

**COUNTY OF MILWAUKEE  
INTER-OFFICE COMMUNICATION**

**DATE:** October 3, 2011

**TO:** Chris Abele, Milwaukee County Executive  
Lee Holloway, Chairman, Milwaukee County Board of Supervisors  
Milwaukee County Board of Supervisors

**FROM:** Kimberly R. Walker, Corporation Counsel  
Jack H. Takerian, Director, Department of Transportation and Public Works

**SUBJECT:** Compliance With the Conceal Carry Law (Informational Purposes)

**Background**

On July 8, 2011, Wisconsin's Governor legalized the carrying of a concealed weapon when he signed into law Wisconsin Act 35, the Carrying Concealed Weapon Law ("Concealed Carry Law"). This law will go into effect on November 1, 2011. The focus of this memo is to provide information to the Department Directors, Elected Officials and others on the new law and provide guidance to comply with the "Concealed Carry Law".

A group was formed of Departments Directors that owned and operated facilities within Milwaukee County as well as those that operate and lease County facilities (Marcus, Museum, War Memorial etc). The first meeting was held on July 19th and all departments were represented as well as the other cultural institutions. To advise this group in understanding the law that was passed and to minimize any misconception we asked that the District Attorney's Office assist us in understanding the new law. At this meeting Chief Investigator David Budde and Assistant District Attorney Karen Loebel assisted the group in better understanding the law by giving a brief overview. As a group we discussed signage, what can be posted and what cannot, what areas are impacted and brought forward questions that the law was unclear on. It was decided at this meeting that a smaller group would reconvene and perhaps do more investigation into the larger group's questions and look into different options available to the County.

Our second meeting took place on August 9th. At this meeting the smaller group discussed sending a joint letter to the Department of Justice (DOJ) asking for clarification on the legislation as it relates to its implementation within certain county facilities/properties including the County Behavioral Health facility and on buses. First, under the current law, only certain mental health facilities are exempt from conceal carry law; Behavioral Health Division is not among those listed. It is also unclear if the county can ban weapons on all transit vehicles.

**Conceal Carry Law – What It Means:**

The concealed carry law allows Wisconsin citizens to carry concealed weapons once they have received proper training and have received a permit through the DOJ. Under the law, Wisconsin citizens who obtain a permit will be allowed to carry a concealed weapon (including handguns,

knives or tasers) in most public buildings, including city halls, firehouses, community centers, etc., unless a sign is posted saying they are not permitted. The law makes exception for law enforcement offices, courthouses and jails, certain mental health facilities, and school grounds, where concealed weapons remain illegal.

The law does not change the rules regarding the transportation of any firearm in a vehicle, other than a handgun. Firearms other than handguns must be transported in a fully enclosed case and in an unloaded state.

#### Prohibited Locations

A list of categories where the carrying of a concealed or unconcealed weapon is prohibited includes law enforcement facilities, jails, and certain mental health facilities as defined by state law, courthouses (including areas used as municipal courts while in session), and anywhere beyond the security checkpoint at an airport. But it should be kept in mind that this law does not prohibit weapons transported in vehicles driven or parked in the above locations.

#### Conceal Carry License Requirements Overview

This new law allows individuals to carry a concealed weapon off their private property.

#### To legally carry a concealed weapon an individual must:

1. Be over age 21;
2. Be a resident of Wisconsin;
3. Complete a firearm training course; and
4. Have a completed background check.

Once licensed, the individual must carry the license and photographic identification whenever a concealed weapon is carried. The license is valid for five years. To carry concealed, an individual who is not a resident of Wisconsin does not need to have a license from Wisconsin if they have a valid license from another state.

#### Individuals who are not permitted to be licensed in the State of Wisconsin are as following:

1. Prohibited under federal law;
2. Convicted of a felony;
3. Found not guilty of a felony by reason of mental disease or defect;
4. Ordered by a court not to possess a weapon based on clear and convincing evidence that the individual may cause physical harm to another or endanger public safety;
5. Committed for mental health treatment and ordered not to possess a firearm;
6. Ordered by a court not to possess a firearm as bond/bail conditions;
7. Is not a Wisconsin resident unless has a valid license from another state; or
8. Has not provided proof of training.

