2009 DRAFTING REQUEST

Bill

Received: **03/04/2010**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **Tim Carpenter (608) 266-8535**

By/Representing: **Stuart Ewy**

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

Drafter: **phurley**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Carpenter@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Firearm purchases

Instructions:

09-4152 companion

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	phurley 03/04/2010	bkraft 03/04/2010		_____ _____			S&L Crime
/1			jfrantze 03/05/2010	_____ _____	cduerst 03/05/2010	sbasford 03/09/2010	

FE Sent For: "/1" @ intro. 3/11/10

<END>

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/?	phurley	/1 bjk 3/4		_____			
				_____			

FE Sent For:

<END>

State of Wisconsin
2009 – 2010 LEGISLATURE

LRB-~~4152/2~~ 4481/1
PJH:bjk:jf
FROM 4152/2
rmnr
stays

2009 ASSEMBLY BILL 753

3-4-10

SA

February 15, 2010 – Introduced by Representatives HRAYCHUCK, GUNDERSON, STASKUNAS, LEMAHIEU, KESTELL, BERCEAU, ZIGMUNT, TURNER, PETERSEN, SMITH, A. OTT, MURSAU, TOWNSEND, BROOKS, KNODL, BALLWEG, GOTTLIEB and BENEDICT, cosponsored by Senators CARPENTER, VINEHOUT, OLSEN, COWLES and LASSA. Referred to Committee on Criminal Justice.

regen.

AN ACT ***to renumber and amend*** 175.35 (3); ***to amend*** 943.34 (1) (intro.), 943.34 (1) (bm) and 948.62 (1) (bm); and ***to create*** 175.35 (3) (b) and 175.35 (4) of the statutes; **relating to:** providing information to a firearms dealer when purchasing a handgun, authorizing the Department of Justice to prosecute violations of certain laws regulating firearms, receiving a stolen firearm, and providing penalties.

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.

Also under current law, a person who steals a firearm is guilty of a Class H felony and may be fined up to $10,000, imprisoned for up to six years, or both. A

person who intentionally receives stolen property may be guilty of a misdemeanor or a felony, depending on the value of the property received, and the amount of the fine, jail time, or imprisonment to which the person may be subjected is determined by the value of the property received.

This bill provides that a person who intentionally gives false information on his or her notification form regarding whether the person is purchasing a firearm with the purpose or intent of transferring the firearm to another whom the person knows or reasonably should know is presently prohibited from possessing a firearm is guilty of a Class H felony and may be fined not less than $500. The bill also authorizes DOJ to prosecute such a violation. Under the bill, a person who intentionally receives a stolen firearm, regardless of the value of the firearm, is guilty of a Class H felony.

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.

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.** 175.35 (3) of the statutes is renumbered 175.35 (3) (a) and amended
2 to read:

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

6 **SECTION 2.** 175.35 (3) (b) of the statutes is created to read:

7 175.35 **(3)** (b) 1. Except as provided in subd. 2., a person who intentionally
8 violates sub. (2e) shall be fined not less than $500 nor more than $10,000 and may
9 be imprisoned for not more than 9 months.

10 2. A person who violates sub. (2e) by intentionally providing false information
11 regarding whether he or she is purchasing a firearm with the purpose or intent of
12 transferring it to another whom the person knows or reasonably should know is

presently prohibited from possessing a firearm under state or federal law is guilty of a Class H felony and shall be fined not less than $500.

SECTION 3. 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 is punishable under sub. (3) (b) 2. When prosecuting such violations, the department of justice shall have and exercise all powers conferred upon district attorneys.

SECTION 4. 943.34 (1) (intro.) of the statutes is amended to read:

943.34 **(1)** (intro.) Except as provided under s. 948.62, whoever <u>knowingly or</u> intentionally receives or conceals stolen property is guilty of:

SECTION 5. 943.34 (1) (bm) of the statutes is amended to read:

943.34 **(1)** (bm) A Class H felony, if the <u>property is a firearm or if the</u> value of the property exceeds $5,000 but does not exceed $10,000.

SECTION 6. 948.62 (1) (bm) of the statutes is amended to read:

948.62 **(1)** (bm) A Class H felony, if the <u>property is a firearm or if the</u> value of the property exceeds $2,500 but does not exceed $5,000.

SECTION 7. Initial applicability.

(1) The treatment of sections 175.35 (3) (b), 943.34 (1) (intro.) and (bm), and 948.62 (1) (bm) of the statutes first applies to offenses committed on the effective date of this subsection.

(END)

Basford, Sarah

From: Ewy, Stuart
Sent: Tuesday, March 09, 2010 1:02 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-4481/1 Topic: Firearm purchases

Please Jacket LRB 09-4481/1 for the SENATE.

Regards,

G. Stuart Ewy
Office of Senator Tim Carpenter
State Capitol 306 S
608.266.8535