



CATHOLIC MUTUAL GROUP®
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**MEMORANDUM ON WISCONSIN'S NEW CONCEALED/CARRY WEAPONS LAWS
RISK MANAGEMENT AND COVERAGE ISSUES**

Over the past few months, several questions have arisen regarding Wisconsin's Carrying Concealed Weapon (CCW) laws that go into effect on November 1, 2011. The purpose of this memorandum is to answer those questions, clarify coverage issues, and provide risk management guidelines.

Coverage Issues

Your coverage in the Catholic Mutual property and liability program is not affected by passage of the new laws. In the event a claim is made against your organization alleging that you were negligent in a gun-related incident, the coverage will respond. There has been and will continue to be a denial of coverage to the perpetrator of an illegal, intentional act. Your decision to post or to not post signage banning CCW on your property will not affect coverage decisions.

Background

The new Wisconsin CCW laws allow owners of private businesses (churches are in this category) to decide whether or not to allow concealed weapons on their property. The concealed weapons considered in these laws are handguns, stun guns, billy clubs, and certain knives (but not switch blades). If your church/agency/cemetery decides to ban concealed weapons on your property or in your non-school buildings, then the law requires that you erect signage that states that decision. Posting on buildings only prevents concealed weapons in that building. To prevent concealed weapons on grounds, you must also post at probable access points to your property.

The CCW laws have an outright ban on concealed weapons on school grounds, which is consistent with the previous state law. However, in a change from the previous law that banned all firearms within 1,000 feet of school property, the new laws allow a CCW licensee to carry a firearm within 1,000 feet of school property, but not in or on school grounds. Persons with CCW licenses are informed that it is a felony to carry a concealed weapon on school grounds. The law allows a CCW licensee to have a firearm unloaded, properly encased in a motor vehicle in the parking lot. With regard to posting signage, schools are not required to post the CCW ban.

10/28/2011

Risk Management Recommendations

Catholic Mutual is not requiring its members to take a certain stance on the decision to allow CCW on your property. However, we have developed strong recommendations that are consistent with the Catholic Church's position and intended to enhance the safety of your operations.

1. Schools should post signage similar to: "School Grounds: all weapons and firearms are prohibited." The law does not specify exact verbiage and allows pictorial signage. We recommend signs that meet the requirements for owners of private property, which is that signs are at least 5 inches x 7 inches and located in a prominent place near all entrances, such that any individual entering the building can be reasonably expected to see the sign. For example, the sign may be affixed to the glass of an entrance door, or posted on a building wall near the entrance. If the school has multiple exterior doors, but only a few are opened to students or the public, signage would not be required at those doors that are not used as entrances. In addition to school buildings, signage should be posted at the entrances to administrative buildings, athletic stadiums and fields.
2. In churches and other buildings that share use with school operations, we recommend implementing a weapons ban consistent with the school building. Our recommendation is "School Operations: all weapons and firearms are prohibited." The law does not specify exact verbiage and allows pictorial signage. Signs should be at least 5 inches x 7 inches and located in a prominent place near all entrances, such that any individual entering the building can be reasonably expected to see the sign. For example, the sign may be affixed to the glass of entrance doors, or posted on the building wall near the entrance. Posting should occur in areas where and whenever school children are frequently in the church and other buildings during the day. Examples are: regular classroom or extra-curricular instruction in the church/convent/rectory, meals in church halls, before/after school care programs, school Mass and special programs.
3. We recommend that churches without operating schools, service agencies, and cemeteries adopt a ban on CCW and comply with the posting requirements described above, except the signage wouldn't include "school grounds." Youth religious education is one reason for this recommendation. The new law carves out school buildings as off limits for CCW because of the concentration of children. Youth religious education programs bring the same concentration of children. Unless churches, service agencies, and cemeteries post a ban in accordance with the signage requirements, the new law allows CCW licensees to carry their firearm.

Security, Special Events and Exceptions for CCW Bans

Law enforcement officers acting in their official capacity are exempted from any weapon or firearm ban. The new CCW laws allow private companies that ban concealed weapons and schools to contract with an employee or outside individual or company to be on property with a concealed weapon. If your church/school/agency/cemetery utilizes armed security on a regular basis or for special events, the contracted personnel may be permitted to carry a concealed weapon while the posted ban remains in effect for others entering your property.

Actions in Enforcement of CCW Bans

On school grounds, if an unknown person with a weapon is spotted, we recommend quickly removing children and staff to a place of safety and immediately contacting law enforcement. On school grounds, if a person known to staff is noticed carrying a concealed weapon, the school may use its discretion in contacting law enforcement immediately or verbally telling the offender that they are on school property, that no weapons are allowed, and that they must immediately leave the property. School personnel should not attempt to detain a person carrying a weapon while law enforcement is contacted.

In churches and other non-school property where a weapons ban has been posted, if a person is spotted carrying a concealed weapon, we recommend immediately communicating with that person that weapons are not allowed in the building (or on the property) and ask them to immediately leave. They may choose to put their weapon in their vehicle and return to your facility without the weapon. If the person refuses to comply with your request to leave the premises, then call law enforcement. You should not attempt to detain a person carrying a weapon while law enforcement is contacted.

Place of Employment Recommendation

The new CCW laws not only affect guests to your property, but also affect your employees and volunteers. We recommend that you implement a complete weapons ban, including CCW licensees, for all employees and volunteers. The concealed weapons ban should be in the form of a written policy that is communicated to all employees and volunteers and eventually included in your policy manual. If your organization owns vehicles, the concealed weapons ban should extend to your employee while conducting business in your owned vehicle. However, the law does not allow an employer to ban employees with a CCW license from keeping a firearm in their own vehicle, even if that vehicle is used in the course of their work for you. When your employee and volunteer policies ban concealed/carry weapons, then the law allows that the firearm in the personal vehicle be unloaded and encased pursuant to the statute.

Resources

2011 Wisconsin Act 35, publication July 22, 2011

Wisconsin Attorney General: Wisconsin's New Carrying Concealed Weapon Law, Q&A, August 2, 2011