



## **Right to Carry Is Here!**

Join the 1000's of your fellow Wisconsinites who carry on a daily basis in Wisconsin!

Wisconsin Law prohibits Conceal Carry. Open-Carry however, is perfectly legal. Thousands of Wisconsin residents are already exercising their right to carry on a daily basis. NO permit is required. If you are not personally legally prohibited from possessing a firearm, you may openly carry. There are a few regulations you will need to keep in mind. This brochure is no substitute for doing your own exhaustive research. It is your responsibility to know and abide within the laws. This brochure will provide you with the basic information to begin to carry.

## **The History of Carry in Wisconsin**

Open Carry has always been legal in Wisconsin. In 1872, Conceal Carry was prohibited by law. Some municipalities enacted their own gun restrictions. In 1995 the Wisconsin Legislature passed a "preemption law" that made those local restrictions unenforceable:

**66.0409 WI State Pre-Emption of Firearm Laws.** (2) Except as provided in subs. (3) and (4), no political subdivision may... regulate the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permitting, registration or taxation of any firearm... unless the ordinance or resolution is the same as or similar to, and no more stringent than, a state statute.

If your municipality has a local ordinance that bans all carry, it is UNENFORCEABLE.

In 1998 Wisconsin amended our state constitution:

The people have the right to keep and bear arms for security, defense, hunting, recreation or any other lawful purpose.

**Article 1 Sec. 25**

As Wisconsin has a constitutional amendment that guarantees your right to carry, and conceal carry is prohibited, open-carry is the legal method that you may use to exercise this guaranteed right. Over the years, with the exception of hunting, few people exercised this right. In 2008 and 2009 several notable arrests were made against people who were lawfully open-carrying. Two of those arrests never resulted in charges. One arrest resulted in a charge of disorderly conduct. In that case, a West Allis judge found that open-carry of a firearm was NOT disorderly conduct.

These cases prompted Wisconsin Attorney General J.B. Van Hollen to issue a memo in April of 2009 that advised police chiefs and district attorneys all across the state that the mere open carrying of a firearm by a person, absent additional facts and circumstances, should NOT result in a disorderly conduct charge from a prosecutor (see link).

<http://www.doj.state.wi.us/news/files/FinalOpenCarryMemo.pdf>

Wisconsin's governor Jim Doyle even made the following statement at a Lake Delton press conference after he vetoed conceal carry legislation:

"If you want to carry a gun in Wisconsin, wear it on your hip." - Gov. Jim Doyle

# Things you need to know if you plan to open carry:

Five places you currently cannot open carry a firearm in Wisconsin:

- 29.089 - No firearms in state parks and state fish hatcheries unless unloaded and encased or during a hunting season with a valid hunting license.
- 167.31 - Weapons in vehicles must be encased and unloaded.
- 941.235 - No firearms in government buildings (courthouse, city hall, etc.)
- 941.237 - No handguns in taverns or restaurants that serve alcohol for consumption UNLESS you have specific permission.
- 948.605 - No firearms within 1000' of a school (grade 1 - 12) premises, unless encased and unloaded. If you KNOWINGLY carry in a school zone its a felony. (unless on private property, which includes parking lots of businesses) IF YOU ARE ON PRIVATE PROPERTY, YOU MAY CARRY IN A SCHOOL ZONE.

We encourage you to read these statutes in their entirety at:

<http://www.legis.state.wi.us>

## Other Information:

As you can see, you do have a right to carry in Wisconsin and 1000's are doing so on a daily basis. A few of the restrictions on where you may carry present a significant infringement on your opportunity to carry.

School zones carve out huge portions of municipalities where you are left defenseless. Thousands of assaults happen in school zones. Wisconsin Carry believes these school zones cover such a large area that they practically foreclose the meaningful right to carry; which our state and federal constitution's guarantee. For this reason, our first action as an organization was to file a Federal Lawsuit to challenge the constitutionality of Wisconsin's Gun-Free-School-Zone statute. This case is currently working its way through the litigation process.

In addition, in Wisconsin's harsh winters, the prohibition on conceal carry makes carry difficult when a jacket often covers a belt holster during the winter months .

The Wisconsin Court System and Supreme Court have already found in some situations that the ban on conceal carry is unconstitutional. (see Wisconsin v. Hamdan and Wisconsin v. Vegas)

Wisconsin Carry believes that you have a right to carry in the manner of your choosing. We will use all methods; legal, legislative, mass media, etc to expand your opportunity to carry.

## Wisconsin Carry Inc.

Is a 100% volunteer non-profit Wisconsin Corporation. We believe that the choice to open-carry or conceal carry is to be made by you, the law-abiding citizen based on what suits your need best. Since our initial public announcement on January 8th 2010, we have had many notable accomplishments in expanding the right to carry in Wisconsin. Visit our website:

<http://www.wisconsincarry.org> to read about these successes.

Please join 1000's of your fellow Wisconsinites who have become members of Wisconsin Carry, Inc. as we become an even more powerful force to expand freedom and rights in Wisconsin.



<http://www.wisconsincarry.org>