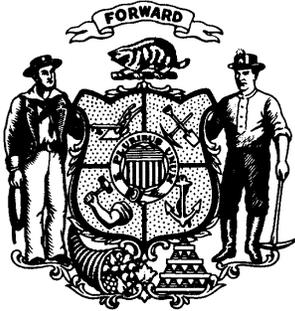


State of Wisconsin



1995 Senate Bill 144

Date of enactment: **November 16, 1995**

Date of publication*: **December 1, 1995**

1995 WISCONSIN ACT 71

AN ACT to repeal 175.35 (1) (bg); to renumber and amend 941.29 (2); to amend 48.396 (8), 175.35 (2) (c), 175.35 (2) (d), 175.35 (2f), 175.35 (2g) (b), 175.35 (2g) (c) (intro.), 175.35 (2g) (c) 3., 175.35 (2g) (c) 4., 175.35 (2i), 175.35 (2j), 175.35 (2k) (a) 2., 175.35 (2k) (b) 2. a., 175.35 (2L), 813.12 (6) (b), 813.12 (6) (c), 813.122 (9) (b), 813.122 (9) (c), 813.123 (8) (b), 813.123 (8) (c) and 813.125 (4) (a) 2.; and to create 175.35 (1) (at), 813.12 (4m), 813.12 (6) (am), 813.12 (9) (a) 4., 813.122 (5m), 813.122 (9) (am), 813.125 (4m), 813.125 (5) (am), 813.125 (5g), 813.125 (5r), 941.29 (1) (f), 941.29 (1) (g), 941.29 (2) (d), 941.29 (2) (e) and 941.29 (10) of the statutes; relating to: the possession of firearms by persons who are subject to certain injunctions, requiring the entry of information regarding certain restraining orders and injunctions into the transaction information for management of enforcement system and providing a penalty.

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

SECTION 1. 48.396 (8) of the statutes is amended to read:

48.396 (8) Notwithstanding sub. (2), if a child is adjudged delinquent for an act that would be a felony if committed by an adult, the court clerk shall notify the department of justice of that fact. No other information from the child's court records may be disclosed to the department of justice except by order of the court. The department of justice may disclose any information provided under this subsection only as part of a criminal history firearms restrictions record search under s. 175.35 (2g) (c).

SECTION 2. 175.35 (1) (at) of the statutes is created to read:

175.35 (1) (at) "Firearms restrictions record search" means a search of department of justice records to determine whether a person seeking to purchase a handgun is prohibited from possessing a firearm under s. 941.29.

"Firearms restriction record search" includes a criminal history record search, a search to determine whether a person is prohibited from possessing a firearm under s. 51.20 (13) (cv), a search to determine whether the person is subject to an injunction under s. 813.12 or 813.122 or a tribal injunction filed with the circuit court under s. 813.12 (9) (a), and a search to determine whether the person is prohibited from possessing a firearm under s. 813.125 (4m).

SECTION 3. 175.35 (1) (bg) of the statutes is repealed.

SECTION 4. 175.35 (2) (c) of the statutes is amended to read:

175.35 (2) (c) The firearms dealer has conveyed the information from the completed notification form to the department of justice as required by rule under sub. (2g) (b) and requested a ~~criminal history record search and involuntary commitment~~ firearms restrictions record search.

SECTION 5. 175.35 (2) (d) of the statutes is amended to read:

* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

175.35 (2) (d) Forty–eight hours, subject to extension under sub. (2g) (c) 4. c., have elapsed from the time that the firearms dealer has received a confirmation number regarding the ~~criminal history record search and involuntary commitment~~ firearms restrictions record search under sub. (2g) (c) from the department of justice and the firearms dealer has not been notified that the transfer would be in violation of s. 941.29.

SECTION 6. 175.35 (2f) of the statutes is amended to read:

175.35 (2f) When a firearms dealer requests that the department of justice provide a ~~criminal history record search and involuntary commitment~~ firearms restrictions record search under sub. (2g), he or she shall provide truthful information about his or her status as a firearms dealer and shall provide an accurate firearms dealer identification number obtained under sub. (2h). A person may request that the department provide a ~~criminal history record search and involuntary commitment~~ firearms restrictions record search under sub. (2g) only if he or she is a firearms dealer.

