



NEW LAWS

2011 WISCONSIN ACT 35

Senate Bill 93

Effective Date: Generally, November 1, 2011

GUN-FREE SCHOOL ZONES AND CONCEALED WEAPON LAWS CHANGED

This new law amends the gun-free school zones and criminal trespass laws and makes numerous other changes to laws related to carrying concealed weapons. *The following descriptions of the amendments to the gun-free school zones and criminal trespass laws are drawn from a memo prepared by the Wisconsin Legislative Council.*

The gun-free school zones law is amended to provide that: it is a Class I felony to knowingly possess a firearm at a place that the individual knows, or has reasonable cause to believe, is in or on the grounds of a school; and it is a Class B forfeiture to possess a firearm at a place the individual knows, or has reasonable cause to believe, is within 1,000 feet of the grounds of a school.

The amended gun-free school zones law repeals all the current conditions under which an individual may possess a firearm in a school zone except the following:

- The firearm is not loaded and is encased or in a locked firearms rack that is on a motor vehicle.
- By a state-certified commission warden acting in his or her official capacity.
- By a person legally hunting in a school forest if the school board has decided that hunting may be allowed in the school forest.

Under the amended gun-free school zones law, an individual may possess a firearm in or on the grounds of a school or within 1,000 feet of the grounds of a school in accordance with any of the following provisions of federal law which are cross-referenced in the amended law:

- On private property that is not part of school grounds.
- For use in a program approved by a school in the school zone.
- In accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual.
- By a law enforcement officer acting in his or her official capacity.
- The firearm is unloaded and is possessed by an individual while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry on the school premises is authorized by school authorities.

The amended gun-free school zones law also permits a person who is licensed to carry a concealed weapon (licensee) to possess a firearm within 1,000 feet of the grounds of a school, but a licensee who does not meet one or the other exceptions may not possess a firearm in or on the grounds of a school.

In addition to the restrictions in the gun-free school zones law, the criminal trespass law also is amended to provide that a person may be subject to a Class B forfeiture if he or she, while carrying a firearm, enters or remains in certain buildings. Among those buildings is any part of a building that is owned, occupied, or controlled by the state or any local governmental unit, if the state or local governmental unit has notified the person not to enter or remain in the building while carrying a firearm.

To give notice under the criminal trespass law, an owner or occupant must post a sign notifying persons of the restriction. The sign must be posted 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. The sign must be at least five inches by seven inches. [The new law does not require that notice be given or signs posted under the gun-free school zones law.]

In addition to the prohibitions under the gun-free school zones and criminal trespass laws, under this new law an employer may prohibit a licensee that it employs from carrying a concealed weapon or a particular type of concealed weapon in the course of the licensee's employment. However, an employer may not prohibit a licensee, as a condition of employment, from carrying a concealed weapon or from storing a weapon 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.