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Details:

(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2009-10

(session year)

Assembly

(Assembly, Senate or Joint)

**Committee on ... Criminal Justice
(AC-CJ)**

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

- Jeff Wiswell, Madison — WI Sheriffs & Deputy Sheriffs Association
- Steve Kwaterski, Milwaukee — City of Milwaukee

Registrations Against

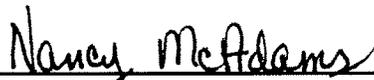
- None.

Registrations for Information Only

- None.

April 22, 2010

Failed to pass pursuant to Senate Joint Resolution 1.



Nancy McAdams
Committee Clerk





STATE REPRESENTATIVE • 83RD DISTRICT

September 30, 2009

SEP 30 2009

Representative Robert Turner
Chairman, Assembly Criminal Justice Committee
223 North, State Capitol
Madison, WI 53708

Dear Representative Turner, *Bob*

I am writing to respectfully request a Public Hearing on Assembly Bill 373, "the Straw Buyer Bill," in the Assembly Criminal Justice Committee.

As we are all aware, the ease with which violent felons are able to get their hands on guns is a significant factor contributing to violent crime on our streets. This was painfully illustrated earlier this summer when two Milwaukee police officers were shot by a firearm obtained from a "straw purchaser." The straw buyer bought the firearm for someone he knew was prohibited by law from purchasing firearms, and then the straw buyer sold it to him for \$40.

Assembly Bill 373 increases the maximum penalty for individuals who provide false information on the state's handgun background check. Under current law, anyone convicted of illegally purchasing a firearm for an individual who is prohibited by law from possessing that firearm faces only a misdemeanor with a maximum penalty of nine months in jail. Assembly Bill 373 would increase the penalty to a felony carrying a maximum penalty of five years in prison.

Passage of Assembly Bill 373 will put more teeth into the law, which gives prosecutors more incentive to expend resources on these crimes. In addition, once this person has a felony on his record, his straw buying days will be over because his name will now show up during a dealer's criminal background check.

Thank you in advance for your consideration of this request. Should you have any questions, concerns or if you should require additional information for your review, please feel free to call my office at 266-3363.

Sincerely,

Representative Scott Gunderson
83rd District
Wisconsin State Assembly

State Capitol:
P.O. Box 8952
Madison, WI 53708
(608) 266-3363

Toll-Free:
(888) 534-0083

Fax:
(608) 282-3683

E-Mail:
Rep.Gunderson@
legis.wi.gov

83rd District:
P.O. Box 7
Waterford, WI
53185

(262) 534-2616



McAdams, Nancy

From: Sen.Coggs
Sent: Wednesday, October 14, 2009 1:29 PM
To: *Legislative All Senate; *Legislative All Assembly
Subject: Sen. Coggs - Message to Legislators re: legislation relating to straw purchases of guns, and felons in gun stores

Oct. 14, 2009

Dear Colleagues,

Since many of you have requested to co-sponsor legislation that I am drafting relating to straw purchases of guns and felons in gun stores, I am writing to update you on the progress of drafting my bill.

Under my bill, the following provisions would apply:

- While there is currently a law on the books that can apply to straw purchases, my legislation will specifically define a straw purchase so there is no ambiguity and enhance penalties in such cases.
- Felons would be barred from the premises of gun stores.
- Felons would be barred from shooting ranges at gun stores and be barred from renting firearms for the shooting range.
- Signs would be posted at gun stores that would state that felons must stay off the premises, and warn potential straw purchasers that they face felony charges.
- Those who facilitate a straw purchase would be charged with a felony.
- The recipient of a straw purchase gun would be charged with a felony greater than that in current law.
- The penalty for possessing a stolen firearm would be increased.

Please know that I am working carefully with law enforcement officials and the Legislature's attorneys to draft a comprehensive, effective bill that can best address this issue. I expect to release the final draft of my bill soon, and I hope it will win your consideration and support.

