

2001 DRAFTING REQUEST

Bill

Received: 09/06/2001

Received By: mdsida

Wanted: Soon

Identical to LRB:

For: Scott Gunderson (608) 266-3363

By/Representing: Mike

This file may be shown to any legislator: NO

Drafter: mdsida

May Contact:

Addl. Drafters:

Subject: Criminal Law - guns and weapons

Extra Copies: rlr

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Providing false information during handgun background check

Instructions:

Redraft 1999 AB 664 as amended by assembly

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mdsida 10/08/2001	hhagen 10/08/2001					S&L
/1			kfollet 10/12/2001		lrb_docadmin 10/12/2001	lrb_docadmin 10/12/2001	

FE Sent For:

<END>

AT Intro.

2001 DRAFTING REQUEST

Bill

Received: **09/06/2001**

Received By: **mdsida**

Wanted: **Soon**

Identical to LRB:

For: **Scott Gunderson (608) 266-3363**

By/Representing: **Mike**

This file may be shown to any legislator: **NO**

Drafter: **mdsida**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - guns and weapons**

Extra Copies: **rlr**

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Providing false information during handgun background check

Instructions:

Redraft 1999 AB 664 as amended by assembly

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mdsida 10/08/2001	hhagen 10/08/2001					S&L
/1			kfollet 10/12/2001		lrb_docadmin 10/12/2001		

FE Sent For:

<END>

2001 DRAFTING REQUEST

Bill

Received: 09/06/2001

Received By: mdsida

Wanted: Soon

Identical to LRB:

For: Scott Gunderson (608) 266-3363

By/Representing: Mike

This file may be shown to any legislator: NO

Drafter: mdsida

May Contact:

Addl. Drafters:

Subject: Criminal Law - guns and weapons

Extra Copies: rlr

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Providing false information during handgun background check

Instructions:

Redraft 1999 AB 664 as amended by assembly

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1?	mdsida	11 hmk 10/8/01	KJL 10/11	KJL/PS 10/11			

FE Sent For:

<END>



1999 ASSEMBLY BILL

The bill also authorizes the department of justice, to prosecute such a violation.

insert 1/4

Regenerate

1 AN ACT to renumber and amend 175.35 (2g) (b) and 175.35 (3); and to create
2 175.35 (2g) (b) 1. to 9., 175.35 (2g) (bd) and 175.35 (3) (b) of the statutes;
3 relating to: providing information to a firearms dealer when purchasing a
4 handgun and providing a penalty.

If the bill establishes separate penalty provisions that apply to

Analysis by the Legislative Reference Bureau

Under current law, a federally licensed firearms dealer may not transfer a handgun to a person following a sale until the person has provided identification to the firearms dealer and has completed a notification form prescribed by the department of justice (DOJ) that requires the person to provide his or her name, date of birth, gender, race, and social security number and other identifying information. The firearms dealer must then convey the information from the completed notification form to DOJ so that DOJ can conduct a background check to determine whether the person is prohibited from possessing a firearm. A person completing the notification form must provide truthful information on the form. If a person intentionally provides false information, he or she must be fined not less than \$500 nor more than \$10,000 and may be imprisoned for not more than nine months.

This bill increases the maximum period of imprisonment that may be imposed on a person who intentionally violates the requirement to provide truthful information on the notification form. Under the bill, a person who intentionally provides false information on the notification form may be imprisoned for not more than five years. The bill does not change the current minimum and maximum fine that may be imposed for providing false information. (Such)

from p. 2

in response to the first of the questions described in the preceding paragraph.

must be fined not less than \$500 nor more than \$10,000 and

ASSEMBLY BILL

to
p-1

The bill ~~also~~ provides that the notification form prescribed by DOJ must require the person completing the notification form to give a "yes" or "no" answer to several questions, including all of the following: 1) a question asking whether the person is purchasing the firearm with the purpose or intent of transferring it to a person who is prohibited from possessing a firearm under state or federal law; 2) questions asking whether the person has been convicted of a felony, found not guilty of or not responsible for a felony by reason of mental disease or defect, or adjudicated delinquent for a felony; and 3) questions asking whether the person is subject to certain court orders that prohibit the person from possessing a firearm. Under the bill, the notification form may not require the person to answer questions other than those specified in the bill. In addition, the questions must appear on the notification form exactly as they appear in the bill.

Finally, the bill provides that the form may not require the person to answer any question or statement that is the same as or substantially similar to the following statement: "I am the actual purchaser of this firearm. I am not purchasing the firearm at the request of any other person or on behalf of any other person. I am not purchasing this firearm with the purpose or intent of reselling the firearm to any other person."

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

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

- 1 SECTION 1. 175.35 (2g) (b) of the statutes is renumbered 175.35 (2g) (b) (intro.)
2 and amended to read:
3 175.35 (2g) (b) (intro.) The department of justice shall promulgate rules
4 prescribing a notification form for use under sub. (2) ~~requiring~~. The form shall
5 require the transferee to provide his or her name, date of birth, gender, race and
6 social security number and other identification necessary to permit an accurate
7 firearms restrictions record search under par. (c) 3. and the required notification
8 under par. (c) 4. The form shall also include a section that, using exactly the wording
9 specified, asks the transferee all of the following questions and only the following
10 questions and that requires the transferee to give a "yes" or "no" answer to each
11 question in a space next to the question on the form:

ASSEMBLY BILL

1 (bm) The department of justice shall make the forms prescribed under par. (b)
2 available at locations throughout the state.