SECTION 7. 175.35 (2g) (b) of the statutes is amended to read:

175.35 (2g) (b) The department of justice shall promulgate rules prescribing a notification form for use under sub. (2) requiring the transferee to provide his or her name, date of birth, gender, race and social security number and other identification necessary to permit an accurate ~~criminal history record search and involuntary commitment~~ firearms restrictions record search under par. (c) 3. and the required notification under par. (c) 4. The department of justice shall make the forms available at locations throughout the state.

SECTION 8. 175.35 (2g) (c) (intro.) of the statutes is amended to read:

175.35 (2g) (c) (intro.) The department of justice shall promulgate rules for ~~criminal history record searches and involuntary commitment~~ firearms restrictions record searches regarding transferees under sub. (2), including procedures for all of the following:

SECTION 9. 175.35 (2g) (c) 3. of the statutes is amended to read:

175.35 (2g) (c) 3. The department to conduct the ~~criminal history record search and involuntary commitment~~ firearms restrictions record search regarding the transferee. The rules shall include, but not be limited to, a requirement that the department use the transaction information for management of enforcement system and the national crime information center system.

SECTION 10. 175.35 (2g) (c) 4. of the statutes is amended to read:

175.35 (2g) (c) 4. The department to notify the dealer, either during the initial telephone call or as soon thereafter as practicable, of the results of the ~~criminal history record search and involuntary commitment~~ firearms restrictions record search as follows:

a. If the ~~searches indicate~~ search indicates that the transferee is prohibited from possessing a firearm under s. 941.29, the department shall provide the firearms dealer with a unique nonapproval number. The department may not disclose to the firearms dealer the reason the transferee is prohibited from possessing a firearm under s. 941.29.

b. If the ~~searches indicate~~ search indicates that the transferee is not prohibited from possessing a firearm under s. 941.29, the department shall provide the firearms dealer with a unique approval number.

c. If the ~~criminal history record search~~ indicates a felony charge without a recorded disposition, the deadline under sub. (2) (d) is extended to the end of the 3rd complete working day commencing after the day on which the finding is made. The department shall notify the firearms dealer of the extension as soon as practicable. During the extended period, the department shall make every reasonable effort to determine the disposition of the charge and notify the firearms dealer of the results as soon as practicable.

SECTION 11. 175.35 (2i) of the statutes is amended to read:

175.35 (2i) The department shall charge a firearms dealer an \$8 fee for each ~~combined criminal history record search and involuntary commitment~~ firearms restrictions record search that the firearms dealer requests under sub. (2) (c). The firearms dealer may collect the fee from the transferee. The department may refuse to conduct ~~criminal history record searches and involuntary commitment~~ firearms restrictions record searches for any firearms dealer who fails to pay any fee under this subsection within 30 days after billing by the department.

SECTION 12. 175.35 (2j) of the statutes is amended to read:

175.35 (2j) A firearms dealer shall maintain the original record of all completed notification forms and a record of all confirmation numbers and corresponding approval or nonapproval numbers that he or she receives regarding ~~criminal history record searches and involuntary commitment~~ firearms restrictions record searches under sub. (2g). The firearms dealer shall mail the duplicate copy of each completed notification form to the department of justice.

SECTION 13. 175.35 (2k) (a) 2. of the statutes is amended to read:

175.35 (2k) (a) 2. Check each duplicate notification form received under sub. (2j) against the information recorded by the department regarding the corresponding request for a ~~criminal history record search and involuntary commitment~~ firearms restrictions record search under sub. (2g). If the department previously provided a unique approval number regarding the request and nothing in the duplicate completed notification form indicates that the transferee is prohibited from possessing a firearm under s. 941.29, the department shall destroy all records

regarding that ~~criminal history record search and involuntary commitment~~ firearms restrictions record search within 30 days after receiving the duplicate form.

SECTION 14. 175.35 (2k) (b) 2. a. of the statutes is amended to read:

175.35 (2k) (b) 2. a. Except as provided in subd. 2. b., a log of dates of requests for ~~criminal history record searches and involuntary commitment~~ firearms restrictions record searches under sub. (2g) together with confirmation numbers, unique approval and nonapproval numbers and firearms dealer identification numbers corresponding to those dates.

SECTION 15. 175.35 (2L) of the statutes is amended to read:

175.35 (2L) The department of justice shall promulgate rules providing for the review of nonapprovals under sub. (2g) (c) 4. a. Any person who is denied the right to purchase a handgun because the firearms dealer received a nonapproval number under sub. (2g) (c) 4. a. may request a ~~criminal history record search and involuntary commitment~~ firearms restrictions record search review under those rules. If the person disagrees with the results of that review, the person may file an appeal under rules promulgated by the department.