Sincerely,



SEN. SPENCER COGGS
Senate District 6





City of Fond du Lac Police Department

First on the Lake

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NOV 12 2009

Tony Barthuly
Chief of Police

November 10, 2009

Wisconsin State Assembly – Criminal Justice Committee
Rep. Robert Turner, Chair
Room 223 North
State Capitol
P.O. Box 8953
Madison, WI 53708

Representative Robert Turner and honorable members of the Assembly Committee on Criminal Justice:

Please accept this letter in support of two bills coming before you for review regarding illegal firearm acquisition. They are AB 373 and AB 518. As you know, violent crime continues to be of concern to all members of law enforcement in Wisconsin including those Fond du Lac. More and more, weapons are being used to facilitate these criminal acts and guns are the favorite device of criminals. According to Crime in Wisconsin 2007 by the Wisconsin Office of Justice Assistance, 63 % of all murders, more than two-thirds of forcible rapes, more than half of all robberies and almost a third of all violent crimes in all were committed with firearms.

It has come to our attention that criminals are increasingly obtaining illegal firearms via two methods. The first is through the use of a “straw purchaser”. A straw purchaser is someone who buys a gun for a convicted felon which is a violation of federal law. The second is by theft. The theft of firearms is a large scale problem with at least half a million guns being stolen nationwide each year, according to a 1995 study published in the *The Journal of Criminal Law and Criminology*.

Assembly bills AB 373 and AB 518 are aimed specifically at addressing these two issues. AB 373 would provide that a person who intentionally gives false information on his or her state handgun purchase notification form on whether he or she intends to transfer the firearm to a convicted felon is guilty of a felony, and may be fined not less than \$500 or more than \$10,000, or sentenced to up to six years in prison. The bill also authorizes the state Department of Justice to prosecute such a violation. AB 518 is a bill aimed at addressing the problem of using stolen firearms in the commission of a crime. Under AB 518, a person who owns a firearm that is stolen or missing must report the theft or loss to a law enforcement agency within 48 hours of discovering the theft or loss. AB 518 also would create a disincentive for “straw purchasers” to obtain firearms for felons because they would not want a gun tracked back to them if it was used





City of Fond du Lac Police Department

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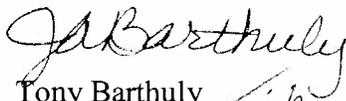
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Tony Barthuly
Chief of Police

in the commission of a crime. This in turn can help reduce the supply of guns to criminals, and reduce the number of crimes committed in Wisconsin involving guns.

The Fond du Lac Police Department hopes the Committee will consider our support of these bills for passage into law. It is not the intent of our Department to support anti-gun or anti-hunting legislation. In fact, many of our members responsibly enjoy shooting and outdoor sports. Rather, the police department would simply like to reduce the illegal acquisition of firearms which could be used in the commission of criminal acts.

Respectfully Yours,


Tony Barthuly
Chief of Police







211 Walnut St. • P.O. Box 426 • Neenah WI 54957-0426
Phone 920-886-6104 • Fax: 920-886-6109 • e-mail: gscherck@ci.neenah.wi.us

GEORGE D. SCHERCK

Mayor

DATE: NOV. 11, 2009

TO: HONORABLE MEMBERS,

Assembly Committee on Criminal Justice

From: George Scherck, Mayor of Neenah

Re: AB 373

AB 373 is aimed at combating a problem that has become increasingly serious in Wisconsin: the illegal transfer of a firearm to a criminal by a "straw purchaser."

A straw purchaser is someone who buys a gun for a convicted felon, an action that violates federal law. Nine of 10 straw buyers prosecuted in the Milwaukee area since 2007 made their purchases at a single West Milwaukee gun shop, a *Milwaukee Journal Sentinel* investigation found earlier this fall.

Police in Milwaukee suspect that a gun used to shoot a police officer there last month was bought at the gun shop by a straw purchaser.

In Pennsylvania, police say the gun used to kill two armored car guards has been traced back to two Philadelphia men, and they have been charged with illegal transfer of firearms and conspiracy charges.

It is already against the law to buy a firearm for another person from a licensed dealer. At the federal level, a straw-purchase conviction is punishable by as much as 10 years in prison and a fine of up to \$250,000.

AB 373 would provide that a person who intentionally gives false information on his or her state handgun purchase notification form on whether he or she intends to transfer the firearm to a convicted felon is guilty of a felony, and may be fined not less than \$500 or more than \$10,000, or sentenced to up to six years in prison. The bill also authorizes the state Department of Justice to prosecute such a violation.

