

2011 DRAFTING REQUEST

Bill

Received: **04/21/2011**

Received By: **mglass**

Wanted: **As time permits**

Companion to LRB:

For: **Scott Fitzgerald (608) 266-5660**

By/Representing: **Hannah Huffman**

May Contact:

Drafter: **mglass**

Subject: **Nat. Res. - fish and game
Buildings/Safety - misc.
Criminal Law - guns and weapons**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Weapons in boats and cars

Instructions:

See attached

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>
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/1	mglass 04/21/2011	kfollett 04/21/2011	phenry 04/21/2011	_____	lparisi 04/21/2011		
/2	mglass 04/25/2011	kfollett 04/25/2011	jfrantze 04/25/2011	_____	mbarman 04/25/2011		
/3	mglass 04/27/2011	kfollett 04/27/2011	mduchek 04/27/2011	_____	sbasford 04/27/2011		
/4	mglass	kfollett	jfrantze	_____	mbarman		

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	07/18/2011	07/22/2011	07/25/2011	_____	07/25/2011		
/5	mglass 08/01/2011	kfollett 08/01/2011	jfrantze 08/01/2011	_____ _____	sbasford 08/01/2011		
/6	mglass 08/08/2011	wjackson 08/08/2011	phenry 08/09/2011	_____ _____	ggodwin 08/09/2011	ggodwin 09/13/2011	

FE Sent For:

↳ Not Needed

<END>

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/6 WLj 8/8

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15KJF
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Bows and crossbows in boats and cars

Instructions:

See attached

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4 cjs 7/22
11 7/22
R3 7/22

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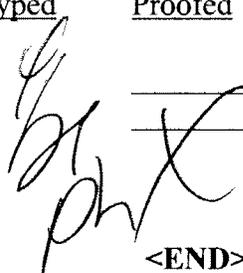
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/?	mglass	1/1 jf 4/21					

FE Sent For: <END>

Hanaman, Cathlene

From: Huffman, Hannah
Sent: Wednesday, April 20, 2011 2:59 PM
To: Hanaman, Cathlene
Subject: RE: Question on the gun case bill

Importance: High

Attachments: GunCaseBill.doc; GunCaseBill.pdf

Hi Cathlene –
The language for the “gun case bill is attached. Could we put a rush on it please?



GunCaseBill.doc
(27 KB)



GunCaseBill.pdf
(137 KB)

Thank a lot!

- Hannah

From: Hanaman, Cathlene
Sent: Tuesday, April 19, 2011 10:18 AM
To: Huffman, Hannah
Subject: RE: Question on the gun case bill

[REDACTED]

carry and... please let me know and I will be happy to do it right away. I apologize for not knowing what the gun case bill is.

[REDACTED]

Cathlene Hanaman

From: Huffman, Hannah
Sent: Tuesday, April 19, 2011 8:57 AM
To: LRB.Legal
Subject: Question on the gun case bill

Good morning –
Checking in to see who is drafting the “gun case bill?” If I could get an update on what the status of the draft is, that would be great.

Thanks!

Hannah Huffman
Office of Senator Scott Fitzgerald
Senate Majority Leader
608.266.5660

167.31 SAFEGUARDS

(dm) "Implement of husbandry" has the meaning given in s. 340.01 (24).

(e) "Motorboat" has the meaning given under s. 30.50 (6).

(em) "Peace officer" has the meaning given in s. 939.22 (22).

(et) "Private security person" has the meaning given in s. 440.26 (1m) (h).

(f) "Roadway" has the meaning given under s. 340.01 (54).

(fm) "Street" means a highway that is within the corporate limits of a city or village.

(fr) "Transmission facility" means any pipe, pipeline, duct, wire, cable, line, conduit, pole, tower, equipment, or other structure used to transmit or distribute electricity to or for the public or to transmit or distribute communications or data to or from the public.

(g) "Unloaded" means any of the following:

1. Having no shell or cartridge in the chamber of a firearm or in the magazine attached to a firearm.

2. In the case of a cap lock muzzle-loading firearm, having the cap removed.

3. In the case of a flint lock muzzle-loading firearm, having the flashpan cleaned of powder.

(h) "Vehicle" has the meaning given in s. 340.01 (74), and includes a snowmobile, as defined in s. 340.01 (58a), and an electric personal assistive mobility device, as defined in s. 340.01 (15pm), except that for purposes of subs. (4) (c) and (cg) and (4m) "vehicle" has the meaning given for "motor vehicle" in s. 29.001 (57).

