



MIDDLETON POLICE DEPARTMENT

7341 Donna Drive Middleton, WI 53562

Brad Keil - Chief of Police

To: Middleton Businesses and Property Owners
From: Police Chief Brad Keil

On behalf of the Middleton Police Department, I would like to share a list of Frequently Asked Questions regarding the new Concealed Carry Law to assist you with your decisions on prohibiting weapons on your premises. We expect the Department of Justice to begin issuing licenses in November of 2011. Please consult with legal counsel when developing a policy for your particular property or business.

Frequently asked Questions – Answers from the Wisconsin Department of Justice.

Can an employer prohibit employees from carrying concealed weapons on the job?

Yes. An employer may prohibit an employee from carrying a concealed weapon or a particular type of concealed weapon in the course of the employee's employment or during any part of the course of the employee's employment. *Wis. Stat. § 175.60(15m)(a).*

Does that prohibition apply to my car or the employer's parking lot?

No. An employer may not prohibit a person with a CCW license, as a condition of employment, from carrying a concealed weapon, a particular type of concealed weapon, or ammunition or from storing a weapon, a particular type of weapon, or ammunition in the licensee's own motor vehicle, regardless of whether the motor vehicle is used in the course of employment or whether the motor vehicle is driven or parked on property used by the employer. *Wis. Stat. § 175.60(15m)(b).*

If an employer allows the carrying of concealed weapons and someone is injured or killed as a result of a license holder using the weapon, is the employer legally liable?

Generally, no. However, there may be circumstances where such liability may exist and a discussion of such situations is beyond the scope of this brief legal summary.

The law provides:

- A person who does not prohibit an individual from carrying a concealed weapon on property that the person owns or occupies is immune from any liability arising from his or her decision. *Wis. Stat. § 175.60(21)(b).*
- An employer who does not prohibit one or more employees from carrying a concealed weapon is immune from any liability arising from that decision. *Wis. Stat. § 175.60(21)(c).*

Phone: (608) 824-7300

www.middletonpd.com



Fax: (608) 833-9990

police@ci.middleton.wi.us

- A person providing a firearms training course in good faith is immune from liability from any act or omission related to the course if the course is one of the courses listed in statute. *Wis. Stat. § 175.60(21)(d)*.

RESTRICTIONS BY BUSINESSES AND PROPERTY OWNERS

Can a business or property owner limit or prohibit the carrying of concealed weapons on its premises?

Yes. The law permits certain owners and occupants of property to prohibit persons from carrying a concealed firearm in or on the property. A person may be subject to a **Class B forfeiture** if he or she carries a firearm on the property after being notified not to remain on the property or remain with a specific type of firearm. In the latter case, a property owner can prohibit a person from possessing a specific type of firearm on their property or any firearm. *Wis. Stat. § 943.13(1m)(b)*.

In addition, property owners generally possess the right to exclude others from their property. While the specific provisions below only reference prohibiting the possession of firearms, property owners may also prohibit or restrict the possession of other weapons on their property. Violations of such restrictions may also constitute a Class B forfeiture under *Wis. Stat. § 943.13(1m)(b)*.

Residences:

It is unlawful for anyone to enter or remain at a residence that the person does not own or occupy after the owner of the residence, if he or she has not leased it to another person, or the occupant of the residence, has notified the person not to enter or remain at the residence while carrying a firearm or with that type of firearm. “Residence,” with respect to a single-family residence, includes the residence building and the parcel of land upon which the residence building is located. If a residence is not a single-family residence, “residence” does not include any common area of the building in which the residence is located or any common areas on the rest of the parcel of land upon which the residence building is located. *Wis. Stat. § 943.13(1m)(c)1*.

Condos/Apartments:

It is unlawful for anyone to enter or remain in the common area in a building, or on the grounds of a building, that is a residence that is not a single-family residence if the actor does not own the residence or does not occupy any part of the residence and if the owner of the residence has notified the actor not to remain in the common area or on the grounds while carrying a firearm or with that type of firearm. This provision does not apply to a part of the grounds that is used for parking if the firearm is in a vehicle driven or parked in that part. *Wis. Stat. § 943.13(1m)(c)1m*.

Nonresidential building and grounds of a nonresidential building

It is unlawful for any person to enter or remain in any part of a nonresidential building, grounds of a nonresidential building, or land that the person does not own or occupy after the owner of the building, grounds, or land, if that part of the building, grounds, or land has not been leased to another person, or the occupant of that part of the building, grounds, or land has notified the person not to enter or remain in that part of the building, grounds, or land while carrying a firearm. This provision does **not** apply to a part of a building, grounds, or land occupied by the state or by a local unit of government; to a privately or publicly owned building on the grounds of a university or college; or to the grounds of or land owned or occupied by a university or college. In addition, if the firearm is in a vehicle driven or parked in a parking facility, this provision does not apply to any part of a building, grounds, or land used as a parking facility. The law specifies that “nonresidential building” includes a nursing home, a community-based residential facility, a



