

# The LEOSA/H.R. 218 Process in Wisconsin

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The step-by-step process by which a former law enforcement officer may obtain certification to carry a concealed handgun under Wisconsin statutes and the Law Enforcement Officer Safety Act (LEOSA), commonly referred to as “HR218.”

## Contents

Background.....	3
References and Additional Resources .....	3
Procedures.....	4
Current and Former Law Enforcement Officers – Wisconsin CCW License .....	5
Former Wisconsin Law Enforcement Officers – LEOSA Certification.....	6
Former Federal and Out-of-State Law Enforcement Officers – LEOSA Certification .....	7

## **Background**

On November 1, 2011, *2011 Wisconsin Act 35* became law. This created a process for Wisconsin residents to legally carry a concealed weapon and clarified the process for former officers who are eligible to carry a concealed handgun under LEOSA. More information on this law is available on the Wisconsin Department of Justice's "Concealed Carry" web page.

Wisconsin residents who are former law enforcement officers may be eligible to carry a concealed weapon under one or two different processes:

1. Obtain the Wisconsin concealed carry license available to the general public.
2. Obtain a LEOSA "HR218" certification card, available to former law enforcement officers under qualifying circumstances.

Former law enforcement officers may be eligible to obtain both a concealed carry license and a HR218 certification card. It is up to the former officer which one(s) they obtain. The primary differences between the two are:

- The LEOSA certification is valid in all 50 states. Wisconsin CCW licenses are not.
- The LEOSA certification requires annual qualification. Wisconsin CCW licenses are valid for five years and do not require additional training.
- The LEOSA certification is only valid for handguns. Wisconsin CCW licenses include electric weapons and billy clubs.

## **References and Additional Resources**

- 2011 Wisconsin Act 35:  
<https://docs.legis.wisconsin.gov/2011/related/acts/35.pdf>
- Wisconsin Department of Justice "Concealed Carry" website:  
<https://concealedcarry.doj.wi.gov>
- WisDOJ Concealed Carry – Frequently Asked Questions (FAQ):  
<http://www.doj.state.wi.us/dles/cib/conceal-carry/faq-concealed-carry>
- Wisconsin Statutes:  
<http://legis.wisconsin.gov/rsb/stats.html>
- 2015 Wisconsin Act 68:  
<https://docs.legis.wisconsin.gov/2015/related/acts/68>
- 18 US §926C – Carrying of Concealed Firearms by Qualified Retired Law Enforcement Officers: <https://www.law.cornell.edu/uscode/text/18/926C>

## **Procedures**

The procedure required to obtain a concealed carry license or certification card will vary depending on the type of license sought and whether the applicant is a current/former Wisconsin officer, or a former federal or out-of-state law enforcement officer. See the applicable section on the following pages.

## Current and Former Law Enforcement Officers – Wisconsin CCW License

Current and former law enforcement officers living in Wisconsin may apply for a “regular” Wisconsin concealed carry license, *i.e.* the license available to the general public. This license merely requires proof of firearms safety training, so documentation of having completed law enforcement firearms training (or another firearms safety or training course such as hunter's safety, *etc.*) satisfies the training requirement. If you need proof of Wisconsin law enforcement firearms training, contact the Training and Standards Bureau (TSB) or download the documentation request form.<sup>1</sup>

The officer must attach the “proof of training” documentation to the CCW license application. Mail the application, with payment, to the DOJ.

### **Procedures in Summary**

1. Download and complete form DJ-LE-287, *Concealed Weapon License Application*, available on the WisDOJ website.
2. Obtain proof of training. Proof of law enforcement firearms training satisfies this requirement. A copy of your Wisconsin Law Enforcement Standards Board transcript (available for basic academy training that occurred since 1972) can be requested from TSB using the appropriate form. Proof of law enforcement firearms training from another state also satisfies the requirement. Other acceptable training includes hunter’s safety training, *etc.* (see the WisDOJ site for more information).
3. Mail the application, proof of training, and application fee to the WisDOJ.

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<sup>1</sup> [https://wilenet.org/html/leosa/ccw\\_proof-of-training\\_former\\_leo.pdf](https://wilenet.org/html/leosa/ccw_proof-of-training_former_leo.pdf)

## Former Wisconsin Law Enforcement Officers – LEOSA Certification

To obtain a LEOSA/HR218 Certification Card, former Wisconsin state/county/municipal law enforcement officers must contact their former employer; or, if that law enforcement agency no longer exists, the successor law enforcement agency.<sup>2</sup> In order to be eligible for this certification card, the former officer must meet these conditions:

1. The former officer must have separated from service with the law enforcement agency that employed him or her in good standing.
2. The former officer must have served an aggregate of at least ten years, or the former officer separated from service due to a service connected disability as determined by the agency from which he or she separated from service, after completing any applicable probationary period.
3. The former officer has not been found by a qualified medical professional employed by the law enforcement agency from which the former law enforcement officer separated from service, to be unqualified to be a law enforcement officer for reasons related to the former officer's mental health, *and* the former officer did not enter into an agreement with his/her agency that he or she is not qualified to be an officer because of mental health reasons.
4. The former officer is not prohibited by federal law from possessing a firearm as indicated by a search of the TIME system and the national criminal background check system.
5. The former officer has, during the previous 12 months at the former officer's expense, been found by an LESB-certified Handgun instructor, to meet the standard for qualifications in firearms training for active officers established by the state.<sup>3</sup> As this is LESB curriculum, any LESB-certified Handgun instructor may perform the qualification course.

