

Looking Ahead To The Concealed Carry Law

Years of debate ended recently with adoption of a law removing criminal penalties that formerly prohibited carrying concealed weapons in Wisconsin. The new law, 2011 Wisconsin Act 35 was published on July 22. Section 101 of the Act provides that the law takes effect four months after its publication, which would be November 22, 2011. In the interim, land owners and business operators need to decide whether to respond. The law allows land owners and business owners to prohibit people from entering buildings or grounds while carrying a weapon. Campgrounds will need to determine whether and where to post the required signs. There is no statutory form for the sign. I prepared signs one at the request of a client. They accompany this article.

Under the new "concealed carry" law [2011 Wisconsin Act 35], owners of buildings and land are allowed to prohibit people from entering buildings, portions of buildings or facilities. The new statute, sec. 943.13 makes it a misdemeanor to enter various kinds of property with a weapon in violation of a restriction imposed by the building owner.

The posting requirement for buildings indicates that all signs used to notify the public that firearms are prohibited must be at least 5 x 7 inches. The building owner must post the sign in a prominent place near all of the entrances to the part of the building to which the restriction applies, so that any individual entering the building can be reasonably expected to see the sign. To provide notice concerning land, the posting requirement is similar to the posting requirement which applied to land trespass years ago. The sign must be at least 11 inches square, and posted in 2 places for each 40 acres. The sign must also state the name of the person giving the notice and identify the person as either the owner or lawful occupant of the land.

Some other changes worth mentioning in the law. The Act amends the disorderly conduct statute to indicate that lawfully carrying a concealed weapon or openly carrying weapon is, generally, not disorderly conduct. It also revises the firearms preemption language in sec. 66.0409, Wis. Stats., to forbid local governments from enacting ordinances which evade the concealed carry law, new section 66.0409 (6), section 21 of the Act.

Finally, the law allows employers to prohibit employees from carrying concealed weapons or particular types of concealed weapons while on duty, sec. 175.60 (15m), Wis. Stats.

I recommend that campground owners begin evaluating what to do about the new law and prepare to post signs.