SECTION 16. 813.12 (4m) of the statutes is created to read:

813.12 (4m) NOTICE OF RESTRICTION ON FIREARM POSSESSION; SURRENDER OF FIREARMS. (a) An injunction issued under sub. (4) shall do all of the following:

1. Inform the respondent named in the petition of the requirements and penalties under s. 941.29.

2. Except as provided in par. (ag), require the respondent to surrender any firearms that he or she owns or has in his or her possession to the sheriff of the county in which the action under this section was commenced, to the sheriff of the county in which the respondent resides or to another person designated by the respondent and approved by the judge or family court commissioner. The judge or court commissioner shall approve the person designated by the respondent unless the judge or court commissioner finds that the person is inappropriate and places the reasons for the finding on the record. If a firearm is surrendered to a person designated by the respondent and approved by the judge or family court commissioner, the judge or family court commissioner shall inform the person to whom the firearm is surrendered of the requirements and penalties under s. 941.29 (4).

(ag) If the respondent is a peace officer, an injunction issued under sub. (4) may not require the respondent to surrender a firearm that he or she is required, as a condition of employment, to possess whether or not he or she is on duty.

(am) 1. When a respondent surrenders a firearm under par. (a) 2. to a sheriff, the sheriff who is receiving the firearm shall prepare a receipt for each firearm surrendered to him or her. The receipt shall include the

manufacturer, model and serial number of the firearm surrendered to the sheriff and shall be signed by the respondent and by the sheriff to whom the firearm is surrendered.

2. The sheriff shall keep the original of a receipt prepared under subd. 1. and shall provide an exact copy of the receipt to the respondent. When the firearm covered by the receipt is returned to the respondent under par. (b), the sheriff shall surrender to the respondent the original receipt and all of his or her copies of the receipt.

3. A receipt prepared under subd. 1. is conclusive proof that the respondent owns the firearm for purposes of returning the firearm covered by the receipt to the respondent under par. (b).

4. The sheriff may not enter any information contained on a receipt prepared under subd. 1. into any computerized or direct electronic data transfer system in order to store the information or disseminate or provide access to the information.

(aw) A sheriff may store a firearm surrendered to him or her under par. (a) 2. in a warehouse that is operated by a public warehouse keeper licensed under ch. 99. If a sheriff stores a firearm at a warehouse under this paragraph, the respondent shall pay the costs charged by the warehouse for storing that firearm.

(b) A firearm surrendered under par. (a) 2. may not be returned to the respondent until a judge or family court commissioner determines all of the following:

1. That the injunction issued under sub. (4) has been vacated or has expired and not been extended.

2. 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, other than an order from which the judge or family court commissioner is competent to grant relief.

(c) If a respondent surrenders a firearm under par. (a) 2. that is owned by a person other than the respondent, the person who owns the firearm may apply for its return to the circuit court for the county in which the person to whom the firearm was surrendered is located. The court shall order such notice as it considers adequate to be given to all persons who have or may have an interest in the firearm and shall hold a hearing to hear all claims to its true ownership. If the right to possession is proved to the court's satisfaction, it shall order the firearm returned. If the court returns a firearm under this paragraph, the court shall inform the person to whom the firearm is returned of the requirements and penalties under s. 941.29 (4).

SECTION 17. 813.12 (6) (am) of the statutes is created to read:

813.12 (6) (am) 1. If an injunction is issued or extended under sub. (4) or if a tribal injunction is filed under sub. (9) (a), the clerk of the circuit court shall notify the department of justice of the injunction and shall provide the department of justice with information concerning the period during which the injunction is in effect and

information necessary to identify the respondent for purposes of a firearms restrictions record search under s. 175.35 (2g) (c).

2. Except as provided in subd. 3., the department of justice may disclose information that it receives under subd. 1. only as part of a firearms restrictions record search under s. 175.35 (2g) (c).

3. The department of justice shall disclose any information that it receives under subd. 1. to a law enforcement agency when the information is needed for law enforcement purposes.

