

## CONCEALED CARRY FREQUENTLY ASKED QUESTIONS

### Capitol

#### **1. Why did the Secretary allow guns in the Capitol?**

The legislature provided certain specific exceptions to concealed carry in the legislation it passed and which the Governor signed into law. The Capitol was not such an exception. The issue was debated, but ultimately the idea of prohibiting concealed carry in the Capitol was rejected. Therefore, the Secretary believes allowing concealed carry in the Capitol is consistent with the intent of the Wisconsin legislature.

#### **2. Won't this be unsafe since there are often heated discussions in the Capitol?**

No. Heated discussions and strong emotions occur in venues across our state. Persons with criminal intent will not be deterred by merely posting a sign, and will not be concerned with obtaining the necessary training and securing a license.

#### **3. Is it common practice in the other state Capitols where they have concealed carry?**

The law is different in each of the forty nine states that allow concealed carry. Several states allow concealed carry in their state capitols, while others do not. However, since the Capitol was not specified in the law as prohibited the Secretary believes he is following the intent of the Wisconsin legislature.

#### **4. Will the areas of the Capitol that are by law under the control of the Senate and Assembly have different rules?**

The Senate and Assembly set the rules for those areas of the Capitol they control (chambers, committee rooms, and offices). The leadership of each body will determine the rules for their respective areas. It is our understanding that they will allow concealed carry.

#### **5. Will individual legislators' office have different rules?**

Individual legislators will set the rules for their own offices.

#### **6. Why exclude the Supreme Court and Capitol Police Headquarters?**

Concealed carry in those areas is specifically prohibited by law. No other areas of the Capitol are similarly prohibited.

#### **7. Will concealed carry be allowed in the Governor's office?**

Yes.

**8. Will extra security (metal detectors, screening, more police) be put in place now that there will be concealed carry in the Capitol?**

The Capitol has had many security measures in place for years. There are no current plans to add security measures due to the implementation of concealed carry.

**9. Where will weapons be stored by those visiting the Capitol that enter an area where weapons are prohibited?**

There will be no public storage facilities for weapons in the Capitol. The legislation anticipates that those legally carrying concealed will safely store their weapons in a responsible manner if they choose to enter the Supreme Court or Capitol Police Station. Those legally carrying concealed will be expected to responsibly store their weapon before entering a prohibited area.

**10. What happens if someone enters a prohibited area with a concealed weapon?**

They will be asked by the Capitol Police to leave the area. If they refuse they will be cited for failure to comply with the law.

**11. What happens if someone legally carrying concealed begins making threatening gestures with a weapon while in the Capitol?**

Having a license to carry concealed does not absolve anyone from obeying all other laws. Persons who make threatening gestures with a weapon are subject to arrest.

**State Buildings**

**12. Will concealed carry be allowed in state buildings?**

In general, yes, however there will be certain areas where concealed carry will be prohibited.

**13. Why allow concealed carry in state buildings?**

Prohibiting concealed carry in all state buildings would be an unnecessary infringement on the rights of law-abiding citizens under Article I, Section 25 of the Wisconsin Constitution, as well as the Second Amendment of the U.S. Constitution.

**14. Why will concealed carry be prohibited in certain state buildings or areas of state buildings?**

There are three areas where concealed carry will be prohibited. First, where state and federal statutes prohibit carrying concealed in certain types of facilities, such as police stations, courts, schools and other such areas. Second, where there is a significant risk that the general population within or served by a facility could

overcome a person carrying concealed; such facilities will be prohibited from concealed carry. Probation and parole offices, mental health institutions and other similar facilities meet these criteria. Third, we will prohibit concealed carry in areas where the inadvertent discharge of a weapon could create an explosion or chemical reaction.

**15. How will people know what areas of a building are prohibited from concealed carry?**

These areas will be posted in accordance with the law. Additionally, some areas are prohibited by law, even without posting. In a short period of time we intend to post those areas as well.

**16. Is allowing concealed carry in state buildings the norm for states that have concealed carry?**

The law is different in each of the forty nine states that allow concealed. Prohibiting concealed carry in all state buildings would be an unnecessary infringement on the rights of law-abiding citizens under Article I, Section 25 of the Wisconsin Constitution, as well as the Second Amendment of the U.S. Constitution.

**17. Will there be storage areas for those carrying concealed when they enter a prohibited section of a building?**

No. Those legally carrying concealed will be expected to responsibly store their weapons before entering a prohibited area. Storing the weapon out of sight in a locked vehicle may prove a good storage option.

**18. What about people who don't use a car to get to a state building (they walk, bicycle or take the bus)?**

We anticipate that law-abiding citizens who choose to obtain a license to carry a concealed weapon will understand the responsibilities that they have undertaken, including the need to understand how to plan trips to areas where concealed carry may be prohibited.

