



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2005 Assembly Bill 56

Assembly Amendments 1 and 2

Memo published: June 21, 2005

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Assembly Amendment 1:

1. Substitutes the term “equitable relief” for the term “injunctive relief,” where the latter term appears in the original bill. “Equitable relief” is a broader term than “injunctive relief”; the former term includes any remedy, including injunctive relief, that a court might impose in the exercise of its equitable jurisdiction. Reference to injunctive relief and, as amended, to equitable relief appears in those provisions of the bill: (a) limiting certain civil actions by the state or local units of government against firearm manufacturers and dealers (and other protected parties); and (b) providing firearm manufacturers and dealers (and other protected parties) with immunity from civil liability in certain actions involving firearms.

2. Substitutes the term “express warranty” for “warranty” in that portion of the bill that does not prohibit the state or a local governmental unit from bringing an action against a firearm manufacturer or dealer (or against other parties otherwise protected under the bill) for breach of contract or warranty as to a firearm, a firearm component, or firearm ammunition purchased by the state or local governmental unit. The term “express warranty” is narrower than reference to “warranty”; the former does not include, for example, any implied warranty.

Assembly Amendment 2 amends the definition of “firearm dealer” by substituting reference to the U.S. Department of Justice for the U.S. Department of the Treasury. The amendment reflects a change in the responsibilities of the respective departments under federal law.

Legislative History

Assembly Amendments 1 and 2 were offered by Representative Pettis. Both amendments were adopted by the Assembly by voice vote. Assembly Bill 56, as amended, was passed by the Assembly on a vote of Ayes, 63; Noes, 32; Paired, 4.

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