

How Wisconsin's Reversal of Decades-Old Ban on Switchblades and Knives Applies to Employers

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A new Wisconsin law has repealed the state's prohibition (which has existed for more than 50 years) on manufacturing, selling, transporting, purchasing, or possessing a switchblade and which subjected violators to \$10,000 in fines and nine months in jail.

[Wisconsin Act 149](#), signed by Governor Scott Walker on February 6, 2016, however, allows local governments to ban knives in municipal buildings, but bars local governments from enacting knife regulations stricter than state law. The Wisconsin Department of Justice stated that knives are still prohibited from schools, claiming that knives are classified as "dangerous weapons" there.

Significantly for property owners, the new law places knives under the state's Concealed Carry Law (2011 Wisconsin Act 35), enacted in 2011. The CCL allows the carrying of concealed weapons with a state-issued license. In general, the CCL establishes requirements for licensure and regulation of individuals wanting to carry concealed weapons in the state, dictates where concealed weapons will be prohibited, and allows property and business owners to decide whether to permit concealed weapons on their premises.

The CCL applies to employers as follows:

- (a) an employer may prohibit an employee from carrying a concealed weapon or a particular type of concealed weapon in the course of the employee's employment or during any part of the course of the employee's employment;
- (b) an employer may not prohibit an employee, as a condition of employment, from carrying a concealed weapon, a particular type of concealed weapon, or ammunition or from storing a weapon, a particular type of weapon, or ammunition in the employee's own motor vehicle, regardless of whether the motor vehicle is used in the course of employment or whether the motor vehicle is driven or parked on property used by the employer; and
- (c) an employer that does not prohibit one or more employees from carrying a concealed weapon under par. (a) is immune from any liability arising from its decision.

Wisconsin employers should consider their position on the possession of switchblade knives and concealed carry of weapons in light of the new law and update their handbooks and policies accordingly.

Even though many Wisconsin employers had examined related issues with regard to firearms possession, it is a good time to reconsider such policy decisions now that the state of law has changed. In particular, Wisconsin employers should make sure that such policy decisions are made deliberately and not left to chance by omission. All firearms and weapons policies in the workplace should be reviewed to determine if they cover the issue of concealed knives and amended, as appropriate, to meet the employer's current needs.

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