



2005 ASSEMBLY BILL 288

April 4, 2005 - Introduced by Representatives YOUNG, FIELDS, SINICKI, TURNER, TOLES and BERCEAU, cosponsored by Senator COGGS. Referred to Committee on Criminal Justice and Homeland Security.

- 1 **AN ACT to create** 175.36 of the statutes; **relating to:** requiring registration of
2 firearms owned by Milwaukee County residents and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill requires an individual who resides in Milwaukee County and who owns a firearm to report to the Department of Justice (DOJ) the individual's name and address, the manufacturer, model, and serial number of the firearm, and any other identifying characteristic of the firearm specified by DOJ. When ownership of a firearm is transferred from or to a Milwaukee County resident, the resident must report the transfer of ownership to DOJ. The bill requires DOJ to maintain a registry of this firearms ownership information. DOJ must keep the information in the registry confidential, except that DOJ may release information to a law enforcement officer who is investigating a crime that involves a firearm. The firearms reporting requirements apply to handguns, rifles, shotguns, and machine guns, regardless of where in the state they are located, but not to firearms designed to fire loose black power, firearms manufactured before 1899, or firearms that cannot be fired and cannot readily be restored to firing condition. An individual who violates the reporting requirements may be fined not more than \$1,000 or jailed for not more than nine months or both.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 175.36 of the statutes is created to read:

2 **175.36 Firearms registration. (1)** In this section:

3 (a) "Department" means the department of justice.

4 (b) "Firearm" means a handgun, as defined in s. 175.35 (1) (b), a machine gun,
5 as defined in s. 941.27 (1) (a), a rifle, as defined in s. 941.28 (1) (a), or a shotgun, as
6 defined in s. 941.28 (1) (d), that is located in this state.

7 **(2)** Except as provided in sub. (6) or (7), a resident of Milwaukee County who
8 owns a firearm shall report to the department in a manner prescribed by the
9 department the resident's name and street address, the manufacturer, model, and
10 serial number of the firearm, and any other identifying characteristic of the firearm
11 specified by the department. An individual who becomes a resident of Milwaukee
12 County and owns a firearm shall report the information required under this
13 subsection within 30 days after becoming a resident.

14 **(3)** Except as provided in sub. (6) or (7), a resident of Milwaukee County who
15 transfers ownership or acquires ownership of a firearm shall within 10 days after the
16 transfer or acquisition report to the department in a manner prescribed by the
17 department the name and address of the transferor and the transferee, the
18 manufacturer, model, and serial number of the firearm, and any other identifying
19 characteristic of the firearm specified by the department.

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1 (4) Except as provided in sub. (6) or (7), if a resident of Milwaukee County owns
2 a firearm and it is lost or stolen, the resident shall report the loss or theft to the
3 department in a manner prescribed by the department.

4 (5) The department shall maintain a registry of the information reported under
5 subs. (2), (3), and (4). The information in the registry shall be confidential, except
6 that the department may release information in the registry to a law enforcement
7 officer investigating a crime involving a firearm.

8 (6) No person is required to report information under sub. (2), (3), or (4) for any
9 of the following:

10 (a) A firearm that is designed to fire loose black powder.

11 (b) A firearm manufactured before 1899.

12 (c) A firearm that cannot be fired and cannot readily be restored to a condition
13 in which it can be fired.

14 (7) A person licensed as a firearms dealer, manufacturer, or importer under 18
15 USC 923 is not required to report information under sub. (2), (3), or (4) for firearms
16 acquired or transferred in his or her capacity as a firearms dealer, manufacturer, or
17 importer.

18 (8) An individual who violates sub. (2), (3), or (4) may be fined not more than
19 \$1,000 or imprisoned for not more than nine months or both.

20 **SECTION 2. Nonstatutory provisions.**

21 (1) A resident of Milwaukee County who owns a firearm on the effective date
22 of this subsection shall comply with the reporting requirements under section 175.36
23 (2) of the statutes, as created by this act, within 30 days after the effective date of this
24 subsection.

25 **SECTION 3. Effective date.**