SECTION 17g. 813.12 (6) (b) of the statutes is amended to read:

813.12 (6) (b) ~~Within 24 hours after request by the petitioner one business day after an order or injunction is issued, extended, modified or vacated under this section or after a tribal order or injunction is filed under sub. (9) (a), the clerk of the circuit court shall send a copy of any the order issued or provide notice of any order extended under this section or injunction, or of the order extending, modifying or vacating an order or injunction,~~ to the sheriff or to any other local law enforcement agency which is the central repository for orders and injunctions and which has jurisdiction over the petitioner's premises.

SECTION 17r. 813.12 (6) (c) of the statutes is amended to read:

813.12 (6) (c) ~~The No later than 24 hours after receiving the information under par. (b), the sheriff or other appropriate local law enforcement agency under par. (b) shall enter the information concerning an order or injunction issued, extended, modified or vacated under this section or a tribal order or injunction filed under sub. (9) (a) into the transaction information for management of enforcement system. The sheriff or other appropriate local law enforcement agency shall also make available to other law enforcement agencies, through a verification system, information on the existence and status of any order or injunction issued under this section. The information need not be maintained after the order or injunction is no longer in effect.~~

SECTION 18. 813.12 (9) (a) 4. of the statutes is created to read:

813.12 (9) (a) 4. The tribal injunction includes notice to the respondent that he or she is subject to the requirements and penalties under s. 941.29.

SECTION 19. 813.122 (5m) of the statutes is created to read:

813.122 (5m) NOTICE OF RESTRICTION ON FIREARM POSSESSION; SURRENDER OF FIREARMS. (a) An injunction issued under sub. (5) shall do all of the following:

1. Inform the respondent named in the petition of the requirements and penalties under s. 941.29.

2. Except as provided in par. (ag), require the respondent to surrender any firearms that he or she owns or has in his or her possession to the sheriff of the county in which the action under this section was commenced, to

the sheriff of the county in which the respondent resides or to another person designated by the respondent and approved by the judge or court commissioner. The judge or court commissioner shall approve the person designated by the respondent unless the judge or court commissioner finds that the person is inappropriate and places the reasons for the finding on the record. If a firearm is surrendered to a person designated by the respondent and approved by the judge or court commissioner, the judge or court commissioner shall inform the person to whom the firearm is surrendered of the requirements and penalties under s. 941.29 (4).

(ag) If the respondent is a peace officer, an injunction issued under sub. (5) may not require the respondent to surrender a firearm that he or she is required, as a condition of employment, to possess whether or not he or she is on duty.

(am) 1. When a respondent surrenders a firearm under par. (a) 2. to a sheriff, the sheriff who is receiving the firearm shall prepare a receipt for each firearm surrendered to him or her. The receipt shall include the manufacturer, model and serial number of the firearm surrendered to the sheriff and shall be signed by the respondent and by the sheriff to whom the firearm is surrendered.

2. The sheriff shall keep the original of a receipt prepared under subd. 1. and shall provide an exact copy of the receipt to the respondent. When the firearm covered by the receipt is returned to the respondent under par. (b), the sheriff shall surrender to the respondent the original receipt and all of his or her copies of the receipt.

3. A receipt prepared under subd. 1. is conclusive proof that the respondent owns the firearm for purposes of returning the firearm covered by the receipt to the respondent under par. (b).

4. The sheriff may not enter any information contained on a receipt prepared under subd. 1. into any computerized or direct electronic data transfer system in order to store the information or disseminate or provide access to the information.

(aw) A sheriff may store a firearm surrendered to him or her under par. (a) 2. in a warehouse that is operated by a public warehouse keeper licensed under ch. 99. If a sheriff stores a firearm at a warehouse under this paragraph, the respondent shall pay the costs charged by the warehouse for storing that firearm.

(b) A firearm surrendered under par. (a) 2. may not be returned to the respondent until a judge or court commissioner determines all of the following:

1. That the injunction issued under sub. (5) has been vacated or has expired and not been extended.

2. 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, other than an order from which the judge or court commissioner is competent to grant relief.

(c) If a respondent surrenders a firearm under par. (a) 2. that is owned by a person other than the respondent, the person who owns the firearm may apply for its return to the circuit court for the county in which the person to whom the firearm was surrendered is located. The court shall order such notice as it considers adequate to be given to all persons who have or may have an interest in the firearm and shall hold a hearing to hear all claims to its true ownership. If the right to possession is proved to the court's satisfaction, it shall order the firearm returned. If the court returns a firearm under this paragraph, the court shall inform the person to whom the firearm is returned of the requirements and penalties under s. 941.29 (4).

