

Former Officer Carrying Concealed Weapons

207.1 PURPOSE AND SCOPE

The purpose of this policy is to outline the legal authority for retired and former law enforcement officers meeting certain criteria to carry concealed weapons and to provide guidelines associated with the issuance of a firearms qualification certificate to a qualified former Beloit Police Department officer (Law Enforcement Officer Safety Act Improvements Act of 2010 (LEOSA), 18 USC § 926C; Wis. Stat. § 175.48 et seq.; Wis. Stat. § 941.23).

207.1.1 DEFINITIONS

Definitions related to this policy include:

Certification card - A card complying with Wis. Stat. § 175.49 indicating:

- The card holder has met the standards for qualification established by the Law Enforcement Standards Board (LESB).
- The qualification was conducted by a certified LESB firearms instructor.
- The type of firearm the qualified former law enforcement officer is certified to carry.
- The date of the qualification and an expiration date of the certification (12 months later).
- A statement that the issued person meets the criteria of a qualified former law enforcement officer under Wis. Stat. § 175.49.
- The qualified former law enforcement officer's full name, birth date, residence address, photograph, physical description (including sex, height and eye color), and the name of our state.
- A statement that the certification card does not confer any law enforcement authority on the certification card holder and does not make the holder an employee or agent of this department.

The certification card may not contain the cardholder's social security number.

Proof of qualification - State-approved documentation evidencing a person has successfully completed a handgun qualification course as adopted by the Law Enforcement Standards Board (LESB) and conducted by a firearms instructor that is LESB-certified.

Qualified former law enforcement officer - An individual who meets the criteria of Wis. Stat. § 175.49 in that he/she:

- Separated from this department in good standing as a law enforcement officer.
- Before such separation, was authorized by law to engage in or supervise the prevention, detection, investigation, prosecution or incarceration of a person for any violation of law and had statutory powers of arrest while serving as a law enforcement officer.

Beloit Police Department

WI LE Policy Manual

Former Officer Carrying Concealed Weapons

- Before such separation, had regular employment as a law enforcement officer for a total of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after any applicable probationary period due to a service-connected disability as determined by the Department.
- Has not been disqualified to be a law enforcement officer for reasons related to mental health.
- Has not entered into an agreement upon separation from the Department acknowledging that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.
- Is not prohibited by federal law from possessing a firearm.

207.2 POLICY

It is the policy of the Beloit Police Department to facilitate compliance with federal and state law by providing a certification card when appropriate.

207.3 CERTIFICATION CARD

If a qualified former law enforcement officer who was employed by this agency provides the appropriate proof of qualification, the Department shall provide him/her with a certification card (Wis. Stat. § 175.49). [See attachment: Former or Retired LE Certification Card Application](#)

Prior to issuance of the certificate, the Department will conduct criminal and local agency background checks, including a check for convictions, wants or warrants, and any active court order (TIME/NCIC), to determine if the applicant is prohibited by state or federal law to possess or carry firearms, and will ensure that all other federal and state statutory requirements, including those related to firearms qualification, are met.

207.3.1 FEES

The Department may charge a fee to verify eligibility for a certification card or for the renewal of a certification card. The fee will not exceed the costs the department incurs in verifying eligibility or for issuing or renewing a certification card (Wis. Stat. § 175.49).

207.3.2 CARD REVOCATION

If the Department becomes aware that a person who was issued a certification card no longer meets all of the requirements for the card, the Department will send a letter to the cardholder indicating that he/she is no longer authorized to possess the card, and may not be authorized under authority of state law to carry a concealed weapon as a former law enforcement officer. The Department will also request that the card be returned to the agency within a specified period of time. If the card is not returned, the Department should consult with its attorney to determine what further action, if any, should be taken.