**19. What will happen in buildings in which the state leases space for state operations?**

Under the law the tenant has the ability to determine whether concealed carry will be prohibited in the area they lease. The building owner will determine how common areas of the building will be treated.

**20. What happens if someone legally carrying concealed begins making threatening gestures with a weapon while in a state building?**

Having a license to carry concealed does not absolve anyone from obeying all other laws. Persons who make threatening gestures with a weapon are subject to arrest.

**State Employees**

**21. Will state employees be allowed to carry concealed?**

State employees will generally be allowed to carry concealed anywhere the public is allowed to carry concealed.

**22. Must state employees obtain permission from their supervisor to carry concealed?**

No, but they must inform their supervisor of their intent to carry concealed. This step is necessary so the employee is fully informed of their rights and responsibilities while carrying concealed.

**23. Must state employees keep the weapon in a holster or will they be allowed to carry it in a pocket, bag, knapsack or purse?**

State employees must have the weapon on their person and within their control at all times. In some cases a purse or similar item may be an appropriate way to carry a weapon. However, employees will be expected to have their weapon on their person at all times.

**24. Where will state employees not be allowed to carry concealed?**

State employees will be restricted from the same areas the general public is prohibited from carrying concealed.

**25. Where will state employees store weapons when they enter a prohibited area?**

State employees are expected to responsibly store their weapons. The state recommends storing weapons out of sight in a car inside of a locked case or with a trigger lock.

**26. Will state employees be allowed to lock their weapon in their desk?**

No – if a state employee chooses to carry concealed they must keep the weapon on their person.

**27. What about employees who don't use a car to get to a state building (they walk, bicycle or take the bus)?**

They must find a responsible, legal alternative for storage off-site, or not bring the weapon to the state building.

**28. Will state employees be allowed to store their weapon in another person's car?**

Yes, however this is a private matter and private decision between those individuals. Regardless, the responsibility for the responsible storage of the weapon in another person's car remains with the licensee while they are at work.

**29. Will state employees be allowed to store their weapon in a state-owned vehicle?**

Yes, so long as they have notified their supervisor, are using the state vehicle for their normal job responsibilities and must store the weapon because they are entering an area that is posted prohibiting concealed carry as part of those job responsibilities. In such cases a state employee may store their weapon in a state vehicle provided it is stored out of sight in a locked car, and in a locked case that cannot be seen from the exterior of the vehicle.

**30. What should a state employee do if someone legally carrying concealed begins making threatening gestures with a weapon while in a state building?**

If it is a matter of feeling uncomfortable with the actions of another person – where carrying concealed or not – employees should alert their supervisor. If the actions of another become threatening, the employee should call 911. Regardless of whether a person is a state employee or a member of the general public, having a license to carry concealed does not absolve anyone from obeying all other laws – anyone endangering safety will be arrested under the applicable law.

**31. What will happen to a state employee that makes threatening gestures with a weapon while at work?**

Existing work rules already cover employees engaging in threatening behavior which will result in discipline up to and including termination. In addition, any state employee engaging in such behavior while carrying concealed will be subject to the applicable law and arrested as appropriate.

**32. What will happen to a state employee that carries concealed in a posted or otherwise prohibited area?**

Employees that violate the concealed carry law will be subject to the same penalties as members of the public. In addition, such actions will be in violation of employee policies, and may result in discipline up to and including termination.

**33. Will there be new work rules issued to cover concealed carry?**

Yes. The Department of Administration (DOA) has issued an Interim Concealed Carry Policy that will cover all cabinet agencies and may be used by other state agencies as well. This policy will be in effect until June 30, 2012 or until the agency revises its existing policies to conform to the changes in law and policy. If an agency does not issue its own policy by June 30, 2012, the Interim Policy issued by DOA will become the agency's on-going policy.

**34. Can the DOA revise the interim policy between now and June 30, 2012?**

Yes. If revisions are necessary the DOA will issue a revised interim policy.

**35. What type of revisions might be department specific?**

A department may have a specific job classification or set of circumstances outside the general scope of the Interim Policy where concealed carry may not be appropriate. It is not expected that there will be an extensive, if any, modifications for most agencies.

**36. Will non-cabinet agencies follow the same procedure?**

Because DOA owns the state facility it will set the policy for the facility. The specific work rules and policies that cover personnel are directed by the individual agency. However, we expect that non-cabinet agencies will follow the same general policy.

**37. Will other constitutional offices follow the same procedure?**

Because DOA owns the state facility it will set the policy for the common areas of the facility. Constitutional offices are considered the tenant in the facility and are able to set their own policies regarding posting within the space they lease. The specific work rules and policies that cover personnel are directed by the individual agency.