SECTION 20. 813.122 (9) (am) of the statutes is created to read:

813.122 (9) (am) 1. If an injunction is issued or extended under sub. (5), the clerk of the circuit court shall notify the department of justice of the injunction and shall provide the department of justice with information concerning the period during which the injunction is in effect and information necessary to identify the respondent for purposes of a firearms restrictions record search under s. 175.35 (2g) (c).

2. Except as provided in subd. 3., the department of justice may disclose information that it receives under subd. 1. only as part of a firearms restrictions record search under s. 175.35 (2g) (c).

3. The department of justice shall disclose any information that it receives under subd. 1. to a law enforcement agency when the information is needed for law enforcement purposes.

SECTION 20d. 813.122 (9) (b) of the statutes is amended to read:

813.122 (9) (b) Within 24 hours after request by the petitioner one business day after an order or injunction is issued, extended, modified or vacated under this section, the clerk of the circuit court shall send a copy of ~~any the~~ order issued or provide notice of any order extended under this section or injunction, or of the order extending, modifying or vacating an order or injunction, to the sheriff or to any other local law enforcement agency which is the central repository for orders and injunctions and which has jurisdiction over the child victim's premises.

SECTION 20h. 813.122 (9) (c) of the statutes is amended to read:

813.122 (9) (c) The sheriff or other appropriate local law enforcement agency under par. (b) shall enter the information received under par. (b) concerning an order or injunction issued, extended, modified or vacated under this section into the transaction information for management of enforcement system no later than 24 hours after receiving the information and shall make available to other law enforcement agencies, through a verification system, information on the existence and status of any order or injunction issued under this section. The informa-

tion need not be maintained after the order or injunction is no longer in effect.

SECTION 20p. 813.123 (8) (b) of the statutes is amended to read:

813.123 (8) (b) Within ~~24 hours after request by the petitioner~~ one business day after an order or injunction is issued, extended, modified or vacated under this section, the clerk of circuit court shall send a copy of ~~any the~~ order issued or provide notice of any order extended under this section or injunction, or of the order extending, modifying or vacating an order or injunction, to the sheriff or to any other local law enforcement agency which is the central repository for orders and injunctions and which has jurisdiction over the vulnerable adult's premises.

SECTION 20t. 813.123 (8) (c) of the statutes is amended to read:

813.123 (8) (c) The sheriff or other appropriate local law enforcement agency under par. (b) shall enter the information received under par. (b) concerning an order or injunction issued, extended, modified or vacated under this section into the transaction information for management of enforcement system no later than 24 hours after receiving the information and shall make available to other law enforcement agencies, through a verification system, information on the existence and status of any order or injunction issued under this section. The information need not be maintained after the order or injunction is no longer in effect.

SECTION 20w. 813.125 (4) (a) 2. of the statutes is amended to read:

813.125 (4) (a) 2. The petitioner serves upon the respondent a copy of a restraining order obtained under sub. (3) and notice of the time for the hearing on the issuance of the injunction under sub. (3) (c). The restraining order or notice of hearing served under this subdivision shall inform the respondent that, if the judge or court commissioner issues an injunction, the judge or court commissioner may also order the respondent not to possess a firearm while the injunction is in effect.

SECTION 21. 813.125 (4m) of the statutes is created to read:

813.125 (4m) RESTRICTION ON FIREARM POSSESSION; SURRENDER OF FIREARMS. (a) If a judge or court commissioner issues an injunction under sub. (4) and the judge or court commissioner determines, based on clear and convincing evidence presented at the hearing on the issuance of the injunction, that the respondent may use a firearm to cause physical harm to another or to endanger public safety, the judge or court commissioner may prohibit the respondent from possessing a firearm.

(b) An order prohibiting a respondent from possessing a firearm issued under par. (a) remains in effect until the expiration of the injunction issued under sub. (4).

(c) An order issued under par. (a) that prohibits a respondent from possessing a firearm shall do all of the following:

1. Inform the respondent named in the petition of the requirements and penalties under s. 941.29.

2. Except as provided in par. (cg), require the respondent to surrender any firearms that he or she owns or has in his or her possession to the sheriff of the county in which the action under this section was commenced, to the sheriff of the county in which the respondent resides or to another person designated by the respondent and approved by the judge or court commissioner. The judge or court commissioner shall approve the person designated by the respondent unless the judge or court commissioner finds that the person is inappropriate and places the reasons for the finding on the record. If a firearm is surrendered to a person designated by the respondent and approved by the judge or court commissioner, the judge or court commissioner shall inform the person to whom the firearm is surrendered of the requirements and penalties under s. 941.29 (4).