(2) PROHIBITIONS; MOTORBOATS AND VEHICLES; HIGHWAYS AND ROADWAYS. (a) Except as provided in sub. (4), no person may place, possess or transport a firearm, bow or crossbow in or on a motorboat with the motor running, unless the firearm is unloaded or unless the bow or crossbow is unstrung or is enclosed in a carrying case: *not at the ready to shoot a bolt or arrow.*

(b) Except as provided in sub. (4), no person may place, possess or transport a firearm, bow or crossbow in or on a vehicle, unless the firearm is unloaded and encased or unless the bow or crossbow is unstrung or is enclosed in a carrying case: *not at the ready to shoot a bolt or arrow.*

(c) Except as provided in sub. (4), no person may load or discharge a firearm or shoot a bolt or an arrow from a bow or crossbow in or from a vehicle.

(d) Except as provided in sub. (4) (a), (bg), (cg), (e), and (g), no person may discharge a firearm or shoot a bolt or an arrow from a bow or crossbow from or across a highway or within 50 feet of the center of a roadway.

(e) A person who violates pars. (a) to (d) is subject to a forfeiture of not more than \$100.

(3) PROHIBITIONS; AIRCRAFT. (a) Except as provided in sub. (4), no person may place, possess or transport a firearm, bow or crossbow in or on an aircraft, unless the firearm is unloaded and encased or unless the bow or crossbow is unstrung or is enclosed in a carrying case.

(b) Except as provided in sub. (4), no person may load or discharge a firearm or shoot a bolt or an arrow from a bow or crossbow in or from an aircraft.

(c) A person who violates par. (a) or (b) shall be fined not more than \$1,000 or imprisoned not more than 90 days or both.

(3m) PROHIBITIONS; TRANSMISSION FACILITIES. (a) Except as provided in sub. (4) (b) and (h), no person may intentionally discharge a firearm in the direction of a transmission facility.

(b) A person who violates par. (a) and causes damage to a transmission facility is subject to a forfeiture of not more than \$100.

(c) In addition to any forfeiture imposed under par. (b), the court shall revoke any hunting license under ch. 29 that is issued to the person found in violation for a period of one year.

(d) In addition to any forfeiture imposed under par. (b) and the revocation required under par. (c), the court shall enter a restitution order that requires the defendant to pay to the owner of the

transmission facility the reasonable cost of the repair or replacement of the transmission facility.

(4) EXCEPTIONS. (a) Subsections (2) and (3) do not apply to any of the following who, in the line of duty, place, possess, transport, load or discharge a firearm in, on or from a vehicle, motorboat or aircraft or discharge a firearm from or across a highway or within 50 feet of the center of a roadway:

2. A member of the U.S. armed forces.

3. A member of the national guard.

4. A private security person who meets all of the following requirements:

a. He or she holds either a private detective license issued under s. 440.26 (2) (a) 2. or a private security permit issued under s. 440.26 (5).

b. He or she holds a certificate of proficiency to carry a firearm issued by the department of regulation and licensing.

c. He or she is performing his or her assigned duties or responsibilities.

d. He or she is wearing a uniform that clearly identifies him or her as a private security person.

e. His or her firearm is in plain view, as defined by rule by the department of regulation and licensing.

(am) 1. Subsections (2) (a), (c) and (d) and (3) (a) and (b) do not apply to a peace officer who, in the line of duty, loads or discharges a firearm in, on or from a vehicle, motorboat or aircraft or discharges a firearm from or across a highway or within 50 feet of the center of a roadway.

2. Subsection (2) (b) does not apply to a peace officer who places, possesses or transports a firearm in or on a vehicle, motorboat or aircraft while in the line of duty.

3. Subsection (2) (b) does not apply to a person employed as a peace officer who places, possesses or transports a firearm in or on a vehicle while traveling in the vehicle from his or her residence to his or her place of employment as a peace officer.

(b) Subsections (2) (a), (b) and (c), (3) (a) and (b), and (3m) do not apply to the holder of a scientific research license under s. 169.25 or a scientific collector permit under s. 29.614 who is using a net gun or tranquilizer gun in an activity related to the purpose for which the license or permit was issued.

(bg) 1. Subsection (2) (a), (b), (c), and (d) does not apply to a state employee or agent, or to a federal employee or agent, who is acting within the scope of his or her employment or agency, who is authorized by the department of natural resources to take animals in the wild for the purpose of controlling the spread of disease in animals and who is hunting in an area designated by the department of natural resources as a chronic wasting disease eradication zone, except that this subdivision does not authorize the discharge of a firearm or the shooting of a bolt or arrow from a bow or crossbow across a state trunk highway, county trunk highway, or paved town highway.

