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Sent: Wednesday, June 5, 2024 12:15 AM
To: Spiker, Scott <Scott.Spiker@milwaukee.gov>
Cc: Schanning, Mary <Mary.Schanning@milwaukee.gov>
Subject: RNC Resolution

Alderman Spiker,

I apologize that I will not personally be able to attend the Public Safety and Health Committee meeting on Friday. Deputy City Attorney Mary Schanning will be there representing our office.

I have been asked to opine about whether the RNC ordinance, file 240174, could be amended to prohibit the possession of firearms in portions of the City of Milwaukee. State law precludes local governments from regulating firearm possession beyond the limitations in state law. The proposed ordinance in its current form exercises the extent of firearm regulation available to local governments. Should the ordinance be amended to go farther and prohibit firearm possession in parts of the City of Milwaukee outside the National Security Event area under the jurisdiction of the US Secret Service, that ordinance would not be legal and enforceable. Below is a review of the law that we have previously shared.

Wis. Stat. 66.0409(s) precludes Milwaukee (and all local governments in Wisconsin) from prohibiting the possession or carrying of legal firearms, which includes the area covered by the proposed ordinance in Common Council File #240174. The statutory references in the Council's file relate to those weapons state law has prohibited - machine guns, fully automatic weapons, short-barreled shotguns, and silencers. This is the extent of local firearm regulation allowed under state law - municipalities cannot regulate firearm possession beyond regulations in state statute.

In its most recent case on the subject, the Wisconsin Supreme Court overturned a City of Madison ordinance regulating possession of firearms on city buses. The conclusion in that case, *Wisconsin Carry, Inc. v. City of Madison* (2017), was: "¶ 69 We hold today that the Local Regulation Statute, Wis. Stat. § 66.0409, has withdrawn authority from the City to regulate, either through its governing body or its subunits (and without regard to the label it affixes to its regulation or manner of regulating), the subjects identified in the Local Regulation Statute in a manner that is more stringent than an analogous state statute."

As a point of clarification, the proposed ordinance applies only to the "soft" security zone located between the inner, hard parameter for the RNC and the outer, soft parameter of the RNC, as established in coordination with the US Secret Service. Security inside the hard zone is controlled by the Secret Service as part of the National Security Special Event and attendees of the RNC will be required to go through metal detection and will not be allowed to take firearms into the hard zone. Further questions regarding the policies within the hard parameter are best directed to the Secret Service.

I hope this helps and I am happy to answer any questions you may have.

-Evan