AB 373 will provide the authorities with additional tools used to keep illegal guns off the streets and out of the hands of felons in Wisconsin. These are guns that are used to injure and kill law

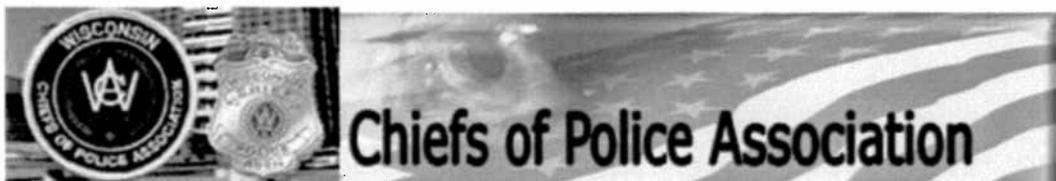
CITY OF NEENAH
Office of the Mayor

November 10, 2009 – Page 2

enforcement officers and innocent civilians, and passage of AB 373 will help make Wisconsin a safer place for law-abiding citizens to raise their families.

I hope you advance this important piece of legislation. Thank you.





November 11, 2009

To: Assembly Committee on Criminal Justice
From: WCPA Legislative Chair: Chief Doug Pettit, Oregon Police Department
Re: Support for AB 373

The Wisconsin Chiefs of Police Association (WCPA) represents more than 650 law enforcement administrators throughout the state and wishes to thank Chairman Turner and members of this committee for having a public hearing on this very important issue—gun violence and what we can do to prevent and reduce its impact in our communities.

Wisconsin Chiefs, working hand in hand with the national “Mayors against Illegal Guns” campaign believe that this narrow piece of legislation is a step in the right direction to eliminate the purchase of illegal guns and hold those more accountable who wish to engage in illegal behavior.

Law enforcement deals with gun violence on a daily basis and we believe national statistics show that gun violence has become a public health issue in many of our communities. Consider these facts:

- 30,000 Americans across the country killed every year as a result of gun violence, destroying families and communities in big cities and small towns.
- Gun dealers who break the law by knowingly selling guns to straw purchasers—people who are buying a firearm for use by another person who may not be able to legally buy a gun --must be targeted and held accountable.

AB 373 finally holds the person who intentionally gives false information on his or her notification form accountable. If someone wants to falsify whether they are purchasing a firearm with the purpose or intent of transferring the firearm to another person who is presently prohibited from possessing a firearm, they will now be charged with a felony crime-- a Class H felony. With it will come at minimum a \$500 fine with possible imprisonment up to 6 years. Even though current law prohibits a federally licensed firearms dealer from transferring a handgun to a person following a sale until the person has allegedly provided truthful identification to the firearms dealer, fines are minimal and it is not currently considered an actionable felony.

Illegal gun use is serious business and that is why the teeth in AB 373 is necessary if we are going to signal that illegal gun purchases in this state are wrong and won't be tolerated. DOJ will have new authority to prosecute such violations. Those who wish to skirt the law will know that every community leader and law enforcement in this state will be diligent in efforts to reduce the illegal purchase of guns that end up hurting law abiding citizens of this state. We thank Rep. Gunderson and Senator Darling and lawmakers for their leadership on this issue.





Robert Turner

STATE REPRESENTATIVE
TO THE 61ST ASSEMBLY DISTRICT

December 7, 2009

Mr. Norm Jacobs
Acting Chief of Police
Beloit Police Department
100 State Street
Beloit, WI 53511

Dear Acting Chief Jacobs:

Representative Kim Hixon has forwarded copies of the letters you sent to him expressing your support for Assembly Bill 373 and Assembly Bill 518. I appreciated hearing from you on this legislation. In the future, please feel free to comment on any legislation pending in the Criminal Justice Committee. I welcome your views and experience.

Sincerely,

Robert L. Turner
Chair, Assembly Criminal Justice Committee

RLT/nam





To: Bob
From: Nancy
Date: February 10, 2010
Re: Attached Bill Co-sponsorship

Bob, this bill is a combination of two bills that have already been referred to the Criminal Justice Committee:

- Rep. Hraychuck's AB 357, which was passed out of Committee on December 10, 2009; (bill status attached) and
- Rep. Gunderson's AB 373, (bill folder attached), which has received a public hearing, but not an executive session.

