

WISCONSIN'S NEW CONCEALED CARRY LAW: WHAT ARE YOUR RIGHTS AS A BUSINESS OWNER AND EMPLOYER?

The Wisconsin State Assembly recently passed a bill allowing Wisconsin residents to carry concealed weapons anywhere in the state, except as prohibited by statute or under certain other limited circumstances. In order to lawfully carry a concealed weapon, residents must apply and be deemed eligible for a license. A weapon, for purposes of this law, means a handgun, an electric weapon such as a taser gun, a knife other than a switchblade, or a billy club. Governor Scott Walker signed the bill into law on July 8, 2011, and it will become fully effective on November 1, 2011.

WHAT ACTIVITY CAN YOU LAWFULLY PROHIBIT?

As a business owner and employer, you have the right to prohibit your customers, patients, visitors, vendors, etc. from carrying concealed weapons onto your premises and to prohibit your employees from carrying concealed weapons in the course of their employment. However, you may not prohibit your employees from storing concealed weapons or ammunition in their own motor vehicles, regardless of whether the motor vehicle is used in the course of employment or driven or parked on your property. Likewise, you cannot prohibit your customers, patients, visitors, vendors, etc. from storing concealed weapons in their vehicles parked on your property. Notice that the definition of weapon is limited, however, such that an employer may still be able to prohibit rifles, etc. from their property - even in an employee's personal vehicle. It appears, also, that the employer could require that the vehicle be locked.

HOW DO YOU EXERCISE YOUR RIGHTS AS A BUSINESS OWNER/EMPLOYER?



In order to effectively prohibit the carrying of concealed weapons on your premises, you must provide proper notice. In order to meet this requirement, you must display proper signs in a prominent manner at all entrances to your facilities and grounds. Signs are required to be at least 5 inches by 7 inches in size. They must be displayed in such a location that an individual entering the building or premises could be reasonably expected to see them. We also recommend you update your written policies and handbooks with the appropriate notices and train your staff on enforcement of the policy.

WHAT DOES THE IMMUNITY PROVISION MEAN?

The law grants immunity from liability arising from the business owner's decision not to prohibit individuals from carrying concealed weapons onto the premises. Accordingly, if someone is injured or killed on the premises of a business owner that chose not to prohibit concealed weapons, the business owner cannot be liable for the injury solely because it made the decision not to prohibit individuals from carrying concealed weapons onto the premises. However, the determination of whether any liability may arise out of an injury will depend on the facts and circumstances of the situation - just as was the case prior to the concealed carry law. For example, did the business owner or employer have reasonable knowledge that a shooting would occur yet failed to take action (such as notifying authorities)?

The full text of the bill is available at:

<https://docs.legis.wisconsin.gov/2011/related/acts/35.pdf>

If you have any questions, please contact Robin Sheridan at 414-721-0469  or Carrie Turner at 414-721-0458 .