Beloit Police Department

WI LE Policy Manual

Former Officer Carrying Concealed Weapons

207.4 AUTHORITY TO CARRY CONCEALED FIREARM

Qualified former law enforcement officers who meet the applicable requirements and who carry a current certification card may be authorized to carry a concealed firearm in Wisconsin and other states (18 USC § 926C; Wis. Stat. § 941.23).

However, it is the sole responsibility of qualified former law enforcement officers who have been issued an identification card or certification card to be familiar with and follow all related local, state and federal firearm laws, including:

- (a) The Law Enforcement Officers Safety Act Improvements Act of 2010 (18 USC § 926C)
- (b) State of Wisconsin concealed weapon laws (Wis. Stat. § 175.48; Wis. Stat. § 175.49; Wis. Stat. § 941.23)
- (c) Self-defense and defense of others (Wis. Stat. § 939.48)
- (d) Defense of property and protection against retail theft (Wis. Stat. § 939.49)
- (e) Endangering the safety of others by use of a firearm (Wis. Stat. § 941.20)
- (f) Carrying a firearm in a public building (Wis. Stat. § 941.235)
- (g) Carrying a firearm where alcohol beverages are sold and consumed (Wis. Stat. § 941.237; Wis. Stat. § 941.23; 18 USC § 926C).

In determining whether a former law enforcement officer is legally carrying a concealed firearm, officers should determine whether the person may be authorized under either federal law or state law, or both, to carry the concealed weapon.

207.5 PROHIBITION

No former law enforcement officer may be certified to carry a machine gun, a firearm silencer or a destructive device as defined in 18 USC § 926C and related statutes.

207.6 IDENTIFICATION CARDS

The Department will require an officer to relinquish his/her active status photographic identification card when the officer separates from service with the Beloit Police Department and in its place issue the officer a photographic identification card indicating "Retiree" or "Inactive" unless at least one of the criteria outlined in Wis. Stat. § 175.48(2) applies.

Attachments

Former or Retired LE Certification Card Application.pdf

FORMER LAW ENFORCEMENT OFFICER CERTIFICATION INSTRUCTIONS

Certification Card Requirements:

- Applicant is not prohibited from possessing a firearm under federal or state law as indicated in §175.49(2)(b)4, Wis. Stats.
- Separated in good standing from service as a law enforcement officer at the Beloit Police Department as indicated in §175.49 (2)(b)1, Wis. Stats.
- Aggregate service of at least 10 years or separated due to service-connected disability after completion of probation as indicated in §175.49(2)(b)2, Wis. Stats.
- Applicant has not been found by a qualified medical professional employed by the Beloit Police Department to be unqualified to be a law enforcement officer for reasons related to mental health. 175.49(2)(b)3.a., Wis. Stats.
- Applicant has not entered into an agreement with the Beloit Police Department in which the applicant acknowledges not to be qualified to be a law enforcement officer for reasons related to mental health and declines the photographic identification for that reason as indicated in §175.49(2)(b)3.b., Wis. Stats.
- Completes firearms qualification required for active law enforcement officers as indicated in §175.49(2)(b)5, Wis. Stats.

Fees:

There is no fee for a retired City of Beloit Police Officer certification card.
The applicant will be responsible for any fees imposed by a Wisconsin State Certified firearms instructor and range used.

What Must Accompany the Application:

A signed and completed application form which includes the following:

- Current and valid driver's license or identification card number (not expired, cancelled, denied, surrendered or voided).
- Acceptable proof of firearms qualification as indicated in §175.49(2)(b)5, Wis. Stats. (see requirements on page 3).

All applications are to be mailed to:

**City of Beloit Police Department
ATTN: Chief of Police
100 State Street
Beloit, WI 53511**

Incomplete applications will be returned. Any accepted application, where the applicant is then found to be ineligible for certification, will be denied.

Certification Card Expiration:

All certification cards are valid for a period of 12 months from the date of the qualifications determination. The firearms qualifications test is at the expense of the applicant and must meet the current standards for active law enforcement officers to carry a firearm that are established by the state as indicated in §175.49(2)(b)5, Wis. Stats.