1g. Subsection (2) (b) and (c) does not apply to a landowner, a family member of the landowner, or an employee of the landowner who is using a firearm, bow, or crossbow to shoot wild animals from a farm tractor or an implement of husbandry on the landowner's land that is located in an area designated by the department of natural resources as a chronic wasting disease eradication zone.

2. This paragraph does not apply after June 30, 2010.

(bn) Subsection (2) (a) does not apply to a person using a bow or a crossbow for fishing from a motorboat.

(bt) Subsection (2) (b) does not apply to the placement, possession, or transportation of an unloaded firearm in or on a vehicle if all of the following apply:

1. The vehicle is a self-propelled motor vehicle with 4 rubber-tired wheels.

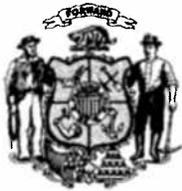
2. The vehicle is not certified by the manufacturer for on-road use.

167.31(2)(a)

- Replace “*unstrung or is enclosed in a carrying case*” with “*not at the ready to shoot a bolt or arrow*”

167.31(2)(b)

- Delete “*and encased*”
- Replace “*unstrung or is enclosed in a carrying case*” with “*not at the ready to shoot a bolt or arrow*”



State of Wisconsin
2011 - 2012 LEGISLATURE



RMR

LRB-1965-1

MGG: k/f

D-N today

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Gen

1
2

AN ACT ...; relating to: placing, possessing, or transporting a ~~firearm~~ bow or crossbow in or on a motorboat or in or on a vehicle.

Analysis by the Legislative Reference Bureau

Under current law, with some exceptions, no one may place, possess, or transport a bow or crossbow in or on a motorboat or vehicle unless the bow or arrow is unstrung or is enclosed in a carrying case. Under the bill, the bow or crossbow may be unstrung or outside a case but must be unloaded or have not been readied for firing.

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

SECTION 1. 167.31 (2) (a) of the statutes is amended to read:

167.31 (2) (a) Except as provided in sub. (4), no person may place, possess or transport a firearm, bow or crossbow in or on a motorboat with the motor running, unless the firearm is unloaded or unless the bow or crossbow is unstrung or is enclosed in a carrying case unloaded or has not been readied for firing.

History: 1985 a. 36; 1987 a. 27, 353; 1991 a. 77; 1993 a. 147; 1995 a. 122, 201; 1997 a. 248, 249; 1999 a. 32, 158; 2001 a. 8, 56, 90, 108; 2003 a. 33, 139, 326; 2005 a. 169, 253, 286, 345; 2007 a. 97; 2009 a. 246.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1965/?dn
MGG:...

1
JF

Date

X I have tried to make the concept of "at the ready" more precise and less vague in this
X draft. Vague language can make it difficult to enforce a prohibition such as this. Due
to the various different types of mechanism and safety features related to firing
crossbows, I cannot make this language more precise without talking to someone who
is knowledgeable in this field. I would be happy to talk with someone if you wish.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1965/1dn
MGG:kjf:ph

April 21, 2011

I have tried to make the concept of "at the ready" more precise and less vague in this draft. Vague language can make it difficult to enforce a prohibition such as this. Due to the various different types of mechanisms and safety features related to firing crossbows, I cannot make this language more precise without talking to someone who is knowledgeable in this field. I would be happy to talk with someone if you wish.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

Gibson-Glass, Mary

From: Huffman, Hannah
Sent: Thursday, April 21, 2011 10:45 PM
To: Gibson-Glass, Mary
Subject: RE: Clarification for Gun Case Bill

Thank you Mary. I did see the draft. We still need the language included for guns though.

Thanks! And yes, that is fine that it would wait until Monday. I apologize that my previous e-mail may have been a bit confusing.

- Hannah

-----Original Message-----

From: Gibson-Glass, Mary
Sent: Thu 4/21/2011 7:36 PM
To: Huffman, Hannah
Subject: RE: Clarification for Gun Case Bill

Hannah,

I was not planning on coming in tomorrow (Good Friday). I assume you have seen the draft I prepared today. However, if this cannot wait until Monday let me know.

Mary

From: Huffman, Hannah
Sent: Thu 4/21/2011 4:08 PM
To: Gibson-Glass, Mary
Subject: FW: Clarification for Gun Case Bill

Further clarification -

"at the ready" would really only refer to bows and crossbows.

- Hannah

From: Huffman, Hannah
Sent: Thursday, April 21, 2011 3:27 PM
To: Gibson-Glass, Mary
Subject: Clarification for Gun Case Bill

Mary -

Here is some clarification on the term "not at the ready:"

Crossbow = the strings not back and the crossbow is ~~not~~^{UN} cocked.

Bow = no arrow nocked

Gun - no bullets in the gun (there should already be a statutory definition for loaded or unloaded)

Let me know if you still need any more clarification!