3 SECTION 2. 175.35 (2g) (b) 1. to 9. of the statutes are created to read:

4 175.35 (2g) (b) 1. Are you purchasing this firearm with the purpose or intent
5 of transferring it to a person who is presently prohibited from possessing a firearm
6 under state or federal law?

7 2. Have you ever been convicted of a felony in this state or a crime elsewhere
8 that would be a felony if committed in Wisconsin? (A felony is defined as a crime
9 punishable by one year or more in prison.)

10 3. Have you ever been found not guilty of a felony in Wisconsin by reason of
11 mental disease or defect?

12 4. Have you ever been found not guilty of or not responsible for a crime
13 elsewhere that would be a felony if committed in Wisconsin by reason of insanity or
14 mental disease, defect, or illness?

15 5. Are you subject to a court order under the Wisconsin Mental Health Act (ch.
16 51, stats.) that prohibits you from possessing a handgun?

17 6. Are you subject to a court order under the harassment injunction law (s.
18 813.125, stats.) that prohibits you from possessing a firearm?

19 7. Are you subject to a domestic abuse injunction or domestic abuse tribal
20 injunction (s. 813.12, stats.) or a child abuse injunction (s. 813.122, stats.)? NOTE:
21 This question applies to proceedings that were commenced on or after April 1, 1996.

22 8. Have you ever been adjudicated delinquent as a juvenile for an act committed
23 on or after April 21, 1994, that if committed by an adult in Wisconsin would be a
24 felony?

ASSEMBLY BILL

1 9. If you answered "yes" to question number 8, have you been exempted from
2 the firearm possession prohibition by order of a court pursuant to s. 941.29 (8), stats.?
3 If you answered "no" to question number 8, leave the space next to this question
4 blank.

5 **SECTION 3.** 175.35 (2g) (bd) of the statutes is created to read:

6 175.35 (2g) (bd) The form prescribed under par. (b) may not require the
7 transferee to give a "yes" or "no" answer to any question or statement that is the same
8 as or substantially similar to the following statement: "I am the actual purchaser
9 of this firearm. I am not purchasing the firearm at the request of any other person
10 or on behalf of any other person. I am not purchasing this firearm with the purpose
11 or intent of reselling the firearm to any other person."

12 **SECTION 4.** 175.35 (3) of the statutes is renumbered 175.35 (3) (a) and amended
13 to read:

14 175.35 (3) (a) Any person who intentionally violates sub. (2), (2e), (2f) or (2j)
15 shall be fined not less than \$500 nor more than \$10,000 and may be imprisoned for
16 not more than 9 months.

17 **SECTION 5.** 175.35 (3) (b) of the statutes is created to read:

18 ~~175.35 (3) (b) Any person who intentionally violates sub. (2e) shall be fined not~~
19 ~~less than \$500 nor more than \$10,000 and may be imprisoned for not more than 5~~
20 ~~years.~~

21 **SECTION 6. Initial applicability.**

22 (1) The treatment of section 175.35 (3) (b) of the statutes first applies to offenses
23 committed on the effective date of this subsection.

24 (END)

Insub
4/18

In
4/20



2

ASSEMBLY AMENDMENT,
TO 1999 ASSEMBLY BILL 664

1
2
3
4
5
6
7
8
9
10
11
12

At the locations indicated, amend the bill as follows:

INsert
1/4

①

1. Page 1, line 4: delete "handgun" and substitute ~~handgun~~ ^{mach} authorizing the department of justice to prosecute violations of certain laws regulating firearms.

2. Page 4, line 20: after that line insert:

INsert
4/20

SECTION 5d. 175.35 (4) of the statutes is created to read:

175.35 (4) The department of justice or the district attorney may institute, manage, control and direct, in the proper county, a prosecution for violation of sub. (2e) that involves intentionally providing false information in response to the question specified in sub. (2g) (b) 1. When prosecuting such violations, the department of justice shall have and exercise all powers conferred upon district attorneys.

(END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBa1183/1
JEO:king:hmh

ASSEMBLY AMENDMENT,
TO 1999 ASSEMBLY BILL (LRB-3607/4)

Insert 4/18

1 At the locations indicated, amend the bill as follows:

2 1. Page 4, line 18: delete that line and substitute:

3 ~~175.35~~ (3) (b) 1. Except as provided in subd. 2., a person who intentionally
4 violates sub. (2e) shall be fined not less than \$500 nor more than \$10,000 and may
5 be imprisoned for not more than 9 months.

6 2. A person who violates sub. (2e) by intentionally providing false information
7 in response to the question specified in sub. (2g) (b) 1. shall be fined not

8 (END)



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

October 12, 2001

MEMORANDUM

To: Representative Gunderson

From: Michael Dsida, Legislative Attorney

Re: LRB-3733/1 Providing false information during handgun background check

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-9867 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.