Renewal of Certification Cards:

The certification card may be renewed at the expense of the former officer if application is made prior to the expiration of the certification card, and the applicant meets the certification requirements.

Availability of Certification Card Information:

The Beloit Police Department will maintain a record of all certification cards issued. Law enforcement may request and be provided the information by name, date of birth, and sex of the certified person or by the identification number assigned to the certification card for the purposes of:

1. Confirming that a certification card produced at the request of a law enforcement officer is valid.
2. If an individual carrying a concealed weapon claims to have a valid certification card, but does not have his or her certification card, to confirm the individual holds a valid certification card.
3. To investigate whether an individual submitted an intentionally false application.

No person other than a law enforcement officer may request information regarding the issuance of a former/retired law enforcement certification card.

Beloit Police Department • Chief David B. Zibolski
Former/Retired Law Enforcement Certification Card Application Packet

APPLICANT INFORMATION					
Applicant's Legal name (Last, First, Middle, suffix)					
Sex	Race	Date of birth (MM/DD/YYYY)	Height (ft/in)	Eye Color	
Driver License / Identification Card number			Maiden / Former / Alias Name(s) Used		
Current Residential Address (P.O. Boxes alone are not acceptable)			City	State	Zip Code
Residential Phone Number		Cell Phone Number		E-Mail Address	
Qualifying Firearm	Model	Caliber	Revolver or Semi-Auto	Serial Number	
Yes	No	ALL APPLICANTS: Please answer "Yes" or "No" to all questions by placing an "X" in the appropriate column.			
		1. Have you ever been convicted in any court of a felony, including a felony in Wisconsin or a crime committed elsewhere that would be a felony in Wisconsin, or any other crime for which the judge could have imprisoned you for more than 1 year?			
		2. Have you been adjudicated delinquent for an act committed on or after April 21, 1994, that if committed by an adult in Wisconsin, would be a felony and have not been exempted from the firearm prohibition by order of a court pursuant to s. 941.29(8)?			
		3. Have you ever been found not guilty of a felony in Wisconsin by reason of mental disease or defect, or not guilty of or not responsible for a crime elsewhere that would be a felony in this state by reason of insanity, or mental disease, defect, or illness?			
		4. Are you currently under indictment or have a felony charge pending against you in any court?			
		5. Have you ever been convicted of a misdemeanor crime of domestic violence?			
		6. Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance?			
		7. Are you currently free on bond or bail for a pending felony or misdemeanor offense, or as a witness, where the court has ordered you not to possess a dangerous weapon?			
		8. Are you a fugitive from justice?			
		9. Are you subject to a court order (domestic abuse injunction, domestic abuse tribal injunction, child abuse injunction, and harassment injunction) that prohibits you from possessing a firearm?			
		10. Have you ever been adjudicated mentally defective (which includes a determination by a court, board, commission, or other lawful authority that you are a danger to yourself or to others or are incompetent to manage your own affairs) or have you ever been committed to a mental institution? Further definitions of the disqualifiers can be found at: http://atf.gov/forms/download/atf-f-4473-1.pdf			
		11. Have you ever been dishonorably discharged from the armed forces?			
		12. Have you ever renounced your United States citizenship?			
		13. Are you an alien illegally in the United States or a nonimmigrant alien?			
		14. Are you a legal alien of the United States? Alien Registration or INS # :			
		15. Do you meet the firearms qualification requirements for active law enforcement officers in the State of Wisconsin pursuant to s.175.49(2)(b)5?			

I affirm that in accordance with §175.49(2), Wis. Stats.: (1) I have read and understand the license requirements; AND (2) I state that the information in this application and any document submitted with the application is **true and complete** to the best of my knowledge. I understand I may be prosecuted if I intentionally give false information on the application or submit any falsified document. The penalty for making a false statement is a fine of up to \$10,000, imprisonment of up to 9 months, or both [§946.32(2), Wis. Stats.] and for falsifying a document a fine of up to \$10,000, imprisonment up to 9 months or both [§943.38, Wis. Stats.]

