

PROOF OF PUBLICATION

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MILWAUKEE COUNTY } S.S.

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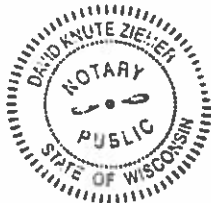
Ann Richmond

Ann Richmond

Sworn to me this 28th day of November 2011

David Ziemer

David Ziemer
Notary Public, Milwaukee County, Wisconsin
My Commission Is Permanent



PROOF OF PUBLICATION

CHAPTER 63.015, 63.016, 63.0165
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OFFICE OF
FROM: T.J. CZARNEZKI
MILWAUKEE COUNTY CLERK
County Ordinance No. 11-19
File No. ORD 11-21
AN ORDINANCE

To repeal and recreate s. 63.015 and to create ss. 63.016 and 63.0165 of Milwaukee County General Ordinances governing the carrying of concealed weapons, and the carrying of concealed and unconcealed weapons in Milwaukee County buildings; And to amend s. 63.09 of the Milwaukee County General Ordinances, the schedule of cash deposits and maximum penalties, accordingly.

The county Board of Supervisors of the County of Milwaukee does ordain as follows:

SECTION 1. Section 63.015 of the General Ordinances of Milwaukee County is repealed and recreated as follows:

63.015 Carrying concealed weapon.

(1) In this section:

(a) "Carry" has the meaning given in Wis. Stat. s. 175.60 (1) (ag).

(b) "Dangerous weapon" has the meaning given in Wis. Stat. s. 939.22(10).

(c) "Destructive device" has the meaning given in 18 USC 921 (a) (4).

(d) "Firearm silencer" has the meaning given in Wis. Stat. s. 941.298 (1).

(e) "Former officer" means a person who served as a law enforcement officer with a law enforcement agency before separating from law enforcement service.

(f) "Law enforcement agency" has the meaning given in Wis. Stat. s. 175.49 (1) (f).

(g) "Law enforcement officer" has the meaning given in Wis. Stat. s. 175.49 (1) (g).

(h) "Machine gun" has the meaning given in Wis. Stat. s. 941.27 (1).

(i) "Qualified out-of-state law enforcement officer" means a law enforcement officer to whom all of the following apply:

1. The person is employed by a state or local government agency in another state.

2. The agency has authorized the person to carry a firearm.

3. The person is not the subject of any disciplinary action by the agency that could result in the suspension or loss of the person's law enforcement authority.

4. The person meets all standards established by the agency to qualify the person on a regular basis to use a firearm.

5. The person is not prohibited under federal law from possessing a firearm.

(2) It shall be unlawful for any person, other than one of the following, to carry a concealed and dangerous weapon.

(a) A peace officer, but notwithstanding Wis. Stat. 939.22, for purposes of this paragraph, peace officer does not include a commission warden who is not a state-certified commission warden.

(b) A qualified out-of-state law enforcement officer. This paragraph applies only if all of the following apply:

1. The weapon is a firearm but is not a machine gun or a destructive device.

2. The officer is not carrying a firearm silencer.

3. The officer is not under the influence of an intoxicant.

(c) A former officer. This paragraph applies only if all of the following apply:

1. The former officer has been issued a photographic identification document described in subsec. (3) (b) 1. or both of the following:

a. A photographic identification document described in subsec. (3) (b) 2. (intro.).

b. An identification card described in subsec. (3) (b) 2. a., if the former officer resides in this state, or a certification described in subsec. (3) (b) 2. b., if the former officer resides in another state.

2. The weapon is a firearm that is of the type described in a photographic identification document described in subd. 1. (intro.) or a card or certification described in subd. 1. b.

3. Within the preceding 12 months, the former officer met the standards of the state in which he or she resides for training and qualification for active law enforcement officers to carry firearms.

