

# Wisconsin Department of Safety and Professional Services

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## DIVISION OF PROFESSIONAL CREDENTIALING PROCESSING

### INSTRUCTION PACKET FOR APPROVAL OF FIREARMS CERTIFIER

Enclosed are the forms to apply for approval of firearms certifier.

#### **INSTRUCTIONS FOR COMPLETING THE APPLICATION**

1. **Application for Approval of Initial Firearms Certifier**: Complete the enclosed application and attach the appropriate fee.

2. **Fingerprints**: All applicants must submit their fingerprints electronically for a background check. Schedule an appointment with the Department's approved vendor, Fieldprint, by visiting their web site at:

<http://www.FieldprintWisconsin.com/>

Use the Fieldprint code "FPWISecurity" when prompted. The cost for the digital fingerprints will be \$39.25 and is expected at the time of reservation. You should plan to arrive at the test center fifteen minutes before the scheduled start time of the appointment for check-in.

**You must submit your application to the department within 14 days of being fingerprinted.**

**Out of State Applicants**: If you currently reside outside of the state of Wisconsin and are unable to come to Wisconsin to have digital fingerprints taken, you may submit fingerprints at any Fieldprint station in the United States by registering at the web site above and using the Fieldprint code "FPWISecurity" when prompted.

**Criminal History Checks Notice**: Provisions set forth in Title 28, Code of Federal Regulations (CFR) Section 16.34, require us to notify you that your fingerprints may be used to check the criminal history records with the FBI. Identification records obtained from the FBI may be used solely for the purpose requested and may not be disseminated outside the receiving department, related agency or other authorized entity. The Department of Safety and Professional Services does not deny a license based on the information in the record itself, but does require the submittal of a criminal complaint and judgment of conviction in any matter which would appear to be cause for denial of a license. The Authorization for Release of FBI Information must be signed by the applicant and a witness.

3. **Application for Reapproval of Firearms Certifier**: Complete the enclosed application and attach a check for \$8.00 for a CIB background check.

4. **Firearms Certification**: Proof of current certification as a firearms instructor must be submitted with the application.

5. The Authorization for Release of FBI Information (Form #2687) must be signed by the applicant and a witness and returned with the application if this is for initial approval.

6. **Convictions and Pending Charges (form #2252)**: All applicants will be required to answer questions on the application form about convictions of any crime, other violations and pending charges in Wisconsin or any other state. The Department will obtain a CIB name search (name, date of birth, sex, race, social security number) on all applicants and an FBI fingerprint search on all applicants for initial approval of firearms certifier. The Department is usually able to obtain a CIB report on the same day an application is received; however, the Department receives FBI criminal record reports approximately 3 to 6 weeks after sending fingerprints to the FBI. If any applicant was **EVER** convicted of a felony in Wisconsin or any other state and not pardoned, the applicant's application will be denied. There are no exceptions.

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If an applicant has been convicted of one or more misdemeanor or other violations or has pending charges and if the Department determines that the crimes or violations are substantially related to the practice for approval of firearms certifier, the Department will not grant a license until it has received sufficient information to determine whether the license should be granted, denied or limited. It is the responsibility of the applicant to provide complete information to the Department. Applications are deemed complete after submission of all relevant background information by the applicant.

## **Peace Officer:**

A person who is a peace officer, as defined in sec. 939.22(22), Stats., may carry on, about or near his or her person a firearm, concealed or otherwise, when acting with a private detective license and providing private security services in a private security uniform, if the peace officer obtains a firearms permit from the Department. The Department may grant an exception from this requirement to a peace officer who submits to the Department a letter from a law enforcement agency, written not more than one month before the date of receipt by the Department, stating that the law enforcement agency will accept liability for the peace officer's use of a firearm while on duty for the private detective agency.

## **Wisconsin Statutes and Administrative Rules:**

A copy of the Wisconsin Statutes and Administrative Code Relating to the practice of private detectives and private security personnel is available on the web at <http://dsps.wi.gov> or at most public libraries. If you wish to purchase a copy, you may purchase a hard print copy from Document Sales, Department of Administration by calling Document Sales at 800-362-7253 or 608-264-9419 or by email at [docsales@doa.state.wi.us](mailto:docsales@doa.state.wi.us).

The firearms certifier license expires on December 31 of the even-numbered year. It may be renewed for a two-year period at that time.

