

1 FROM THE OFFICE OF JOSPEH J. CZARNEZKI

2 MILWAUKEE COUNTY CLERK

3 County Ordinance No. 11-19

4 File No. ORD 11-21

5  
6 AN ORDINANCE

7  
8 To repeal and recreate s. 63.015 and to create ss. 63.016 and 63.0165 of  
9 Milwaukee County General Ordinances governing the carrying of concealed weapons,  
10 and the carrying of concealed and unconcealed weapons in Milwaukee County  
11 buildings; And to amend s. 63.09 of the Milwaukee County General Ordinances, the  
12 schedule of cash deposits and maximum penalties, accordingly.

13 The county Board of Supervisions of the County of Milwaukee does ordain as  
14 follows:

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16 repealed and recreated as follows:

17 **63.015 Carrying concealed weapon.**

18 (1) In this section:

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

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

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

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

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

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

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

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

- 28 (i) "Qualified out-of-state law enforcement officer" means a law enforcement officer to  
29 whom all of the following apply:
- 30 1. The person is employed by a state or local government agency in another state.
  - 31 2. The agency has authorized the person to carry a firearm.
  - 32 3. The person is not the subject of any disciplinary action by the agency that could result  
33 in the suspension or loss of the person's law enforcement authority.
  - 34 4. The person meets all standards established by the agency to qualify the person on a  
35 regular basis to use a firearm.
  - 36 5. The person is not prohibited under federal law from possessing a firearm.
- 37 (2) It shall be unlawful for any person, other than one of the following, to carry a  
38 concealed and dangerous weapon.
- 39 (a) A peace officer, but notwithstanding Wis. Stat. 939.22, for purposes of this  
40 paragraph, peace officer does not include a commission warden who is not a state-  
41 certified commission warden.
- 42 (b) A qualified out-of-state law enforcement officer. This paragraph applies only if all of  
43 the following apply:
- 44 1. The weapon is a firearm but is not a machine gun or a destructive device.
  - 45 2. The officer is not carrying a firearm silencer.
  - 46 3. The officer is not under the influence of an intoxicant.
- 47 (c) A former officer. This paragraph applies only if all of the following apply:
- 48 1. The former officer has been issued a photographic identification document described  
49 in subsec. (3) (b) 1. or both of the following:
    - 50 a. A photographic identification document described in subsec. (3) (b) 2. (intro.).
    - 51 b. An identification card described in subsec. (3) (b) 2. a., if the former officer resides in  
52 this state, or a certification described in subsec. (3) (b) 2. b., if the former officer resides  
53 in another state.
  - 54 2. The weapon is a firearm that is of the type described in a photographic identification  
55 document described in subd. 1. (intro.) or a card or certification described in subd. 1. b.

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

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

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

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

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

63 (d) A licensee, as defined in Wis. Stat. s. 175.60 (1) (d), or an out-of-state licensee, as  
64 defined in Wis. Stat. s 175.60 (1) (g), if the dangerous weapon is a weapon, as defined  
65 under Wis. Stat. s. 175.60 (1) (j). An individual formerly licensed under Wis. Stat. s.  
66 175.60 whose license has been suspended or revoked under s. 175.60 (14) may not  
67 assert his or her refusal to accept a notice of revocation or suspension mailed under  
68 Wis. Stat. s. 175.60 (14) (b) 1. as a defense to prosecution under this subsection,  
69 regardless of whether the person has complied with s. 175.60 (11) (b) 1.

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

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

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

80 1. A photographic identification document issued by the law enforcement agency from  
81 which the former officer separated that indicates that, within the 12 months preceding  
82 the date on which the former officer is carrying the concealed firearm, he or she was  
83 tested or otherwise found by that law enforcement agency to meet the standards for  
84 qualification in firearms training that that law enforcement agency sets for active law  
85 enforcement officers to carry a firearm of the same type as the firearm that the former  
86 officer is carrying.

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

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

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

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

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

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

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

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

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

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121 **63.016 Carrying firearm or other dangerous weapon in County building.**

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

125 (2) To provide notice of the prohibition stated in subsec. (1) as required under Wis.  
126 Stat. ss. 943.13(1m)(c)4. and 943.12(2)(bm), the director of transportation and public  
127 works and any other Milwaukee County administrator having management and control  
128 of a building or part of a building that is owned, occupied or controlled by Milwaukee  
129 County shall post or cause to be posted signs informing the public that firearms and  
130 other dangerous weapons are forbidden in Milwaukee County buildings and that  
131 entering or remaining in a Milwaukee County building while carrying a concealed  
132 weapon is a violation of Wis. Stat. s. 943.13(1m)(c) and Milwaukee County Ordinances.  
133 Such signs shall be at least 5 inches by 7 inches and shall be posted in prominent  
134 places near all entrances to all such buildings or parts of buildings in locations where an  
135 individual entering the building can be reasonably expected to see the signs.

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

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

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

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

146 **63.0165 Carrying firearm or other dangerous weapon in the Milwaukee County**  
147 **Courthouse Complex and other specified County buildings.**

148 (1) Except as provided in subsec. (2), it shall be unlawful for any person to knowingly  
149 carry a concealed and dangerous weapon or a dangerous weapon that is not  
150 concealed in any place identified in Wis. Stat. s. 175.60(16)(a), including the following:  
151 Any building or portion of a building used by the Office of the Sheriff; Milwaukee  
152 County Correction Facilities Central and South, the Milwaukee County Juvenile  
153 Detention Center and any other secured detention or correctional facility under the  
154 control of Milwaukee County; Milwaukee County Courthouse Complex (including

155 Milwaukee County Courthouse, Safety Building, Criminal Justice Facility and all  
156 interconnecting structures); Vel R. Phillips Juvenile Justice Centers; any portion of the  
157 the Behavioral Health Division facility used to conduct hearings in civil commitment,  
158 incompetency or protective placement cases; and any place beyond a security  
159 checkpoint at General Mitchell International Airport.

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

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

163 (b) A weapon in a courthouse or courtroom if a judge who is a licensee under Wis.  
164 Stat s. 175.60 is carrying the weapon or if another licensee or out-of-state licensee,  
165 whom a judge has permitted in writing to carry a weapon, is carrying the weapon.

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

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

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

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

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

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188	<i>Section</i>	<i>Subject Matter</i>	<i>Amount of Cash</i>	<i>Maximum</i>
189	<i>Number</i>		<i>Deposit</i>	<i>Penalty</i>
190	63.15	Carrying concealed weapon	\$100	\$500
191	63.016	Carrying weapon in		
192		Courthouse Complex, etc.	\$100	\$500
193	63.0165	Entering or remaining		
194		in posted County building		
195		while armed	\$100	\$500

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

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**Adopted by the Milwaukee County Board of Supervisors**

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**November 3, 2011**