MIDDLETON POLICE DEPARTMENT

7341 Donna Drive Middleton, WI 53562

Brad Keil - Chief of Police

residential care apartment complex, an adult family home, and a hospice. *Wis. Stat. § 943.13(1m)(c)2 and § 943.13(1e)(cm).*

Land:

It is unlawful for any person to enter or remain in any part of land that the person does not own or occupy after the owner of the land, if that part of the land has not been leased to another person, or the occupant of that part of the land has notified the person not to enter or remain in that part of the land while carrying a firearm. This provision does **not** apply to a part of land occupied by the state or by a local unit of government; to a privately or publicly owned building on the grounds of a university or college; or to the grounds of or land owned or occupied by a university or college. In addition, if the firearm is in a vehicle driven or parked in a parking facility, this provision does not apply to any part of land used as a parking facility. *Wis. Stat. § 943.13(1m)(c)2 and § 943.13(1e)(cm).*

Special events (e.g. sporting events, concerts, etc):

It is unlawful for any person to enter or remain at a special event **if** the organizers of the special event have notified the actor not to remain at the special event while carrying a firearm or with that type of firearm. The provision does not apply if the firearm is in a vehicle driven or parked in the parking facility, to any part of the special event grounds or building that is used as a parking facility. The law defines “special event” as an event that is open to the public, is for a duration of not more than three weeks, and either has designated entrances to and from the event that are locked when the event is closed or requires an admission. *Wis. Stat. § 943.13(1m)(c)3.*

Private university or college:

It is unlawful for any person to enter or remain in any **privately or publicly owned** buildings on the grounds of a university or college, **if** the university or college has notified the actor not to enter or remain in the building while carrying a firearm or with that type of firearm. The provision does not apply to a person who leases residential or business premises in the building or, if the firearm is in a vehicle driven or parked in the parking facility, to any part of the building used as a parking facility. In order to give notice under the above provisions, other than the provision relating to single family residences, an owner or occupant must post a sign notifying persons of the restriction. If an owner or occupant of a building or part of a building is permitted to post a sign to notify that carrying of firearms is prohibited in the building or part of the building, the owner or occupant must post a sign that is located in a prominent place near all of the entrances of the part of the building to which the restriction applies and it must be posted so that any individual entering the building must be reasonably expected to see the sign. If grounds of a building or land are posted, as described above, the owner or occupant must post a sign that is located in a prominent place near all probable access points to the grounds or land to which the restriction applies and any individual entering the grounds or land can be reasonably expected to

Phone: (608) 824-7300

www.middletonpd.com



Fax: (608) 833-9990

police@ci.middleton.wi.us

see the sign. Finally, organizers of a special event may post the special event by posting a sign that is located in a prominent place near all of the entrances to the special event and any individual attending the special event can be reasonably expected to see the sign. *Wis. Stat. § 943.13(1m)(c)5.*

If a private business or property owner allows the carrying of concealed weapons and someone is injured or killed as a result of a license holder using the weapon, is the employer or property owner legally liable?

Generally, no. However, there may be circumstances where such liability may exist and a discussion of such situations is beyond the scope of this brief legal summary.

The law provides:

- A person who does not prohibit an individual from carrying a concealed weapon on property that the person owns or occupies is immune from any liability arising from his or her decision. *Wis. Stat. § 175.60(21)(b).*
- An employer who does not prohibit one or more employees from carrying a concealed weapon is immune from any liability arising from that decision. *Wis. Stat. § 175.60(21)(c).*
- A person providing a firearms training course in good faith is immune from liability from any act or omission related to the course if the course is one of the courses listed in statute. *Wis. Stat. § 175.60(21)(d).*

Are there any restrictions for carrying in a tavern?

No one may possess a handgun in a tavern unless they are a law enforcement officer, a correctional officer in the line of duty, a member of the US armed forces or national guard in the line of duty, a private security person meeting certain criteria, the tavern licensee, owner or manager or their authorized employee or agent, or have a CCW license. *Wis. Stat. § 941.237(2) and (3)(a)-(cx).*

A licensee or out of state licensee may carry a concealed weapon in a tavern only if they are not consuming alcohol on the premises. *Wis. Stat. § 941.237(3)(cx).*

It is a class A **misdemeanor** (9 months jail and/or \$10,000 fine) **for any person, whether or not they are a licensee, to go armed with a firearm while under the influence of an intoxicant.** *Wis. Stat. § 941.20(1)(b).* “Under the Influence” has been defined as materially impairing the ability to handle a firearm which is further explained as consuming “an amount of alcohol to cause the person to be less able to exercise clear judgment and steady hand necessary to handle a firearm.” *WI Jury Instruction-CRIMINAL 1321.* In addition, **a tavern owner may prohibit anyone from carrying a firearm in their business.** See **RESTRICTIONS BY BUSINESSES AND PROPERTY OWNERS** above.