X _____
Applicant Signature

CERTIFICATION REQUIREMENTS

§175.49(2), WIS. STATS.: CERTIFICATION OF FORMER LAW ENFORCEMENT OFFICERS

- (a) Upon the request of a former law enforcement officer and at the expense of the former law enforcement officer, the law enforcement agency that employed the former officer may, except as provided in par. (b), issue the former law enforcement officer a certification card as described in sub. (4) stating all of the following:
1. The type of firearm the former law enforcement officer is certified to carry, but no former law enforcement officer may be certified to carry a machine gun, a firearm silencer, or a destructive device.
 2. The former law enforcement officer has been found by the state or by a certified firearms instructor if such an instructor is qualified to conduct a firearms qualification test for active law enforcement officers in the state, to meet the standards for qualification in firearms training for active law enforcement officers to carry a firearm of the type under subd. 1., that are established by the state or, if the state does not establish standards, by any law enforcement agency in the state.
 3. The date on which the finding under subd. 2. was made and an expiration date that is 12 months later than that date.
 4. That, due to the finding under subd. 2., the former law enforcement officer is qualified to carry a concealed firearm of the type under subd. 1.
- (b) The law enforcement agency may not issue the former law enforcement officer a certification card under par. (a) unless the law enforcement agency first verifies all of the following:
1. The former law enforcement officer separated from service as a law enforcement officer with the law enforcement agency in good standing.
 2. The former law enforcement officer served as a law enforcement officer for an aggregate of at least 10 years or the former law enforcement officer separated from law enforcement service due to a service connected disability, as determined by the law enforcement agency from which the former law enforcement officer separated, after completing any applicable probationary period.
 3.
 - a. A qualified medical professional employed by the law enforcement agency from which the former law enforcement officer separated has not found the former law enforcement officer to be unqualified to be a law enforcement officer for reasons related to the former officer's mental health.
 - b. The former law enforcement officer has not entered into an agreement with the law enforcement agency from which he or she separated from service in which the former officer acknowledges that he or she is not qualified to be a law enforcement officer for reasons related to his or her mental health.
 4. The former law enforcement officer is not prohibited under federal law from possessing a firearm as indicated by a search of the transaction information for management of enforcement system and the national criminal background check system.
 5. The former law enforcement officer has, during the previous 12 months at his or her own expense, been found by the state, or by a certified firearms instructor if such an instructor is qualified to conduct a firearms qualification test for active law enforcement officers in the state, to meet the standards for qualification in firearms training for active law enforcement officers to carry a firearm of the type under par. (a) 1., that are established by the state or, if the state does not establish standards, by any law enforcement agency in the state.

§175.49(4), WIS. STATS.: CERTIFICATION CARDS

- (b) A certification card shall contain on one side all of the following:
1. The full name, date of birth, and residence address of the person who holds the certification card.
 2. A photograph of the certification card holder and a physical description that includes sex, height, and eye color.
 3. The name of this state.

§175.49(7), WIS. STATS.: GOING ARMED WITH A FIREARM

This section does not limit a former officer's right to go armed with a firearm that is not concealed.

TYPE OF FIREARM QUALIFIED TO CARRY REQUIRED

Each application must include the type of firearm the former officer is certified to carry. The firearm must be the one in which the former officer has been deemed qualified as a result of meeting the standard qualifications for firearms training for active law enforcement officers that are established by the state.

The Beloit Police Department does require that the specific make, model, and caliber of the qualifying firearm be indicated.

