



"Leadership in Public School Governance"

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TO: Members, Senate Committee on Judiciary and Public Safety
FROM: Dan Rossmiller, WASB Government Relations Director
DATE: May 31, 2017
RE: OPPOSITION to SENATE BILL 169, relating to going armed with a firearm and electric weapons, licenses for carrying a concealed weapon, trespassing while armed with a firearm, and providing criminal penalties

The Wisconsin Association of School Boards (WASB) **opposes** Senate Bill 169 on the grounds that it would broaden the ability of persons to possess firearms in school zones and on school grounds and would reduce the penalties for bringing firearms into school settings.

Among other things, Senate Bill 169 would: repeal the state's gun free school zones law; allow individuals to obtain a "basic" concealed carry licenses without completing firearms training, thus enabling them to be exempt from provisions in the federal gun free school zones act prohibiting possession of firearms within a school zone; require school boards to post school buildings and grounds to prohibit possession of firearms by concealed carry license holders in those places: and reduce penalties for persons who possess firearms in school buildings and on school grounds in violation of such postings.

Representatives of WASB member boards have adopted a resolution stating that "*the WASB opposes any initiatives at the state or federal level that would legalize any further ability for anyone, with the exception of sworn law enforcement officers, to bring a weapon or possess a weapon, including a facsimile or "look-alike" weapon, concealed or otherwise, in school zones or lessen the consequences for violation of existing safe school policies relating to guns and other weapons.*" Simply put, the majority of my members believe that guns and children are not a good mix.

Expanding Firearms Possession in School Zones:

Currently, both federal and state statutes include similar "Gun-Free School Zones" (GFSZ) provisions. These statutes generally ban the possession of firearms in school buildings, on school grounds and within 1,000 feet of the grounds of a school. Both laws provide a number of exceptions to the general prohibition. One important exception under both laws covers individuals who hold a state carrying concealed weapon (CCW) license. Under both laws, there is an incentive for individuals to obtain a CCW license because such a license allows them greater ability to possess a firearm in a school zone than a non-licensed individual

- Under current *federal* law, an individual with a *Wisconsin* carrying concealed weapon (CCW) licensee is **not subject** to the *federal* GFSZ law prohibition with respect to weapons possession *in Wisconsin* school zones, including in school buildings and on school grounds. (The *federal* GFSZ law does not restrict firearms possession by an individual "licensed to do so by the state in which the school zone is located.")
- Under current *state* law, CCW licensees may carry firearms within 1,000 feet of the grounds of a school but not in schools or on school grounds. Wisconsin's state GFSZ law (§948.605, Stats.) is thus more restrictive than the federal version with respect to CCW licensees. The general prohibition against an individual, including a student, knowingly possessing a firearm in or on school grounds applies to everyone. As noted, there is no exception for CCW licensees.

By repealing the state's gun-free school zones (GFSZ) statute, Senate Bill 169 would allow CCW licensees to possess firearms on school grounds and in school buildings unless the school posted signs prohibiting possession of firearms under state trespass law provisions (see §943.13, Stats.) created under the bill. With the repeal of the state's GFSZ law, there would no longer be a prohibition against possessing a firearm within 1,000 feet of the grounds of a school under state law.

Reducing Penalties for Firearms Possession in School Zones, Including on School Grounds and in School Buildings:

Under the current *state* GFSZ law, unless otherwise covered by an exception, any individual who knowingly possesses a firearm at a place that the individual knows, or has reasonable cause to believe, is in or on the grounds of a school is guilty of a Class I felony, a crime punishable by a fine not to exceed \$10,000 or imprisonment not to exceed 3 years and 6 months, or both. Any individual who knowingly possesses a firearm at a place that the individual knows, or has reasonable cause to believe, is within 1,000 feet of the grounds of a school is subject to a Class B forfeiture, punishable by a monetary forfeiture not to exceed \$500. (Under Wisconsin law, a crime is conduct which is prohibited by state law and punishable by fine or imprisonment or both. Conduct punishable only by a forfeiture is not a crime.)

Senate Bill 169 would repeal the current *state* GFSZ law, eliminating the penalties noted above. In its place, the bill would allow schools to post school buildings and grounds. The penalty for possessing a firearm in a school building in violation of such a posting would be a Class C misdemeanor, a crime punishable by a fine not to exceed \$500 or imprisonment not to exceed 30 days, or both. The penalty for possessing a firearm on school grounds in violation of such a posting would be a Class B forfeiture, punishable by a monetary forfeiture not to exceed \$500. (As noted, conduct punishable only by a forfeiture is not a crime.)

Eliminating Training Requirement to Obtain a Carry Concealed Weapon (CCW) Permit:

Under Senate Bill 169, bill, gun owners over the age of 18 who can legally own a firearm would no longer be required to obtain a license in order to carry a concealed firearm in Wisconsin. However, in order to lawfully possess a firearm in a school zone without violating the current federal GFSZ law, gun owners would still be required to obtain a CCW license. The bill would create a basic carrying concealed weapon permit that would require a background check but would not require firearms training. In the interest of school safety, we are concerned that individuals would no longer have to complete a firearms safety or training course in order to receive a basic CCW license, which, as noted, would enable them to possess a firearm within a school zone without violating the federal GFSZ act.

For these reasons, the WASB opposes Senate Bill 169.