

# Summary of the new Conceal Carry Law

## WHAT WE KNOW

1. The State of Wisconsin recently enacted legal changes that allow individuals to carry concealed weapons. These changes were enacted on July 8, 2011 as a part of [2011 Wisconsin Act 35](#). The law will take effect November 1, 2011.
2. The law allows residents of Wisconsin who meet certain requirements to carry concealed handguns and other weapons. "Other weapons" include electric weapons, knives (except for switchblades), and billy clubs.
3. The law grants power to the owners or occupants of a premises to either permit or prohibit concealed weapons on their premises.
4. The law grants similar power to employers. An employer may prohibit employees from carrying concealed weapons in the course of employment.

There is an extremely important exception to this rule. **The law does not allow an employer to prohibit an employee from carrying concealed weapons in the employee's own motor vehicle**, even if the vehicle is used in the course of employment, and even if the vehicle is driven or parked on the employer's property. An employer, however, may prohibit concealed weapons from being carried in the employer's own motor vehicles.

6. If an owner or occupant permits concealed weapons on their premises, the law grants immunity to the owner or occupant "from any liability arising from its decision".
7. If an owner or occupant prohibits concealed weapons on their premises, the law is silent and does not grant similar statutory immunity.
8. If owners or occupants choose to prohibit concealed weapons on their premises, they must post signs which notify others of the prohibition. Wis. Stat. §§ 943.13(2)(am) and 943.13(2)(bm) contain the specific requirements for the size and location of the signs.

## THE IMPORTANT DECISION

Is it better for an insured to permit concealed weapons and enjoy the immunity provided by the statute? Or is it better for an insured to prohibit concealed weapons and sacrifice that immunity?

We've been asked whether West Bend plans to issue a general recommendation to our insureds to answer this question. Because each insured is uniquely situated, it's difficult to issue a general recommendation to all insureds. Because the law is new and has not yet been tested by the courts, we recommend our consult their own attorneys to review their individual situations and implement the best solutions based on their unique needs.

## **RESOURCES**

Here are some resources you may wish to pass along to your insureds as they evaluate their options:

1. The Wisconsin Department of Justice has published a very comprehensive [questions-and-answers document](#) addressing the new concealed weapon law.
2. The State Bar of Wisconsin posted an article entitled "[Concealed carry: Could prohibiting weapons in the workplace lead to liability?](#)"
3. The Wisconsin Legislative Council issued a memorandum entitled "[Carrying and Possessing Firearms in Wisconsin](#)." The memorandum discusses various questions relating to the new law.
4. The law firm of Reinhart Boerner Van Deuren S.C. posted an article focusing on the requirements for signage: "[Concealed Carry Issues for Property Owners: To Have a Sign or to Not Have a Sign](#)"
5. Various law firms have also posted general summaries of this new law. Here are a few:
  - a. Whyte Hirschboeck Dudek S.C.: "[The Wild West in Your Workplace? Employers Need to Carefully Consider Policies Under Wisconsin's Anticipated New Concealed Carry Law](#)"
  - b. Michael Best & Friedrich LLP: "[Concealed Carry Soon to be Law in Wisconsin](#)."
  - c. Godfrey & Kahn, S.C.: "[Update: Employers and Wisconsin's New Concealed Carry Law](#)."

- d. Quarles & Brady LLP: [“Bring Your Gun to Work Day? Employers and Businesses: Get Ready for Wisconsin’s New Concealed Carry Law.”](#)

While we can’t take a general position on this new law, we hope this summary and these resources will help our insureds make the best decision possible.