

# Wisconsin Department of Regulation & Licensing

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## DIVISION OF PROFESSIONAL CREDENTIAL PROCESSING

### FIREARMS CERTIFICATION OF PROFICIENCY - INITIAL CERTIFICATION

**IMPORTANT: This form is required for initial certification in Wisconsin or for any other situation when a person is required to obtain the complete 36-hour firearms training course before carrying a firearm while on duty as a security guard.**

Under Wisconsin law, the Department must deny your application if you are liable for delinquent state taxes or child support (sec. 440.12, Stats.).

Your name and address are available to the public.

**PLEASE TYPE OR PRINT IN INK**

Check box if you wish your name & address withheld from lists of 10 or more credential holders (sec. 440.14, Stats.)

Last Name	First Name	MI	Former / Maiden Name(s)
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Your Street Address (number, street, city, state, zip)

Mail To Address (if different)

Date of Birth ____ month ____ day ____ year	Daytime Telephone Number ( ) _____ - _____
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Ethnic/gender status information is optional. Sex:  M  F Ethnic:  White, not of Hispanic origin  Black, not of Hispanic origin  Hispanic  American Indian or Alaskan  Asian or Pacific Islander  Other

Height	Weight	Eye Color	Hair Color
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Have you ever held a license/credential in the state of Wisconsin? \_\_\_\_ Yes \_\_\_\_ No (please indicate)  
If yes, provide your Wisconsin license/credential number. \_\_\_\_\_

The firearms certification of proficiency is valid for one year. It may be renewed for a one year period at that time.

Name of Private Detective/Security Guard Agency	Agency License Number
Address of Agency (number, street, city, state, zip code)	Daytime Telephone Number ( )

**NO FEE IS REQUIRED**

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**MARK AN X IN THE APPROPRIATE BOX.** If you answer **Yes** to any question, give all details on a separate sheet.

- |   | <u>YES</u>               | <u>NO</u>                |
|---|--------------------------|--------------------------|
| a. Have you or the owner named on page 1 ever been convicted of a misdemeanor or a felony? <u>If YES, attach Form #2252 to provide details about the crime.</u>   | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Are any felony or misdemeanor charges pending against you or the owner named on page 1? <u>If YES, attach Form #2252 to provide details about the pending charge.</u>  | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Have you or the owner named on page 1 ever surrendered, resigned, cancelled or been denied a professional license or other credential in Wisconsin or any other jurisdiction? <u>If YES, give details on an attached sheet, including the name of the profession and the agency.</u>   | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Has any licensing or other credentialing agency ever taken any disciplinary action against you or the owner named on page 1, including but not limited to, any warning, reprimand, suspension, probation, limitation or revocation? <u>If YES, attach a sheet providing details about the action, including the name of the credentialing agency and date of action.</u> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Is disciplinary action pending against you or the owner named on page 1 in any jurisdiction? <u>If YES, attach a sheet providing details about pending action, including the name of the agency and status or action.</u>  | <input type="checkbox"/> | <input type="checkbox"/> |

Place of Firing Range		Place Where Classroom Instruction is Provided	
Address (number, street, city, state, zip)		Address (number, street, city, state, zip)	
Date(s)	Time	Date(s)	Time

**NOTE:** A SEPARATE CERTIFICATION OF PROFICIENCY IS REQUIRED FOR EACH TYPE OF FIREARM, SUCH AS A REVOLVER, SEMI-AUTOMATIC OR A SHOTGUN WHICH AN OWNER OR EMPLOYEE MAY CARRY WHEN ON DUTY AS A SECURITY GUARD.

TYPE OF WEAPON FOR WHICH TRAINING PROVIDED
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**NOTE: One instructor may provide the complete 36-hour training program or 2 instructors may provide various segments of the program. If one instructor provided the complete 36-hour program, he or she should sign the statement in the left column below. If there was a second instructor, he or she should also sign the statement in the right column below.**

This is to certify that the above-named person has completed a training program of NOT LESS THAN 36 HOURS in the specific topics required by sec. RL 34.03, Wis. Admin. Code. This person has been thoroughly instructed in and understands the safety rules, the range rules, the procedures for the care and cleaning of the weapon(s) listed above, the legal limits on the use of the specified weapon(s) and the laws relating to detaining people as a security guard. This person has met the minimum proficiency standards as set forth in the firearms training guide entitled, "DEMONSTRATE CARE AND USE OF FIREARMS" (published by the Wisconsin Department of Justice, Training and Standards Bureau, 123 W. Washington Avenue, Madison, Wisconsin 53702).