### **Firearms in Milwaukee County Owned Property**

The new law gives Milwaukee County or occupant of a County owned building the ability to prohibit concealed carry. It will be unlawful for any person to enter any part of a building owned or controlled by the County if the County has notified the person not to enter the building while carrying a firearm.

It should be noted that Milwaukee County, as an employer, may prohibit the carrying of a concealed weapon in the course of an employee's employment. However, Milwaukee County cannot prohibit an employee with a firearm permit from carrying a concealed weapon in his or her own motor vehicle. It should be further noted that Milwaukee County cannot prohibit an employee with a permit from carrying a concealed firearm in their vehicle when used as a part of their job or whether the vehicle is parked on property used by the employer.

In addition, the new law will allow individuals to carry a firearm onto a vehicle, including buses, boats and ATVs. This law however does not remove the prohibition of carrying firearms (other than handguns) or crossbows onto vehicles unless the firearm is unloaded and encased and the crossbow is unstrung or enclosed in a carrying case.

### **Special Events**

The law allows for the restriction of concealed firearms during a special event held within Milwaukee County. A special event is defined as being open to the public for a time period not more than three weeks and has either a designated entrance(s) into the event that is locked when the event is closed or if some type of admission is required.

### **Signage**

Under the new law all signs providing notification must be at least 5 inches by 7 inches. The law fails to provide specific information as to the font size, content, or language as to the posted sign. Several Departments and agencies have asked for different size signage for the different types of building under their operation. The Department of Transportation and Public Works is working with all departments within Milwaukee County and the cultural intuitions to ensure like signage for like operations is used. Certain areas like the Courthouse, Safety Building, Vel Phillips Juvenile Justice Center and the Criminal Justice Facilities will have more detailed language prohibiting conceal carry.

### **Conclusion**

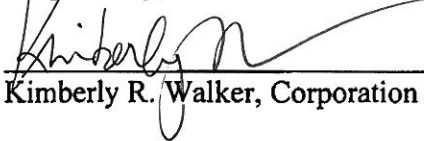
After meeting with all departments and lessees; it has been determined that Milwaukee County should prohibit individuals from carrying concealed weapons within Milwaukee County owned buildings that are not already prohibited under the law. Further, this should include all buildings in the Airport, Parks, Department of Health and Human Services, Behavioral Health, Aging Senior Centers, Transportation and Public Works sites, Wil-O-Way Special Needs facilities and the Zoo

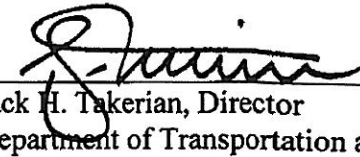
including the grounds at the Zoo. It has also been determined that we cannot prohibit conceal carry on land owned by Milwaukee County as well as our Transit vehicles. Corporation Counsel is currently working on a number of ordinance changes to bring forward to the Milwaukee County Board of Supervisors for consideration. The appropriate signage will be installed once those changes to the ordinance have been approved by the County Board.

**Fiscal**

The fiscal impact to Milwaukee County is unknown. If departments determine that it's necessary to use scanning devices and hire staff to operate them those costs will be the responsibility of each department. The average cost for a walk-through metal detector is approximately \$6,000; staffing could range from \$10 - \$15 per hour. At a minimum, signage will be needed at all entrances to Milwaukee County buildings.

Respectfully,

  
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Kimberly R. Walker, Corporation Counsel

  
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Jack H. Takerian, Director  
Department of Transportation and Public Works

Cc: David Clarke Jr., Sheriff, Milwaukee County  
John Chisholm, District Attorney, Milwaukee County  
Jeffery Kremers, Chief Judge, Milwaukee County  
Joseph Czarnezki, Milwaukee County Clerk  
John Barrett, Clerk of Circuit Courts, Milwaukee County  
George Aldrich, Chief of Staff, Milwaukee County Executive's Office  
Terry Cooley, Chief of Staff, Milwaukee County Board of Supervisors  
Department Heads, Milwaukee County  
Jay Williams, Director Milwaukee Public Museum  
Paul Mathews, Director, Marcus Center for Performing Arts  
David Drent, Director, War Memorial  
Dan Keegan, Director, Milwaukee Art Museum  
Randy Bryant, Director, Historical Society  
Maria Costello, Director, Charles Allis/Villa Terrace