

# **National Rifle Association of America**

## **Personal Protection Act (PPA) – SB 93**

### **Position on Potential Hostile Amendments**

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Many hostile amendments will be offered to the PPA on the Floor. In light of the fact that the dozens of other states have experienced no problems with any of the various provisions that have been incorporated into the bill, these amendments are meant to do one thing – discourage as many citizens as possible from acquiring licenses and carrying concealed weapons for their protection. Many concessions have been made by the NRA to this point in the legislative process. *Any additional hostile amendments will be strongly opposed and all votes will be considered for candidate grading purposes.* Listed below are many of these expected amendments. Brief reasons as to why they should be soundly rejected are included.

#### **Imposition of a one-size-fits-all training mandate**

The training mandate in the bill is modeled after Florida's. It has been adopted by a number of other states because Florida has had its system in effect for 26 years and it has issued 2 million licenses. The program has been an undeniable success. Because it allows citizens to choose from a number of firearms safety programs, availability and cost concerns are controlled. An amendment creating micro-managed curriculum that attempts to treat citizens like special operations soldiers will disenfranchise tens of thousands of good Wisconsinites due to cost and access issues. This kind of overbearing government dictate especially discriminates against lower income residents who often live in high crime urban areas – people who arguably most need protection. The amendment should be opposed by PPA supporters and opponents alike.

#### **Statutory prohibition on the carry of handguns in certain private properties**

The current bill allows all private properties (churches, daycare centers, hospitals etc.) to post against carry. Creating statutory prohibitions is a violation of private property rights, as owners are not allowed to make decisions based upon their own circumstances. Legislators who support private property rights should oppose these efforts.

#### **Prohibitions in domestic violence shelters**

As should be the case with other private properties, shelter operators should be left to make the decision to prohibit by posting. If a retired female police officer, for instance, is a resident of a shelter and is the subject of threats of violence, the owner should not be preempted statutorily from allowing her to carry. In what other instances do interest groups lobby against their own right to choose how they manage their properties? An abuser intent on doing harm is not going to be deterred by a statutory prohibition any more than a posting pursuant to trespass.

### **Specific statutory prohibition in the State Capitol**

If supporters adopt an amendment to statutorily prohibit carry in the State Capitol, they will appropriately be charged with hypocrisy. There is no reason to treat the Capitol differently than other government buildings. Managers may choose to post buildings. It should be noted that many states allow licensees to carry into their capitol buildings and there have been no problems with regard to licensees.

### **Prohibition of carry authorized on external grounds of government buildings**

There should be limitations on where government entities are able to restrict firearms possession by citizens and within the confines of buildings should be established as the outer limit of that authority. A citizen walking across town in Madison, for instance, should not be prohibited from taking the same short route across the Capitol grounds that all others take simply because he or she is legally carrying a handgun for self-defense. “Special events” on government grounds may prohibit carry if they meet the requirements specified in the bill.

### **Expansion of college and university authority to prohibit on campus grounds**

Many campuses, like that of UW-Madison, are sprawling and fragmented in urban jurisdictions. Citizens are hard-pressed to know when they are or are not on campus. A prohibition would be unworkable and would lead to many unintentional violations of the law. Of course, this is the intent of many PPA opponents who support this amendment. If colleges and universities choose to post their buildings, licensees will be put on notice.

### **Zero tolerance on the consumption of alcohol while carrying**

Citizens *passively carrying* holstered firearms for self-defense should not be held to a higher standard than those who *operate* two thousand pound vehicles in the complex environment associated with crowded public roadways. Those who advocate for zero tolerance are attempting to set licensees up for failure. Taking common cough medicines, for example, would lead licensees to violate a zero tolerance provision. Current law prohibits gun owners from handling firearms while impaired and the PPA reflects this.

### **Prohibition against licensees storing handguns in locked vehicles in parking lots**

The PPA balances the interests of private property owners who choose to prohibit carry with those of licensees who choose to store firearms in their own private vehicles. Parking lot prohibitions, especially for employees, effectively disarm citizens from the time they leave home each day to the time that they return.

### **Allow unlimited law enforcement access to license holder list**

There is no benefit associated with law enforcement officers knowing the license status of the *registered owner* of a vehicle. It tells them nothing about the actual occupants and could lead to officers overreacting to an innocent situation or, conversely, letting their guard down inappropriately. Some law enforcement leaders in Wisconsin have previously stated that they will use the list as a starting point to begin investigations of shootings in neighborhoods or treat stops of licensees as felony stops – controlled at gunpoint – and both are completely inappropriate.

### **Provide public access to the list of licensees**

In states like Virginia and Tennessee where the licensee list was not initially protected from public disclosure, newspapers have published the entire list. This has given burglars a list of gun owners whom they can victimize while their homes are unoccupied and provided stalkers and other criminals with information regarding their victims. A public list also creates a chilling effect on nurses, school teachers and others who may incur social and professional consequences if it is known they are licensees. Neighbors and co-workers do not know who *owns* guns. They should not know license status.

### **Felony penalties for illegal possession of a concealed weapon**

The PPA is about making it *legal* for law-abiding citizens to carry concealed weapons. The debate over penalties for illegal carry is a matter for another day. Many contend that felony penalties for an act that is arguably a citizen's constitutional right is entirely inappropriate. Where the future debate should begin is with convicted violent felons who illegally possess firearms. These are perpetrators of the majority of the violence in our communities. Otherwise law-abiding stalking victims who are refused emergency licenses and act out of desperation are another matter.

### **Bans in common areas of multi-family properties**

Owners and managers of multi-family properties should not be able to prohibit carry in common areas because such prohibitions effectively prevent residents from legally carrying concealed weapons for their protection. Citizens who live in these places must pass through common areas in order to get to their residences. Families who live in these properties tend to be lower income and no segments of the community should be disenfranchised. The bill allows nonresidents to be barred from carrying in these areas.

### **Penalty increase for carrying in posted properties**

The current penalties associated with disregarding property owner wishes are those for trespass (class B forfeiture with fine up to \$1,000). There is no reason to treat this realm differently. The existing penalties are significant enough to discourage honest citizens from intentionally disregarding the wishes of property owners while not so harsh as to have life-changing consequences for those who make innocent mistakes while going about their busy lives (not seeing the white 5" x 7" posted sign). The PPA finds a good balance. If penalties are to be increased, they should be increased for all trespass violations.

### **Denial of recognition of other state licenses**

The right to self-defense is not limited to within a person's state of residence. Most "shall issue" states recognize licenses issued by other states. Ten states, like with driver licenses, allow for "full recognition" of all other states' carry licenses. These states have not experienced any problems caused by out-of-state licensees. The fact that license holders from other states possess a *valid* license shows that they have been responsible and trustworthy in their home state. Nothing suggests that the licensee's law-abiding conduct will change upon entering Wisconsin.

**Prohibition of DUI offenders and other misdemeanants from obtaining licenses**

Citizens who may legally own firearms should be able to apply for a license to carry for self-defense. If certain misdemeanor offenses are deemed so significant as to indicate the offender is a danger to the public while in possession of a firearm, they should be made felonies.

**Prohibition on carry in establishments that serve alcohol**

There are 42 states that allow concealed firearms to be carried in these establishments. There have been no problems as is evidenced by the fact that no state has attempted to repeal this provision of law. The PPA is more restrictive than the laws in many states because it prohibits alcohol consumption by licensees while carrying on the premises. These places are not immune from violence and citizens should be able to protect themselves while dining with their families. A statutory prohibition violates the private property rights of establishment owners who should be able to decide for themselves as to whether law abiding citizens carry; criminals already do. Owners may post.