<p><b>INSTRUCTOR WHO PRESENTED THE COMPLETE COURSE OR PART OF THE COURSE.</b></p> <div style="text-align: center; margin-top: 20px;"> <div style="border: 1px solid black; width: 100px; height: 40px; display: inline-block;"></div> <span style="margin-left: 10px;">NUMBER OF HOURS PRESENTED</span> </div>	<p><b>SECOND INSTRUCTOR, IF 2 INSTRUCTORS PRESENTED THE COURSE.</b></p> <div style="text-align: center; margin-top: 20px;"> <div style="border: 1px solid black; width: 100px; height: 40px; display: inline-block;"></div> <span style="margin-left: 10px;">NUMBER PRESENTED</span> <span style="margin-left: 20px;">OF</span> <span style="margin-left: 20px;">HOURS</span> </div>
PRINT OR TYPE NAME OF INSTRUCTOR	PRINT OR TYPE NAME OF INSTRUCTOR
SIGNATURE OF INSTRUCTOR	SIGNATURE OF INSTRUCTOR
Subscribed and sworn before me this _____ day of _____, _____	Subscribed and sworn before me this _____ day of _____, _____
Signature of Notary Public (Seal)	Signature of Notary Public (Seal)
Date Commission Expires	Date Commission Expires

I hereby attest that to the best of my knowledge, the information on this form is accurate.

I hereby attest that I have not been convicted of a felony crime, and that I am not prohibited by any applicable federal or state law from carrying or being in possession of a firearm.

I further attest that I have read and understand sec. 941.29, Stats. (See page 4.)

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**SIGNATURE OF PERSON APPLYING FOR FIREARMS CERTIFICATION** **DATE**



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I hereby attest that to the best of my knowledge, the information on this form is accurate. Our agency, therefore, requests that a permit to carry a firearm while on duty as a security guard be granted to the individual named on page 1.

\_\_\_\_\_  
SIGNATURE OF OWNER, OFFICER OR PARTNER OF PRIVATE DETECTIVE  
AGENCY/SECURITY GUARD AGENCY

\_\_\_\_\_  
DATE

**IMPORTANT:** All applicants **must** attach a copy of the private security permit issued by a Wisconsin law enforcement agency, except those who are licensed private detectives and those who have received a private security permit from the Department pursuant to the new law which required the Department to issue private security permits.

## CHAPTER 941.29 POSSESSION OF A FIREARM

**941.29 Possession of a firearm.** (1) A person is subject to the requirements and penalties of this section if he or she has been:

- (a) Convicted of a felony in this state.
- (b) Convicted of a crime elsewhere that would be a felony if committed in this state.
- (bm) Adjudicated delinquent for an act committed on or after April 21, 1994, that if committed by an adult in this state would be a felony.
- (c) Found not guilty of a felony in this state by reason of mental disease or defect.
- (d) Found not guilty of or not responsible for a crime elsewhere that would be a felony in this state by reason of insanity or mental disease, defect or illness.
- (e) Committed for treatment under s. 51.20 (13) (a) and ordered not to possess a firearm under s. 51.20 (13) (cv).
- (f) Enjoined under an injunction issued under s. 813.12 or 813.122 or under a tribal injunction, as defined in s. 813.12 (1) (e), issued by a court established by any federally recognized Wisconsin Indian tribe or band, except the Menominee Indian tribe of Wisconsin, that includes notice to the respondent that he or she is subject to the requirements and penalties under s. 941.29 and that has been filed under s. 806.247 (3).

(g) Ordered not to possess a firearm under s. 813.125 (4m).

(2) A person specified in sub. (1) is guilty of a Class E felony if he or she possesses a firearm under any of the following circumstances:

- (a) The person possesses a firearm subsequent to the conviction for the felony or other crime, as specified in sub. (1) (a) or (b).
- (b) The person possesses a firearm subsequent to the adjudication, as specified in sub. (1) (bm).
- (c) The person possesses a firearm subsequent to the finding of not guilty or not responsible by reason of insanity or mental disease, defect or illness as specified in sub. (1) (c) or (d).
- (d) The person possesses a firearm while subject to the court order, as specified in sub. (1) (e) or (g).
- (e) The person possesses a firearm while the injunction, as specified in sub. (1) (f), is in effect.

(2m) Whoever violates this section after being convicted under this section is guilty of a Class D felony.

