



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-4111/1
CMH:cde

2023 ASSEMBLY BILL 882

January 2, 2024 - Introduced by Representatives TUSLER, BEHNKE, BODDEN, DITTRICH, DONOVAN, EDMING, GUNDRUM, MAGNIFICI, MURPHY, ORTIZ-VELEZ, SCHRAA and WICHGERS, cosponsored by Senators WANGGAARD and CABRAL-GUEVARA. Referred to Committee on Criminal Justice and Public Safety.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT to amend** 165.85 (3) (a), 165.85 (3) (c), 165.85 (3) (cm) (intro.), 5. and 6.,
2 175.44 (1) (b) and 943.13 (4m) (bm); and **to create** 29.089 (2) (am), 29.091 (2)
3 (am), 29.621 (4) (am), 165.85 (2) (fh), 165.85 (4) (am), 440.26 (3m) (am), 941.23
4 (2) (am), 948.605 (2) (b) 2e. and 948.605 (3) (b) 5m. of the statutes; **relating to:**
5 allowing a tactical emergency medical services professional to carry a firearm
6 in prohibited areas.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from carrying a firearm in certain places, including in public buildings, police stations, jails, courthouses, school zones, and places that are marked with a notification that it is trespassing to carry a firearm while on the property. Current law provides many exceptions, including an exception for law enforcement officers acting in the line of duty. This bill adds an exception that mirrors the exception for law enforcement officers for a tactical emergency medical services professional who is certified as such by the Law Enforcement Standards Board and acting in the line of duty. The bill defines a TEMS professional as a licensed emergency medical services professional who has been endorsed by the Department of Health Services as a person who provides medical services when operating as part of a tactical team.

Under current law, the Law Enforcement Standards Board regulates the training and recertification training of law enforcement officers. As part of

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recertification training, an officer must complete an annual handgun operation qualification course. This bill requires LESB to establish minimum training standards to certify TEMS professionals, including the same annual handgun operation qualification course required for law enforcement officers.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 29.089 (2) (am) of the statutes is created to read:

2 29.089 (2) (am) A person who is certified as a tactical emergency medical
3 services professional under s. 165.85 (3) while acting in the line of duty.

4 **SECTION 2.** 29.091 (2) (am) of the statutes is created to read:

5 29.091 (2) (am) A person who is certified as a tactical emergency medical
6 services professional under s. 165.85 (3) while acting in the line of duty.

7 **SECTION 3.** 29.621 (4) (am) of the statutes is created to read:

8 29.621 (4) (am) A person who is certified as a tactical emergency medical
9 services professional under s. 165.85 (3) while acting in the line of duty.

10 **SECTION 4.** 165.85 (2) (fh) of the statutes is created to read:

11 165.85 (2) (fh) “Tactical emergency medical services professional” means a
12 licensed emergency medical services professional who has been endorsed by the
13 department of health services as a person who provides medical services when
14 operating as part of a tactical team.

15 **SECTION 5.** 165.85 (3) (a) of the statutes is amended to read:

16 165.85 (3) (a) Promulgate rules for the administration of this section including
17 the authority to require the submission of reports and information pertaining to the
18 administration of this section by law enforcement agencies, tribal law enforcement
19 agencies, jails, juvenile detention facilities, and schools approved by the board and

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1 operated by or for this state or any political subdivision of the state for the specific
2 purpose of training law enforcement recruits, law enforcement officers, tribal law
3 enforcement recruits, tribal law enforcement officers, tactical emergency medical
4 services professionals, jail officer recruits, jail officers, juvenile detention officer
5 recruits, or juvenile detention officers in this state.

6 **SECTION 6.** 165.85 (3) (c) of the statutes is amended to read:

7 165.85 (3) (c) Except as provided under sub. (3m) (a), certify persons as being
8 qualified under this section to be law enforcement officers, tribal law enforcement
9 officers, tactical emergency medical services professionals, jail officers, or juvenile
10 detention officers. Prior to being certified under this paragraph, a tribal law
11 enforcement officer shall agree to accept the duties of law enforcement officers under
12 the laws of this state.