Tom Kelly from Rep. Staskunas' office stopped by and asked (per his boss), that you give this new bill an public hearing and executive session on the same day, asap, in order to move the bill along. The deadline for signatures is February 12th, so it will probably be referred to our committee within 10 days or so. Before introducing this bill, Rep. Hraychuck enlisted the support of the NRA and they are on board with this legislation.





NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
11250 WAPLES MILL ROAD
FAIRFAX, VIRGINIA 22030-7400

CHAIRMAN ROBERT TURNER
ASSEMBLY COMMITTEE ON CRIMINAL JUSTICE
328 NW
STATE CAPITOL
MADISON, WI

Date ?

MR. CHAIRMAN,

MY NAME IS JORDAN AUSTIN AND I AM A REGISTERED LOBBYIST SUBMITTING WRITTEN TESTIMONY ON BEHALF OF THE NATIONAL RIFLE ASSOCIATION IN SUPPORT OF AB 373.

THIS IMPORTANT LEGISLATION WILL CHANGE THE PENALTY FOR AN INDIVIDUAL WHO COMMITS A STRAW PURCHASE AND PROVIDES FALSE WRITTEN INFORMATION TO THE FEDERAL FIREARMS LICENSEE WHOM THE INDIVIDUAL IS PURCHASING THE FIREARM FROM. THE CURRENT PENALTY FOR COMMITTING A "STRAW PURCHASE" UNDER FEDERAL LAW IS A FELONY AND THIS BILL WOULD BRING WI STATE LAW INTO LINE WITH FEDERAL LAW.

A "STRAW PURCHASE" IS WHEN AN INDIVIDUAL, WHO IS NOT A PROHIBITED PERSON" PURCHASES A FIREARM AND THEN GIVES THE FIREARM TO ANOTHER INDIVIDUAL WHO IS A PROHIBITED PERSON. THIS ACT UNDER FEDERAL LAW IS A FELONY AND THEREFORE WOULD MAKE THE INDIVIDUAL WHO COMMITTED THE STRAW PURCHASE A PROHIBITED PERSON ALSO. BY BRINGING WI STATE LAW INTO LINE WITH FEDERAL LAW AND INCREASING THE PENALTY, LOCAL PROSECUTORS WOULD THEREFORE BE ABLE TO BRING THE FELONY CHARGE AGAINST THESE LAW BREAKERS.

STRAW PURCHASES ARE A SIGNIFICANT SOURCE OF FIREARMS FOR PROHIBITED PERSONS. UNFORTUNATELY, MANY TIMES IN WISCONSIN INDIVIDUALS COMMITTING STRAW PURCHASES WERE ONLY CHARGED WITH MISDEMEANORS AND COULD THEREFORE CONTINUE TO PURCHASE FIREARMS AND COMMIT STRAW PURCHASES. WITHOUT THE FELONY CONVICTION, THAT INDIVIDUAL WOULD NOT BE A PROHIBITED PERSON. IT IS VITALLY IMPORTANT THAT THESE INDIVIDUALS WHO COMMIT THESE STRAW PURCHASES BE PROHIBITED FROM PURCHASING AND POSSESSING FIREARMS IF CONVICTED. THIS WAY, THE NETWORK OF PERSONS THAT CRIMINALS USE TO ACQUIRE THEIR FIREARMS GROWS SMALLER AND SMALLER.

THE NATIONAL RIFLE ASSOCIATION URGES THIS COMMITTEE TO PASS THIS BILL

FAVORABLY OUT OF COMMITTEE FOR CONSIDERATION BY THE FULL ASSEMBLY. THIS LEGISLATION IS AN IMPORTANT STEP IN COMBATTING THE CRIME FACING THE BADGER STATE. IT IS ALSO CRITICAL THAT WE NOT ALLOW ANY AMENDMENTS IRRELEVANT TO OR DETRIMENTAL TO THE SUBSTANCE OF THIS BILL. I APPRECIATE THE OPPORTUNITY TO SUBMIT TESTIMONY ON THIS BILL AND AGAIN URGE YOUR SUPPORT.

JORDAN AUSTIN
WISCONSIN STATE LOBBYIST
NRA-ILA