Upon the request of a former law enforcement officer and at the former officer's expense, a law enforcement agency that employed the former officer, or its successor agency, shall, when the officer meets all of the requirements above, issue the former officer a certification card conforming to Wis. Stat. §175.49(3)&(4).<sup>4</sup>

### **Procedures in Summary**

1. Qualify on the LESB handgun qualification course. This course must be administered by a Wisconsin LESB-certified Handgun instructor, and successful completion must be documented on the DOJ certificate available to LESB-certified instructors on WILENET. This course may be administered by any LESB-certified Handgun instructor.
2. Contact your former Wisconsin law enforcement agency or its successor agency. Supply your DOJ qualification certificate and follow the agency's process.

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<sup>2</sup> [2015 Wisconsin Act 68](#) was signed on 11/11/15. This specifies the process for issuance of LEOSA/HR218 Certification Cards to former officers whose department no longer exists. Wis. Stat. §175.49 defines successor agency as “a law enforcement agency that assumes the responsibilities and duties of another law enforcement agency.”

<sup>3</sup> The required qualification course can be found here: <https://wilenet.org/html/leosa/wis-course-approved.pdf>.

<sup>4</sup> A model template for agency certification card is [available on WILENET](#). Agencies are not required to use this template, and may utilize their own that conforms to §175.49(3)&(4).

## **Former Federal and Out-of-State Law Enforcement Officers – LEOSA Certification**

Former federal<sup>5</sup> and out-of-state<sup>6</sup> law enforcement officers may receive a LEOSA certification card issued by the Wisconsin Department of Justice.

In order to be eligible for this certification card, the former law enforcement officer must meet these conditions:

1. The former officer must be a Wisconsin resident.
2. The former officer must have separated from service with the federal or out-of-state law enforcement agency in good standing.
3. The former officer must have served an aggregate of at least ten years, or the former officer separated from service due to a service connected disability as determined by the agency from which the former law enforcement officer separated from service, after completing any applicable probationary period.
4. The former officer has not been found by a qualified medical professional, employed by the law enforcement agency from which the former law enforcement officer separated from service, to be unqualified to be a law enforcement officer for reasons related to the former officer's mental health, *and* the former officer did not enter into an agreement with his/her agency that he or she is not qualified to be an officer because of mental health reasons. (The former officer must provide affirmation of this via form DJ-LE-290.)
5. The former officer is not prohibited by federal law from possessing a firearm as indicated by a search of the TIME system and the national criminal background check system.
6. The former officer has, during the previous 12 months at the former officer's expense, been found by an LESB-certified Handgun instructor to meet the standards for qualifications in firearms training for active officers established by the state.<sup>7</sup> As this is LESB curriculum, any LESB-certified firearm instructor may perform the qualification course.

After approving an application meeting all requirements, the WisDOJ will issue the former federal or out-of-state officer a certification card which states all of the following:

- a) The type of firearm the former officer is certified to carry (but this cannot include a machine gun, a firearm silencer, or a destructive device).
- b) The former officer has been found by a Wisconsin LESB-certified Handgun instructor to meet the Wisconsin standards for qualifications in firearms training for active officers.

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<sup>5</sup> § 175.49(1)(f)-(g) requires the person to have been employed by an agency of the “federal government...; the U.S. armed forces; or the national guard, that has as its purposes the prevention and detection of crime and the enforcement of laws or ordinances, and that is authorized to make arrests for crimes.” Furthermore, the person must have been employed “for the purpose of engaging in, or supervising others engaging in, the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law and who has statutory powers of arrest.” Examples of former federal law enforcement officers eligible under LEOSA include agents of the FBI, ATF, Border Patrol, etc.

<sup>6</sup> [2015 Wisconsin Act 68](#) was signed on 11/11/15. This Act permits the DOJ to issue certification cards to eligible residents of Wisconsin who formerly were employed as law enforcement officers in another state.

<sup>7</sup> The required qualification course can be found here: <https://wilenet.org/html/leosa/wis-course-approved.pdf>.

- c) The date on which the firearm qualification test was made, and an expiration date that is 12 months later than the firearm qualification test date.
- d) The full name, date of birth, residence address, physical description, and photograph of the former officer.
- e) The name of this State.
- f) A statement that the certification card does not confer any law enforcement authority on the certification card holder and does not make the certification card holder an employee or agent of the department.

### **Procedures in Summary**

1. Download and complete application form DJ-LE-286, *Certification of Former Federal and Out-of-State Law Enforcement Officers*, [available on the WisDOJ website](#). Note that this form also requires a specific type of photograph of the former officer.
2. Download and have the former federal or out-of-state law enforcement agency complete form DJ-LE-290, *State of Wisconsin Former Federal and Out-of-State Law Enforcement Officer Concealed Carry Affirmation*, [available on the WisDOJ website](#).
3. Successfully qualify using the handgun(s) desired. Qualification must be conducted by a Handgun instructor certified by the Wisconsin Law Enforcement Standards Board.
  - a. DCI will offer periodic qualification shoots. See the DCI LEOSA web page at <http://www.doj.state.wi.us/dci/law-enforcement-officers-safety-act> for current information regarding requirements, dates and locations of opportunities to qualify. You must provide 50 rounds of factory ammunition for each qualification attempt as well as your own ear and eye protection. If required by the range facility, you must pay a range fee.
  - b. You may be qualified by any LESB-certified Handgun instructor. Contact local law enforcement agencies or technical colleges to determine whether this service is offered—the DOJ does not maintain a roster of organizations offering these services.
4. Upon successful qualification, the LESB-certified Handgun instructor will give you a certificate of qualification. (The required certificate is available to LESB-certified Handgun instructors [on WILENET](#)).
5. Mail the application with attached photograph, affirmation form, proof of qualification, and fee to the WisDOJ at the address shown on DJ-LE-286.

Certification cards expire 12 months from the date of the former officer's firearm qualification.