



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2013 Wisconsin Act 223**  
[2013 Assembly Bill 727]

**Firearms Restriction for  
Individuals-at-Risk Injunctions;  
Information Regarding Firearms  
Restrictions**

2013 Wisconsin Act 223 allows a court to prohibit a person subject to an individuals-at-risk injunction from possessing a firearm. The Act also makes changes to facilitate the exchange of information between the Department of Justice (DOJ) and a court for purposes related to firearms restrictions.

### **Firearms Restriction for Individuals-at-Risk Injunctions**

Under state law, a person subject to a domestic abuse, child abuse, or harassment injunction may be prohibited from possessing a firearm.

Under Act 223, a person subject to an individuals-at-risk injunction may also be prohibited from possessing a firearm. Specifically, the Act provides that if a judge or court commissioner ("court") issues an individuals-at-risk injunction and determines that the person may use a firearm to cause physical harm to another or to endanger public safety, the court may prohibit the person from possessing a firearm. A person subject to such an order must surrender any firearms that he or she owns or has in his or her possession. A firearm that is surrendered may not be returned until the court determines that the injunction has been vacated or has expired; and that the person is not prohibited from possessing a firearm under any state or federal law or by the order of any federal court or state court. The court must use information provided by DOJ, under the Act, to aid in making the determination about the return of a firearm.

### **Information Regarding Firearms Restrictions**

Act 223 requires DOJ to provide to a court, law enforcement agency, or law enforcement officer information regarding individuals ordered not to possess a firearm or a cancellation of

---

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

---

One East Main Street, Suite 401 • P.O. Box 2536 • Madison, WI 53701-2536  
(608) 266-1304 • Fax: (608) 266-3830 • Email: [leg.council@legis.wisconsin.gov](mailto:leg.council@legis.wisconsin.gov)  
<http://www.legis.wisconsin.gov/lc>

(OVER)

such an order. A court must request such information from DOJ or from a law enforcement agency or officer to aid in making a determination regarding the return of a firearm after a domestic abuse, child abuse, individuals-at-risk, or harassment injunction has been vacated or has expired. A law enforcement agency or officer may request such information from DOJ for purposes specified in the Act.

*Effective date:* April 10, 2014. The Act's provision relating to firearms restrictions for individuals-at-risk injunctions first applied to injunctions issued on April 10, 2014. The Act's provisions requiring a court to use information provided by DOJ to aid in making a determination regarding the return of a firearm after an injunction has been vacated or has expired first applied to determinations made on April 10, 2014.

*Prepared by:* Jessica Karls-Ruplinger, Senior Staff Attorney

April 14, 2014

JKR:jb;ty