**KNOW YOUR LEGAL RIGHTS**

**Who can carry a firearm in Wisconsin?**

By Atty. David Patton

The Second Amendment to the U.S. Constitution guarantees the right of individuals to keep and bear arms. Wisconsin's state constitution also affirms the right to bear arms for self-defense, defense of the state, hunting, and sport shooting.

Wisconsin law allows individuals who are 18 years of age or older to own a firearm if they are not prohibited from possessing one under state or federal law. Minors may also possess firearms with the consent of a parent or guardian and while under their supervision.

**Firearm sales**

In Wisconsin, all firearm sales from licensed dealers require a background check. Private sales and transfers of firearms do not require a background check, but it is illegal to sell or transfer a firearm to someone who is prohibited from possessing one.

Wisconsin has no specific laws regarding the possession or use of assault weapons.

**Open Carry law**

Individuals not prohibited from possessing a firearm under state or federal law can openly carry firearms without a permit in most public places, including parks, streets, and non-restricted areas of buildings.

However, there are some restrictions to open carry in Wisconsin. For example, it is illegal to openly carry a firearm in certain places such as police stations, schools, and government buildings. In addition, private property owners have the right to prohibit open carry on their property, and local governments can also restrict open carry in certain areas.

**Conceal Carry law**

Carrying a concealed firearm requires a permit. If an individual meets certain qualifications, such as passing a training course and background check, they must be issued a permit upon application.

Furthermore, anyone carrying a firearm in Wisconsin must be at least 18 years old and not prohibited from possessing a firearm under state or federal law.

**What are the criminal charges arising from gun ownership?**

In Wisconsin, there are criminal gun laws in place that regulate the use, possession, and sale of firearms. Some of those charges and penalties include:

**Carrying a concealed weapon:** It is illegal to carry a concealed weapon without a valid concealed carry permit. If caught carrying a concealed weapon without a permit, a person can face a Class A misdemeanor charge, which carries a maximum penalty of up to nine months in jail and/or a fine of up to $10,000.

**Possession by a prohibited person**: It is illegal for certain individuals, including convicted felons, individuals with domestic violence restraining orders, and those adjudicated as mentally incompetent or committed to a mental institution, to possess firearms. If caught in possession of a firearm while prohibited, a person can face felony charges, which can carry severe penalties, including imprisonment for up to 10 years and/or a fine of up to $25,000.

**Reckless use of firearms:** It is illegal to recklessly handle or discharge a firearm in a manner that endangers the safety of another person. Depending on the circumstances, this can result in misdemeanor or felony charges depending on the specific facts, with penalties ranging from fines to imprisonment.

**Straw purchases:** It is illegal to purchase a firearm on behalf of someone who is prohibited from owning one. This is known as a "straw purchase," and both the purchaser and the person for whom the firearm was purchased can face criminal charges.

**Illegal sales:** It is illegal to sell firearms without a license, or to sell firearms to someone who is prohibited from owning them. Violations of these laws can result in criminal charges and penalties, including imprisonment and fines.

These are just some of the criminal gun laws in Wisconsin. It's important to remember that firearm laws can be complex and vary by jurisdiction, so it's always a good idea to consult legal experts to ensure compliance with all applicable laws and regulations.

*David Patton of Patton Law Office, S.C., Racine, specializes in estate planning, small business legal support, criminal, family law, and civil rights cases.* *He is a member of the State Bar of Wisconsin Lawyer Referral and Information Service, which connects Wisconsin residents with lawyers throughout the state. Learn more at* [*wislaw.org*](file:///%5C%5Cnet.wisbar.org%5Cshares%5CDepts%5CComm%5CComm%5CPublic%20Relations%5C2023%20Media%5CLRIS%5CApril%202023%5CWho%20Can%20Carry%20a%20Firearm%5Cwislaw.org)*.*