4. The weapon is not a machine gun or a destructive device.

5. The former officer is not carrying a firearm silencer.

6. The former officer is not under the influence of an intoxicant.

7. The former officer is not prohibited under federal law from possessing a firearm.

(d) A licensee, as defined in Wis. Stat. s. 175.60 (1) (d), or an out-of-state licensee, as defined in Wis. Stat. s. 175.60 (1) (g), if the dangerous weapon is a weapon, as defined under Wis. Stat. s. 175.60 (1) (j). An individual formerly licensed under Wis. Stat. s. 175.60 whose license has been suspended or revoked under s. 175.60 (14) may not assert his or her refusal to accept a notice of revocation or suspension mailed under Wis. Stat. s. 175.60 (14) (b) 1. as a defense to prosecution under this subsection, regardless of whether the person has complied with s. 175.60 (11) (b) 1.

(e) An individual who carries a concealed and dangerous weapon, as defined in Wis. Stat. s. 175.60 (1) (j), in his or her own dwelling or place of business or on land that he or she owns, leases, or legally occupies.

(3) (a) A qualified out-of-state law enforcement officer shall, while carrying a concealed firearm, also have with him or her an identification card that contains his or her photograph and that was issued by the law enforcement agency by which he or she is employed.

(b) A former officer shall, while carrying a concealed firearm, also have with him or her one of the following:

1. A photographic identification document issued by the law enforcement agency from which the former officer separated that indicates that, within the 12 months preceding the date on which the former officer is carrying the concealed firearm, he or she was tested or otherwise found by that law enforcement agency to meet the standards for qualification in firearms training that that law

enforcement agency sets for active law enforcement officers to carry a firearm of the same type as the firearm that the former officer is carrying.

2. A photographic identification document issued by the law enforcement agency from which the former officer separated and one of the following:

a. A certification card issued under Wis. Stat. 175.49 (2), if the former officer resides in this state.

b. A certification issued by the state in which the former officer resides, if the former officer resides in another state, that indicates that, within the 12 months preceding the date on which the former officer is carrying the concealed firearm, he or she has been found by the state in which he or she resides, or by a certified firearms instructor if such an instructor is qualified to conduct a firearms qualification test for active law enforcement officers in that state, to meet the standards for qualification in firearms training for active law enforcement officers to carry a firearm of the type he or she is carrying, that are established by his or her state of residence or, if that state does not establish standards, by any law enforcement agency in his or her state of residence.

(c) A person who violates this subsection shall be exempted from the forfeiture hereinafter prescribed if the person presents, within 48 hours, his or her license document

or out-of-state license and photographic identification to the law enforcement agency that employs the requesting law enforcement officer.

(d) This subsection does not apply to a licensee, as defined in Wis. Stat. s. 175.60 (1) (d), or an out-of-state licensee, as defined in Wis. Stat. s. 175.60 (1) (g).

(4) Any weapon involved in an offense under subsec. (2) may be seized and shall be forwarded to the sheriff's department for disposition. If the weapon is owned by a person convicted under subsec. (2), it shall be confiscated and destroyed by the sheriff. If it is owned by a person other than the person convicted under subsec. (2), the trial judge may decide whether such weapon shall be returned to its rightful owner or destroyed by the sheriff.

(5) Any person who violates this section shall be liable for a forfeiture in accordance with the schedule of deposits and penalties in s. 63.09 of this Code.

SECTION 2. Section 63.016 of the General Ordinances of Milwaukee County is created as follows:

63.016 Carrying firearm or other dangerous weapon in County building.

(1) It shall be unlawful for any person carrying a concealed or unconcealed dangerous weapon as defined in Wis. Stat. s. 939.22(10) to enter or remain in any part of a building that is owned, occupied or controlled by Milwaukee County.

(2) To provide notice of the prohibition stated in subsec. (1) as required under Wis. Stat. ss. 943.13(1m)(c)4. and 943.12(2)(bm), the director of transportation and public works and any other

Milwaukee County administrator having management and control of a building or part of a building, that is owned, occupied or controlled by Milwaukee County shall post or cause to be posted signs informing the public that firearms and other dangerous weapons are forbidden in Milwaukee County buildings and that entering or remaining in a Milwaukee County building while carrying a concealed weapon is a violation of Wis. Stat. s. 943.13(1m)(c) and Milwaukee County Ordinances. Such signs shall be at least 5 inches by 7 inches and shall be posted in prominent places near all entrances to all such buildings or parts of buildings in locations where an individual entering the building can be reasonably expected to see the signs.