RESTRICTIONS ON CARRYING OF WEAPONS

§941.237 (2), WIS. STATS.: CARRYING HANDGUN WHERE ALCOHOL BEVERAGES MAY BE CONSUMED OR SOLD: Whoever intentionally goes armed with a handgun on any premises for which a Class "B" or "Class B" license or permit has been issued under Chapter 125 is guilty of a Class A misdemeanor. This prohibition does not apply to a certification holder as long as they are not under the influence of alcohol. (§941.237 (3)(ct), Wis. Stats. & §941.20 (1)(b), Wis. Stats.)

SEPARATION AFFIDAVIT

Instructions: Section 175.49(2) of the Wisconsin Statutes permits the Beloit Police Department, under specified conditions, to issue a firearm certification card to former Beloit Police Department law enforcement officers. Before issuing such a card, the Beloit Police Department is required to verify certain information about the former officer, including the information requested in the application packet. These requirements are established in Wis. Stat 175.49(2)(b)1.-3. and reflect parallel federal-law requirements located at 18 U.S.C. 926C(a)(1), (3), and (5). Any former Beloit Police Department law enforcement officer applying for a certification card under §175.49(2), Wis. Stats. should have this form completed and signed by the Chief of Police for the Beloit Police Department who is capable of verifying the requested information about the applicant. When the form has been completed and signed, it should be submitted with the application by the applicant.

AFFIDAVIT

I, Chief David B. Zibolski, hereby affirm the following with respect to _____ [name of applicant] (hereafter, "the Applicant")

1. The Applicant was formerly employed as a law enforcement officer with the Beloit Police Department from _____ [starting year] to _____ [ending year];
2. The Applicant separated from service with the Beloit Police Department in good standing;
3. One of the following applies to the Applicant (check the entry that applies):
 - Prior to separation from service with the Beloit Police Department, the Applicant served as a law enforcement officer for an aggregate of at least ten years.
 - The Applicant, after having completed any applicable probationary period, separated from service with the Beloit Police Department due to a service-connected disability, as determined by the Beloit Police Department.
4. A qualified medical professional employed by the Beloit Police Department has not found the Applicant to be unqualified to be a law enforcement officer for reasons related to the Applicant's mental health.
5. The Applicant and the Beloit Police Department have not entered into any agreement in which the Applicant acknowledges that the Applicant is not qualified to be a law enforcement officer for reasons related to the Applicant's mental health.
6. The Applicant is not prohibited under federal law from possessing a firearm as indicated by a search of the transaction information for management of enforcement system and the national criminal background check system.
7. The former law enforcement officer has, during the previous 12 months at his or her own expense, been found by the state, or by a certified firearms instructor if such an instructor is qualified to conduct a firearms qualification test for active law enforcement officers in the state, to meet the standards for qualification in firearms training for active law enforcement officers to carry a firearm.

Dated this ____ day of _____, 20____.

Chief David B. Zibolski

Beloit Police Department • Chief David B. Zibolski
Former/Retired Law Enforcement Certification Card Application Packet

FIREARM SKILL EVALUATION

I, _____, [applicant name] a former Beloit Police Department Officer, state that I am not currently under the influence of alcohol or other intoxicating or hallucinatory drugs or substances and I am not prohibited by federal or state law from receiving a firearm.

Dated this ____ day of _____, 20____.

Applicant Printed Name: _____

Applicant Signature: _____

CERTIFICATION

Applicant's Legal name (Last, First, Middle, suffix)

Location of Range			Date	Time
State Certified Firearms Instructor Name		Agency	State Certified Firearms Instructor Signature	
Qualifying Firearm	Model	Caliber	Revolver or Semi-Auto	Serial Number
Pass	Fail	INSTRUCTORS: Please answer "Pass" or "Fail" to all questions by placing an "X" in the appropriate column.		
		The former Beloit Police Department Officer listed above has successfully completed the firearm qualification test for active Wisconsin Law Enforcement Officers conducted by a Wisconsin State Certified Firearms Instructor listed above, as indicated in §175.49(2)(b)5, Wis. Stats.		