



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2011 Assembly Bill 299**

**Assembly Amendment 1**

*Memo published:* February 16, 2012

*Contact:* Katie Bender-Olson, Staff Attorney (266-2988)

### **Assembly Bill 299**

**2011 Assembly Bill 299** makes changes to current law relating to the possession of firearms by law enforcement officers. The bill changes the penalties that apply to officers who possess a firearm while subject to a domestic abuse or child abuse restraining order or injunction. In addition, the bill changes the ability of an officer to possess or discharge a firearm in a school zone.

Under current law, a law enforcement officer cannot possess a firearm while off-duty if he or she is subject to a domestic abuse or child abuse restraining order or injunction, unless the officer is required to carry a firearm off-duty as a condition of employment. An officer who carries off-duty without being required to do so is guilty of a Class G felony.

**Assembly Bill 299** alters current law to provide that an officer who is subject to a restraining order or injunction and who carries a firearm while off-duty without being required to do so is subject to penalties for violating an injunction, rather than being subject to the penalties for committing a Class G felony. The violation of an injunction is an unclassified misdemeanor and a person who violates an injunction is subject to lower penalties than those which apply to a Class G felony.

Under current law, an officer may only carry a firearm in a school zone if the officer is acting in his or her “official capacity.” A school zone is the area in or on the grounds of a school or within 1,000 feet of the grounds of a school.

**Assembly Bill 299** alters current law and eliminates the requirement that an officer be acting in his or her “official capacity” to carry a firearm in a school zone. The bill allows an off-duty officer, a qualified out-of-state officer, or a former officer to carry in a school zone if the officer meets certain criteria. These criteria include: being authorized to carry a firearm; not being subject to discipline;

being qualified to use a firearm under agency standards; not carrying a prohibited type of weapon; and not being under the influence of an intoxicant.

**Assembly Amendment 1**

**Assembly Amendment 1** removes the bill provisions relating to possession of firearms by law enforcement officers who are subject to domestic abuse or child abuse restraining orders or injunctions and preserves current law. The amendment retains the current penalties for an officer who is subject to a restraining order or injunction and who carries a firearm off-duty without being required to do so as a condition of employment.

**Legislative History**

Assembly Amendment 1 was offered by Representatives Hebl and Kleefisch on January 27, 2012. The Assembly Committee on Criminal Justice and Corrections recommended adoption of the amendment on February 9, 2012, on a vote of Ayes, 7; Noes, 0. The committee then recommended passage of the bill, as amended, on a vote of Ayes, 7; Noes, 0.

KBO:ty