13 **SECTION 7.** 165.85 (3) (cm) (intro.), 5. and 6. of the statutes are amended to read:

14 165.85 (3) (cm) (intro.) Decertify law enforcement officers, tribal law
15 enforcement officers, tactical emergency medical services professionals, jail officers,
16 or juvenile detention officers who do any of the following:

17 5. Are convicted of a felony or of any offense that, if committed in Wisconsin,
18 could be punished as a felony. A law enforcement officer or tactical emergency
19 medical services professional so convicted shall notify the board within 30 days of his
20 or her conviction.

21 6. Are convicted of a misdemeanor crime of domestic violence, as defined in 18
22 USC 921 (a) (33), or are convicted of domestic abuse, as defined in s. 968.075 (1) (a),
23 or the conviction is subject to the imposition of the domestic abuse surcharge under
24 s. 973.055 (1), regardless of whether any part of the surcharge is waived by the court
25 under s. 973.055 (4). A law enforcement officer or tactical emergency medical

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1 services professional so convicted shall notify the board within 30 days of his or her
2 conviction.

3 **SECTION 8.** 165.85 (4) (am) of the statutes is created to read:

4 165.85 (4) (am) *Tactical emergency medical services professionals.* 1. The board
5 shall establish minimum training standards for tactical emergency medical services
6 professionals. In establishing the minimum training standards, the board shall
7 consider recommendations made by the curriculum advisory committee. The board
8 may amend the standards as needed to respond to technological changes affecting
9 law enforcement or tactical emergency medical services, additional
10 recommendations made by the curriculum advisory committee, or other conditions
11 affecting the public interest in maintaining training standards of a proper
12 professional character. Notwithstanding s. 227.10 (1), the standards established
13 under this subdivision need not be promulgated as rules under ch. 227.

14 2. No person may be certified as a tactical emergency medical services
15 professional, except on a temporary or probationary basis, unless the person has
16 satisfactorily met the standards established under subd. 1. and has been certified by
17 the board as being qualified to be a tactical emergency medical services professional.

18 3. A person who has met the minimum training standards established under
19 subd. 1., and who seeks certification as a tactical emergency medical services
20 professional, shall be fingerprinted on 2 fingerprint cards, each bearing a complete
21 set of the person's fingerprints, or by other technologies approved by the department
22 of justice. The fingerprints shall be submitted to the department of justice for
23 verification of the identify of the person fingerprinted and to obtain records of his or
24 her criminal arrests and convictions in Wisconsin. The department of justice shall
25 provide for the submission of the fingerprint cards or fingerprints by other

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1 technologies to the federal bureau of investigation for the purpose of verifying the
2 person fingerprinted and obtaining records of his or her criminal arrests and
3 convictions on file with the federal bureau of investigation.

4 4. No person who has been convicted of any federal felony, any crime of domestic
5 violence, or of any offense that, if committed in Wisconsin, could be punished as a
6 felony qualifies for certification as a tactical emergency medical services professional
7 unless he or she has been granted an absolute and unconditional pardon for the
8 crime.

9 5. a. No person may continue to be certified as a tactical emergency medical
10 services professional unless that person maintains employment as a tactical
11 emergency medical services professional and meets annual recertification training
12 standards. A tactical emergency medical services professional who is subject to this
13 subdivision shall meet the recertification standards each fiscal year beginning in the
14 fiscal year following the fiscal year in which he or she is certified as a tactical
15 emergency medical services professional by the board.

16 b. Each tactical emergency medical services professional who is subject to this
17 subdivision shall annually complete a handgun qualification course from curricula
18 based upon model standards established by the board under par. (e). Hours of
19 training completed under this subd. 5. b. shall count toward the hours of training
20 required for certification.

21 **SECTION 9.** 175.44 (1) (b) of the statutes is amended to read:

22 175.44 (1) (b) "Law enforcement officer" has the meaning given in s. 165.85 (2)
23 (c) and includes a tactical emergency medical services professional certified under
24 s. 165.85 (3).

25 **SECTION 10.** 440.26 (3m) (am) of the statutes is created to read:

