



Wisconsin Council of Churches

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DATE: September 15, 2011
TO: Congregations which are a part of the
Wisconsin Council of Churches
FROM: Scott D. Anderson, Executive Director
RE: The New Concealed Carry Law-Memo #1

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American Baptist Churches
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(Disciples of Christ)
Church of God in Christ
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Episcopal Church
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Interfaith Conference of
Greater Milwaukee
Leadership Conference of
Women Religious Region 9
Madison Area Urban Ministry

Scott D. Anderson,
Executive Director

Introduction

Senate Bill 93, signed by Governor Walker in June, 2011 will make a number of changes in Wisconsin law related to the licensing for, and limitations on, the carrying of concealed weapons in this state, effective November 1, 2011.

The Wisconsin Council of Churches continues to receive inquiries from pastors and other church leaders about how this legislation impacts local congregations. This memo briefly summarizes provisions of the new law and questions congregations will need to address.

Two important provisos:

(1) The Wisconsin Council of Churches does not provide legal advice. Any congregation which has specific legal questions or concerns about the new law should consult legal counsel and/or its liability insurance carrier;

(2) While the Wisconsin Department of Justice has issued a 56-page "Frequently Asked Questions" (FAQ) memo about the concealed carry law, it has not yet issued formal regulations to implement provisions of the new state statutes. As the process of developing regulations moves forward over the next several months, I encourage you to consult the Department of Justice's newly-created Concealed Carry website at: <http://www.doj.state.wi.us/dles/cib/ConcealedCarry/ConcealedCarry.asp>

We anticipate that the Department of Justice will issue temporary regulations this autumn, with final rules not released until next year. The

Wisconsin Council of Churches will update this memo with more detailed information and revisions as necessary.

Provisions of the new law impacting congregations:

Definition of “concealed weapons:” The new law allows licensed citizens in Wisconsin to carry several kinds of concealed weapons, including guns, electric guns, clubs, and knives (but not switchable blades).

Employers: Under the new law, an employer may prohibit an employee from carrying concealed weapons in church buildings, but cannot prohibit an employee from keeping concealed weapons in the employee’s motor vehicle, even if that vehicle is parked on church property. We encourage congregations which seek to enforce such a prohibition to include prohibitive language in their church policies and procedures.

Property Owners: Under provisions of the new law, property owners may bar weapons from their buildings by posting a sign at least 5” by 7” in size near every entrance to the building. The FAQ memo cited above does not spell out the specific wording of signs, but indicates that they must clearly communicate the prohibition.



Standard signs such as the one at right are available from commercial venues.

Penalty: The penalty for violating the concealed carry prohibition on private property is classified as a Class B forfeiture, carries a fine of up to \$200, and is enforced by a civil authority, such as a local police department.

Liability: The law grants immunity from liability to any property owner or employer who does not bar concealed weapons on his/her property or prohibits their employees from carrying. It grants no such immunity (*i.e.* current law applies) to those who bar concealed weapons. The liability in question would generally be negligence. For example, one might be accused of negligence because he or she failed to effectively enforce or monitor a ban on weapons and that failure resulted in a person being injured.

Several other states have similar liability language written into their state statutes. Insurance carriers are familiar with this language. While it is impossible to predict the impact of the new law on insurance rates in Wisconsin, the experience of other states suggests that the impact has been negligible. The WCC encourages all congregations to consult their liability insurance carriers for specific guidance.

Congregational Discernment

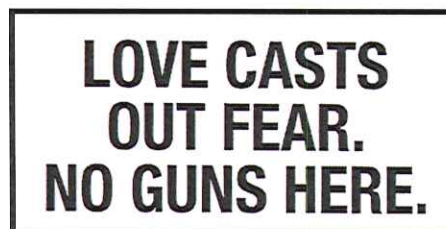
The WCC recognizes that congregations throughout the state will respond to the new concealed carry law in a variety of ways. We encourage each church to engage in a thoughtful process of discernment as it seeks the mind of Christ in how to implement the new law in its local context:

1. Engage leaders and the whole congregation—while church boards and councils may have the final say as to whether a congregation decides to post signs, for example, it will be important to involve the entire congregation in this process.
2. Extend the conversation to those who rent space in church-owned facilities. What are their desires?
3. Look for denominational resources—many denominations have public policy positions on firearm-related violence in our society and may offer specific advice and counsel on concealed carry. Denominational policy statements will help frame the discussion Biblically and theologically rather than as a matter of partisan politics.
4. Establish a safe space for conversation—concealed carry legislation is a passionate and contentious issue in our culture. Christian congregations can model a new form of moral deliberation by being a prayerful “safe space” for the expression of a wide variety of viewpoints.

For congregations which choose to post signs:

If, after a process of discernment, your congregation chooses to post signs prohibiting concealed weapons on church property, we encourage you to consider this decision as an opportunity for public witness:

1. Be prophetic with signage—at this point, the state has not issued guidance about the specific wording of signs. Until specific wording is mandated, we encourage congregations to be creative, making use of scripture and church tradition to make a public witness like this:



When guidance on wording *is* issued however, these “public witness” signs must supplement, not replace, the legally required form of notification.

2. Be clear with signage—if the church wants all concealed weapons mentioned in the new law excluded from church property (and not just firearms), the sign needs to specify this.
3. If you create your own signage, send a picture of it to the Wisconsin Council of Churches (wcoc@wichurches.org) and we will post it on our website.
4. Send a copy of your sign to your state legislators and the Governor, with a cover letter explaining why your congregation has chosen to post signs.
5. Invite your state legislators for an on-site visit to your congregation for a discussion about the witness you are making with your signs.

Other Resources:

The Greater Madison Chamber of Commerce has an excellent (and free) webinar for small businesses about the new concealed carry law. To access it, go to:

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