of an owner or employe to carry a firearm pursuant to s. RL 34.02, an individual shall obtain the approval of the department by submitting an application to the department on a form prepared by the department.

(2) An applicant for approval as an approved firearms certifier shall at the time of application and at all times thereafter meet all of the following qualifications:

(a) The individual shall be currently approved as a firearms instructor by the training and standards bureau in the Wisconsin department of justice or certified as a firearms instructor by the national rifle association.

(b) Notwithstanding ss. 111.321, 111.322 and 111.335, Stats., the individual shall not have been convicted of a felony and is not prohibited from possessing a firearm under s. 941.29, Stats.

(c) The individual has, subject to ss. 111.321, 111.322 and 111.335, Stats., not been charged with a crime or convicted of a misdemeanor.

(3) An individual whom the department had determined to be qualified as a firearms proficiency certifier under this section and who was so qualified on the effective date of this subsection shall be granted an additional 6 months from this date to satisfy sub. (2) (a) and the individual shall satisfy sub. (2) (a) by the end of the 6 month period or the individual shall at the end of the 6 months no longer be qualified to be a firearms proficiency certifier.

Note: The Application For Approval of Firearms Proficiency Certifier, Form #1912, may be obtained from the Department of Regulation and Licensing, Bureau of Direct Licensing and Real Estate, 1400 East Washington Avenue, Room 281, P.O. Box 8935, Madison, Wisconsin 53708.

History: Cr. Register, October, 1988, No. 394, eff. 11-1-88; r. and recr. Register, December, 1994, No. 468, eff. 1-1-95.

RL 34.05 Agency firearms policy and laws. (1) Each agency shall file with the department a copy of its firearms policy before any of its owners or employes may

receive a permit from the department pursuant to s. RL 34.015 and thereafter within 30 days after any substantial changes to it.

(2) Each agency shall maintain a current copy of ss. 939.48 and 939.49, Stats., relating to the use of force, and shall make these accessible to its owners and employes.

History: Cr. Register, October, 1988, No. 394, eff. 11-1-88; am. Register, December, 1994, No. 468, eff. 1-1-95.

RL 34.06 Reporting the discharge of a firearm. If any owner or employe of an agency is responsible for the accidental or intentional discharge of any firearm other than in target practice, competition, or licensed hunting, or is responsible for the accidental or intentional use of deadly force by any means, the owner or employe shall immediately after the incident notify the local law enforcement agency where the incident took place and inform his or her supervisor of the incident. The supervisor or another person assigned by the agency shall investigate the incident as soon as possible, and shall make a signed, written report of the incident, identifying all persons involved in the incident, the investigator, and the agency, and fully describing the circumstances of the incident. As soon as possible after the investigation is completed, a copy of the

report shall be filed with the department and with the local law enforcement agency.

History: Cr. Register, October, 1988, No. 394, eff. 11-1-88; am. Register, December, 1994, No. 468, eff. 1-1-95; am. Register, August, 1995, No. 476, eff. 9-1-95.

RL 34.07 Other dangerous weapons. An owner or employe of an agency may only be armed with a dangerous weapon other than a firearm, which he or she, based on training, is proficient in handling. The person shall understand the legal limits of force with the weapon, the dangers and misuse of the weapon and the safety rules relating to the weapon. The agency shall, upon request of the department, provide documentation of the training or experience which prepared the person to be proficient in the use of the weapon.

History: Cr. Register, October, 1988, No. 394, eff. 11-1-88; am. Register, December, 1994, No. 468, eff. 1-1-95.

RL 34.08 Replica of a firearm. No owner or employe of an agency may, at any time while he or she is on duty, carry on, about or near the person an object which looks like a firearm.

History: Cr. Register, December, 1994, No. 468, eff. 1-1-95.