

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15 **SECTION 1.** Section 63.015 of the General Ordinances of Milwaukee County is repealed
16 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 law
24 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 Wis.
68 Stat. s. 175.60 (14) (b) 1. as a defense to prosecution under this subsection, regardless of
69 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 or
72 she owns, leases, or legally occupies.

73

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) (d),
106 or an out-of-state licensee, as defined in Wis. Stat. s. 175.60 (1) (g).

107

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
110 person convicted under subsec. (2), it shall be confiscated and destroyed by the sheriff.
111 If it is owned by a person other than the person convicted under subsec. (2), the trial
112 judge may decide whether such weapon shall be returned to its rightful owner or
113 destroyed by the sheriff.

114

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 created
119 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 part
124 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 places
134 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
141 Wis. 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 concealed
150 in any place identified in Wis. Stat. s. 175.60(16)(a), including the following: Any
151 building or portion of a building used by the Office of the Sheriff; Milwaukee County
152 Correction Facilities Central and South, the Milwaukee County Juvenile Detention
153 Center and any other secured detention or correctional facility under the control of
154 Milwaukee County; Milwaukee County Courthouse Complex (including Milwaukee
155 County Courthouse, Safety Building, Criminal Justice Facility and all interconnecting
156 structures); Vel R. Phillips Juvenile Justice Centers; any portion of the the Behavioral
157 Health Division facility used to conduct hearings in civil commitment, incompetency or
158 protective placement cases; and any place beyond a security checkpoint at General
159 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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201 **Adopted by the Milwaukee County Board of Supervisors**

202 **November 3, 2011**