(3) Any firearm involved in an offense under sub. (2) is subject to s. 968.20 (3).

(4) A person is concerned with the commission of a crime, as specified in s. 939.05 (2) (b), in violation of this section if he or she knowingly furnishes a person with a firearm in violation of sub. (2).

(5) This section does not apply to any person specified in sub. (1) who:

- (a) Has received a pardon with respect to the crime or felony specified in sub. (1) and has been expressly authorized to possess a firearm under 18 USC app. 1203; or

(b) Has obtained relief from disabilities under 18 USC 925 (c).

(6) The prohibition against firearm possession under this section does not apply to any correctional officer employed before May 1, 1982, who is required to possess a firearm as a condition of employment. This exemption applies if the officer is eligible to possess a firearm under any federal law and applies while the officer is acting in an official capacity.

(7) This section does not apply to any person who has been found not guilty or not responsible by reason of insanity or mental disease, defect or illness if a court subsequently determines both of the following:

(a) The person is no longer insane or no longer has a mental disease, defect or illness.

(b) The person is not likely to act in a manner dangerous to public safety.

(8) This section does not apply to any person specified in sub. (1) (bm) if a court subsequently determines that the person is not likely to act in a manner dangerous to public safety. In any action or proceeding regarding this determination, the person has the burden of proving by a preponderance of the evidence that he or she is not likely to act in a manner dangerous to public safety.

(9) This section does not apply to a person specified in sub. (1) (e) if the prohibition under s. 51.20 (13) (cv) 1. has been canceled under s. 51.20 (13) (cv) 2. or (16) (gm).

(10) The prohibition against firearm possession under this section does not apply to a person specified in sub. (1) (f) if the person satisfies any of the following:

(a) The person is a peace officer and the person possesses a firearm while in the line of duty or, if required to do so as a condition of employment, while off duty.

(b) The person is a member of the U.S. armed forces or national guard and the person possesses a firearm while in the line of duty.

History: 1981 c. 141, 317; 1983 a. 269; 1985 a. 259; 1993 a. 195, 196, 491; 1995 a. 71, 77, 306, 417.

NOTE: See Chapter 141, laws of 1981, section 2, entitled "Initial applicability."

Where defendant is willing to stipulate to being a convicted felon, evidence of nature of felony is irrelevant if offered only to support felony conviction element. State v. McAllister, 153 W (2d) 523, 451 NW (2d) 764 (Ct. App. 1989).

Failure to give the warning under s. 973.033 does not prevent a conviction under this section. State v. Phillips, 172 W (2d) 391, 493 NW (2d) 238 (Ct. App. 1992).

Retroactive application of this provision did not violate the prohibition against ex post facto laws because the law is not intended to punish persons for a prior crime but to protect public safety. State v. Thiel, 188 W (2d) 695, 524 NW (2d) 641 (1994).

A convicted felon's possession of a firearm is privileged in limited enumerated circumstances. State v. Coleman, 206 W (2d) 198, 556 NW (2d) 701 (1996).

Sub. (5) (a) has been invalidated by congressional action. Pardons granted after November 15, 1986, will give recipients right to receive, possess or transport in commerce firearms unless pardon expressly provides otherwise. 78 Atty. Gen. 22.

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## CERTIFICATION OF LEGAL STATUS.

I declare under penalty of law that I am (check one):

\_\_\_\_\_ a citizen or national of the United States, or

\_\_\_\_\_ a qualified alien or nonimmigrant lawfully present in the United States who is eligible to receive this professional license or credential as defined in the Personal Responsibility and Work Opportunities Reconciliation Act of 1996, as codified in 8 U.S.C. §1601 et. seq. (PRWORA). For questions concerning PRWORA status, please contact the U.S. Citizenship and Immigration Services in the Department of Homeland Security at 1-800-375-5283 or online at <http://www.uscis.gov>.

## ALL APPLICANTS MUST COMPLETE THIS SECTION

### AFFIDAVIT OF APPLICANT

**I declare that I am the person referred to on this application and that all answers set forth are each and all strictly true in every respect. I understand that failure to provide requested information, making any materially false statement and/or giving any materially false information in connection with my application for a credential or for renewal or reinstatement of a credential may result in credential application processing delays; denial, revocation, suspension or limitation of my credential; or any combination thereof; or such other penalties as may be provided by law. I further understand that if I am issued a credential, or renewal or reinstatement thereof, failure to comply with the statutes and/or administrative code provisions of the licensing authority will be cause for disciplinary action.**

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