(cg) If the respondent is a peace officer, an order issued under par. (a) may not require the respondent to surrender a firearm that he or she is required, as a condition of employment, to possess whether or not he or she is on duty.

(cm) 1. When a respondent surrenders a firearm under par. (c) 2. to a sheriff, the sheriff who is receiving the firearm shall prepare a receipt for each firearm surrendered to him or her. The receipt shall include the manufacturer, model and serial number of the firearm surrendered to the sheriff and shall be signed by the respondent and by the sheriff to whom the firearm is surrendered.

2. The sheriff shall keep the original of a receipt prepared under subd. 1. and shall provide an exact copy of the receipt to the respondent. When the firearm covered by the receipt is returned to the respondent under par. (d), the sheriff shall surrender to the respondent the original receipt and all of his or her copies of the receipt.

3. A receipt prepared under subd. 1. is conclusive proof that the respondent owns the firearm for purposes of returning the firearm covered by the receipt to the respondent under par. (d).

4. The sheriff may not enter any information contained on a receipt prepared under subd. 1. into any computerized or direct electronic data transfer system in order to store the information or disseminate or provide access to the information.

(cw) A sheriff may store a firearm surrendered to him or her under par. (c) 2. in a warehouse that is operated by a public warehouse keeper licensed under ch. 99. If a sheriff stores a firearm at a warehouse under this paragraph, the respondent shall pay the costs charged by the warehouse for storing that firearm.

(d) A firearm surrendered under par. (c) 2. may not be returned to the respondent until a judge or court commissioner determines all of the following:

1. That the injunction issued under sub. (4) has been vacated or has expired.

2. 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, other than an order from which the judge or court commissioner is competent to grant relief.

(e) If a respondent surrenders a firearm under par. (c) 2. that is owned by a person other than the respondent, the person who owns the firearm may apply for its return to the circuit court for the county in which the person to whom the firearm was surrendered is located. The court shall order such notice as it considers adequate to be given to all persons who have or may have an interest in the firearm and shall hold a hearing to hear all claims to its true ownership. If the right to possession is proved to the court's satisfaction, it shall order the firearm returned. If the court returns a firearm under this paragraph, the court shall inform the person to whom the firearm is returned of the requirements and penalties under s. 941.29 (4).

SECTION 21g. 813.125 (5) (am) of the statutes is created to read:

813.125 (5) (am) The petition shall inform the respondent that, if the judge or court commissioner issues an injunction, the judge or court commissioner may also order the respondent not to possess a firearm while the injunction is in effect.

SECTION 21m. 813.125 (5g) of the statutes is created to read:

813.125 (5g) ENFORCEMENT ASSISTANCE. (a) Within one business day after an order or injunction is issued, extended, modified or vacated under this section, the clerk of the circuit court shall send a copy of the order or injunction, or of the order extending, modifying or vacating an order or injunction, to the sheriff or to any local law enforcement agency which is the central repository for orders and injunctions and which has jurisdiction over the petitioner's premises.

(b) The sheriff or other appropriate local law enforcement agency under par. (a) shall enter the information received under par. (a) concerning an order or injunction issued, extended, modified or vacated under this section into the transaction information for management of enforcement system no later than 24 hours after receiving the information and shall make available to other law enforcement agencies, through a verification system, information on the existence and status of any order or injunction issued under this section. The information need not be maintained after the order or injunction is no longer in effect.

SECTION 22. 813.125 (5r) of the statutes is created to read:

813.125 (5r) NOTICE TO DEPARTMENT OF JUSTICE. (a) If an order prohibiting a respondent from possessing a firearm is issued under sub. (4m), the clerk of the circuit court shall notify the department of justice of the existence of the order prohibiting a respondent from possessing a firearm and shall provide the department of justice with information concerning the period during which the order is in effect and information necessary to identify the respondent for purposes of a firearms restrictions record search under s. 175.35 (2g) (c).

(b) Except as provided in par. (c), the department of justice may disclose information that it receives under par. (a) only as part of a firearms restrictions record search under s. 175.35 (2g) (c).

(c) The department of justice shall disclose any information that it receives under par. (a) to a law enforcement agency when the information is needed for law enforcement purposes.