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## CHAPTER 941.29 POSSESSION OF A FIREARM

**941.29 Possession of a firearm.** (1) A person is subject to the requirements and penalties of this section if he or she has been:

- (a) Convicted of a felony in this state.
  - (b) Convicted of a crime elsewhere that would be a felony if committed in this state.
  - (bm) Adjudicated delinquent for an act committed on or after April 21, 1994, that if committed by an adult in this state would be a felony.
  - (c) Found not guilty of a felony in this state by reason of mental disease or defect.
  - (d) Found 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.
  - (e) Committed for treatment under s. 51.20 (13) (a) and ordered not to possess a firearm under s. 51.20 (13) (cv).
  - (f) Enjoined under an injunction issued under s. 813.12 or 813.122 or under a tribal injunction, as defined in s. 813.12 (1) (e), issued by a court established by any federally recognized Wisconsin Indian tribe or band, except the Menominee Indian tribe of Wisconsin, that includes notice to the respondent that he or she is subject to the requirements and penalties under s. 941.29 and that has been filed under s. 806.247 (3).
  - (g) Ordered not to possess a firearm under s. 813.125 (4m).
- (2) A person specified in sub. (1) is guilty of a Class E felony if he or she possesses a firearm under any of the following circumstances:
- (a) The person possesses a firearm subsequent to the conviction for the felony or other crime, as specified in sub. (1) (a) or (b).
  - (b) The person possesses a firearm subsequent to the adjudication, as specified in sub. (1) (bm).
  - (c) The person possesses a firearm subsequent to the finding of not guilty or not responsible by reason of insanity or mental disease, defect or illness as specified in sub. (1) (c) or (d).
  - (d) The person possesses a firearm while subject to the court order, as specified in sub. (1) (e) or (g).
  - (e) The person possesses a firearm while the injunction, as specified in sub. (1) (f), is in effect.
- (2m) Whoever violates this section after being convicted under this section is guilty of a Class D felony.
- (3) Any firearm involved in an offense under sub. (2) is subject to s. 968.20 (3).
- (4) A person is concerned with the commission of a crime, as specified in s. 939.05 (2) (b), in violation of this section if he or she knowingly furnishes a person with a firearm in violation of sub. (2).
- (5) This section does not apply to any person specified in sub. (1) who:
- (a) Has received a pardon with respect to the crime or felony specified in sub. (1) and has been expressly authorized to possess a firearm under 18 USC app. 1203; or

(b) Has obtained relief from disabilities under 18 USC 925 (c).

(6) The prohibition against firearm possession under this section does not apply to any correctional officer employed before May 1, 1982, who is required to possess a firearm as a condition of employment. This exemption applies if the officer is eligible to possess a firearm under any federal law and applies while the officer is acting in an official capacity.

(7) This section does not apply to any person who has been found not guilty or not responsible by reason of insanity or mental disease, defect or illness if a court subsequently determines both of the following:

(a) The person is no longer insane or no longer has a mental disease, defect or illness.

(b) The person is not likely to act in a manner dangerous to public safety.

(8) This section does not apply to any person specified in sub. (1) (bm) if a court subsequently determines that the person is not likely to act in a manner dangerous to public safety. In any action or proceeding regarding this determination, the person has the burden of proving by a preponderance of the evidence that he or she is not likely to act in a manner dangerous to public safety.

(9) This section does not apply to a person specified in sub. (1) (e) if the prohibition under s. 51.20 (13) (cv) 1. has been canceled under s. 51.20 (13) (cv) 2. or (16) (gm).

(10) The prohibition against firearm possession under this section does not apply to a person specified in sub. (1) (f) if the person satisfies any of the following:

(a) The person is a peace officer and the person possesses a firearm while in the line of duty or, if required to do so as a condition of employment, while off duty.

(b) The person is a member of the U.S. armed forces or national guard and the person possesses a firearm while in the line of duty.

History: 1981 c. 141, 317; 1983 a. 269; 1985 a. 259; 1993 a. 195, 196, 491; 1995 a. 71, 77, 306, 417.

NOTE: See Chapter 141, laws of 1981, section 2, entitled "Initial applicability."

Where defendant is willing to stipulate to being a convicted felon, evidence of nature of felony is irrelevant if offered only to support felony conviction element. State v. McAllister, 153 W (2d) 523, 451 NW (2d) 764 (Ct. App. 1989).

Failure to give the warning under s. 973.033 does not prevent a conviction under this section. State v. Phillips, 172 W (2d) 391, 493 NW (2d) 238 (Ct. App. 1992).

Retroactive application of this provision did not violate the prohibition against ex post facto laws because the law is not intended to punish persons for a prior crime but to protect public safety. State v. Thiel, 188 W (2d) 695, 524 NW (2d) 641 (1994).

A convicted felon's possession of a firearm is privileged in limited enumerated circumstances. State v. Coleman, 206 W (2d) 198, 556 NW (2d) 701 (1996).

Sub. (5) (a) has been invalidated by congressional action. Pardons granted after November 15, 1986, will give recipients right to receive, possess or transport in commerce firearms unless pardon expressly provides otherwise. 78 Atty. Gen. 22