(3) This section does not apply to a person who leases residential or business premises in a building owned by Milwaukee County or, if the dangerous weapon is a firearm and the firearm is in a vehicle driven or parked in the parking facility, to any part of the building used a parking facility.

(4) This section does not apply to a building or portion of a building described in Wis. Stat. s. 175.60(16)(a).

(5) Any person who violates this section shall be liable for a forfeiture in accordance with the schedule of deposits and penalties in s. 63.09 of this Code.

SECTION 3. Section 63.0165 of the General Ordinances of Milwaukee County is created as follows:

63.0165 Carrying firearm or other dangerous weapon in the Milwaukee County Courthouse Complex and other specified County buildings.

(1) Except as provided in subsec. (2), it shall be unlawful for any person to knowingly carry a concealed and dangerous weapon or a dangerous weapon that is not concealed in any place identified in Wis. Stat. s. 175.60(16)(a), including the following: Any building or portion of a building used by the Office of the Sheriff; Milwaukee County Correctional Facilities Central and South, the Milwaukee County Juvenile Detention Center and any other secured detention or correctional facility under the control of Milwaukee County; Milwaukee County Courthouse Complex (including Milwaukee County Courthouse, Safety Building, Criminal Justice Facility and all interconnecting structures); Vel R. Phillips Juvenile Justice Centers; any portion of the Behavioral Health Division facility used to conduct hearings in civil commitment, incompetency or protective placement cases; and any place beyond a security checkpoint at General Mitchell International Airport.

(2) The prohibitions under par. (1) do not apply to any of the following:

(a) A weapon in a vehicle driven or parked in a parking facility located in a building that is used as, or any portion of which is used as, a location under subsec. (1).

(b) A weapon in a courthouse or courtroom if a judge who is a licensee under Wis. Stat. s. 175.60 is

licensee or ~~other~~ licensee, whom a judge has ~~to~~ license, writing to carry a weapon in carrying the weapon.

(c) A weapon in a courthouse or courtroom if a district attorney, or an assistant district attorney, who is a licensee under Wis. Stat. s. 175.60 is carrying the weapon.

(3) No person may lawfully carry a weapon in a courthouse or courtroom under subsec. (2)(b) or (2)(c) unless that person has first filed his or her license or written permission, or a copy thereof, in the office of the chief judge.

(4) The director of transportation and public works and any other Milwaukee County administrator having management and control of a building or part of a building that is identified in subsec. (1) shall post or cause to be posted signs informing the public that carrying firearms and other dangerous weapons is forbidden in that building or location and is punishable as a violation of Wis. Stat. s. 175.60(16) and Milwaukee County Ordinances. Such signs shall be at least 5 inches by 7 inches and shall be posted in prominent places near all entrances to all such buildings or locations where an individual entering the building can be reasonably expected to see the signs. For the Milwaukee County Courthouse Complex and the Vel Phillips Juvenile Justice Center, such signs shall additionally inform the public that written authority to carry a weapon under Wis. Stat. s. 175.60(16)(b) must be filed in the office of the chief judge.

(5) Any person who violates this section shall be liable for a forfeiture in accordance with the schedule of deposits and penalties in s. 63.09 of this Code.

SECTION 4. Section 63.09(2)(d) of the Milwaukee County General Ordinances (schedule of cash deposits and penalties) is amended to include the following deposits and penalties, which the clerk shall insert in the appropriate location:

Section Number
63.15
Subject Matter
Carrying concealed weapon
Amount of Cash Deposit
\$100
Maximum Penalty
\$500

Section Number
63.016
Subject Matter
Carrying weapon in Courthouse Complex, etc.
Amount of Cash Deposit
\$100
Maximum Penalty
\$500

Section Number
63.0165
Subject Matter
Entering or remaining in posted County building while armed
Amount of Cash Deposit
\$100
Maximum Penalty
\$500

SECTION 5. The provisions of this ordinance shall be effective upon passage and publication.

Adopted by the Milwaukee County Board of Supervisors
November 3, 2011