SECTION 23. 941.29 (1) (f) of the statutes is created to read:

941.29 (1) (f) Enjoined under an injunction issued under s. 813.12 or 813.122 or under a tribal injunction that has been filed under s. 813.12 (9) (a).

SECTION 23g. 941.29 (1) (g) of the statutes is created to read:

941.29 (1) (g) Ordered not to possess a firearm under s. 813.125 (4m).

SECTION 24. 941.29 (2) of the statutes is renumbered 941.29 (2) (intro.) and amended to read:

941.29 (2) (intro.) Any A person specified in sub. (1) who, is guilty of a Class E felony if he or she possesses a firearm under any of the following circumstances:

(a) The person possesses a firearm subsequent to the conviction for the felony or other crime, as specified in sub. (1), (a) or (b).

(b) The person possesses a firearm subsequent to the adjudication, as specified in sub. (1) (bm), ~~or~~

(c) The person possesses a firearm subsequent to the finding of not guilty or not responsible by reason of insanity or mental disease, defect or illness, ~~possesses a firearm~~ is guilty of a Class E felony as specified in sub. (1) (c) or (d).

SECTION 25. 941.29 (2) (d) of the statutes is created to read:

941.29 (2) (d) The person possesses a firearm while subject to the court order, as specified in sub. (1) (e) or (g).

SECTION 26. 941.29 (2) (e) of the statutes is created to read:

941.29 (2) (e) The person possesses a firearm while the injunction, as specified in sub. (1) (f), is in effect.

SECTION 26m. 941.29 (10) of the statutes is created to read:

941.29 (10) The prohibition against firearm possession under this section does not apply to a person speci-

fied in sub. (1) (f) if the person satisfies any of the following:

(a) The person is a peace officer and the person possesses a firearm while in the line of duty or, if required to do so as a condition of employment, while off duty.

(b) The person is a member of the U.S. armed forces or national guard and the person possesses a firearm while in the line of duty.

SECTION 27. Initial applicability.

(1) CRIMINAL PENALTIES FOR POSSESSION OF A FIREARM. The treatment of section 941.29 (1) (f) and (2) of the statutes and the creation of section 941.29 (2) (d) and (e) and (10) of the statutes first apply to persons who possess a firearm on the effective date of this subsection.

(2) FIREARMS RESTRICTIONS RECORD SEARCHES. The treatment of section 175.35 (1) (at) and (bg), (2) (c) and (d), (2f), (2g) (b) and (c) (intro.), 3. and 4., (2i), (2j), (2k) (a) 2. and (b) 2.a. and (2L) of the statutes first applies to the sale of a handgun on the effective date of this subsection.

(2m) ENTRY OF INFORMATION REGARDING CERTAIN RESTRAINING ORDERS AND INJUNCTIONS.

(a) The treatment of section 813.12 (6) (b) and (c) of the statutes first applies to proceedings in which a petition for a restraining order or injunction is filed under section 813.12 (2) of the statutes on the effective date of this paragraph.

(b) The treatment of section 813.122 (9) (b) and (c) of the statutes first applies to proceedings in which a petition for a restraining order or injunction is filed under section 813.122 (2) of the statutes on the effective date of this paragraph.

(c) The treatment of section 813.123 (8) (b) and (c) of the statutes first applies to proceedings in which a petition for a restraining order or injunction is filed under section 813.123 (2) of the statutes on the effective date of this paragraph.

(d) The treatment of section 813.125 (5g) of the statutes first applies to proceedings in which a petition for a restraining order or injunction is filed under section 813.125 (2) of the statutes on the effective date of this paragraph.

(3) PROCEEDINGS FOR INJUNCTIONS.

(a) The treatment of section 813.12 (4m), (6) (am) and (9) (a) 4. of the statutes first applies to proceedings in which a petition is filed, under section 813.12 (2) of the statutes, on the effective date of this paragraph.

(b) The treatment of section 813.122 (5m) and (9) (am) of the statutes first applies to proceedings in which a petition is filed, under section 813.122 (2) of the statutes, on the effective date of this paragraph.

(c) The treatment of section 813.125 (4) (a) 2., (4m), (5) (am) and (5r) of the statutes first applies to proceedings in which a petition is filed, under section 813.125 (2) of the statutes, on the effective date of this paragraph.

SECTION 27m. Effective date.

(1) This act takes effect on the first day of the 4th month beginning after publication.