Thanks,

Hannah Huffman

Office of Senator Scott Fitzgerald

Senate Majority Leader

608.266.5660



State of Wisconsin
2011 - 2012 LEGISLATURE



RAR

LRB-1965/12
MGG:kjf:ph

today

2011 BILL

a firearm in ~~a~~ ^{or} or on a vehicle,
or a

1 AN ACT to amend 167.31 (2) (a) and 167.31 (2) (b) of the statutes; relating to:
2 placing, possessing, or transporting a bow or crossbow in or on a motorboat or
3 in or on a vehicle.

Analysis by the Legislative Reference Bureau

Under current law, with some exceptions, no one may place, possess, or transport a bow or crossbow in or on a motorboat or vehicle unless the bow or arrow is unstrung or is enclosed in a carrying case. Under the bill, the bow or crossbow may be unstrung or outside a case but must be unloaded or have not been readied for firing.

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

INS
ANK

4 SECTION 1. 167.31 (2) (a) of the statutes is amended to read:
5 167.31 (2) (a) Except as provided in sub. (4), no person may place, possess or
6 transport a firearm, ~~bow or crossbow~~ in or on a motorboat with the motor running,
7 unless the firearm is unloaded or unless the bow or crossbow is unstrung or is
8 enclosed in a carrying case unloaded or has not been readied for firing.

1 **Insert ANL**

Under current law, with some exceptions, no person may place, possess, or transport a firearm in or on a vehicle unless the firearm is encased and unloaded. Under the bill, the firearm may be outside a case but must be unloaded.

Under current law, with some exceptions, no person may place, possess, or transport a bow or crossbow in or on a motorboat or a vehicle unless the bow or crossbow is unstrung or is encased. Under the bill, the bow or crossbow may be strung and outside a case, but a bow may not have an arrow nocked and a crossbow may not have the strings drawn back or be cocked.

2 **Insert 2-5**

SECTION 1. 167.31 (2) (a) of the statutes is amended to read:

3 167.31 (2) (a) Except as provided in sub. (4), no person may place, possess, or
4 transport a firearm, bow, or crossbow in or on a motorboat with the motor running,
5 unless the firearm is unloaded ~~or,~~ unless the bow ~~or~~ does not have an arrow nocked,
6 or unless the strings of the crossbow is unstrung or is enclosed in a carrying case are
7 not back and the crossbow is not cocked.

History: 1985 a. 36; 1987 a. 27, 353; 1991 a. 77; 1993 a. 147; 1995 a. 122, 201; 1997 a. 248, 249; 1999 a. 32, 158; 2001 a. 8, 56, 90, 108; 2003 a. 33, 139, 326; 2005 a. 169, 253, 286, 345; 2007 a. 97; 2009 a. 246.

8 **SECTION 2.** 167.31 (2) (b) of the statutes is amended to read:

9 167.31 (2) (b) Except as provided in sub. (4), no person may place, possess, or
10 transport a firearm, bow, or crossbow in or on a vehicle, unless the firearm is
11 unloaded ~~and encased or,~~ unless the bow ~~or~~ does not have an arrow nocked, or unless
12 the strings of the crossbow is unstrung or is enclosed in a carrying case are not back
13 and the crossbow is not cocked.

History: 1985 a. 36; 1987 a. 27, 353; 1991 a. 77; 1993 a. 147; 1995 a. 122, 201; 1997 a. 248, 249; 1999 a. 32, 158; 2001 a. 8, 56, 90, 108; 2003 a. 33, 139, 326; 2005 a. 169, 253, 286, 345; 2007 a. 97; 2009 a. 246.

Gibson-Glass, Mary

From: Huffman, Hannah
Sent: Tuesday, April 26, 2011 4:32 PM
To: Gibson-Glass, Mary
Subject: RE: Clarification for Gun Case Bill

Mary –

Sorry to bug you again about the gun case bill – but could you make the following drafting change please? We can simplify the crossbow language by having it read:

"...unless the bow does not have an arrow nocked or unless the crossbow is not cocked."

Thanks!

Hannah Huffman

Office of Senator Scott Fitzgerald
Senate Majority Leader
608.266.5660

From: Gibson-Glass, Mary
Sent: Thursday, April 21, 2011 7:36 PM
To: Huffman, Hannah
Subject: RE: Clarification for Gun Case Bill

Hannah,

I was not planning on coming in tomorrow (Good Friday). I assume you have seen the draft I prepared today. However, if this cannot wait until Monday let me know.

Mary

From: Huffman, Hannah
Sent: Thu 4/21/2011 4:08 PM
To: Gibson-Glass, Mary
Subject: FW: Clarification for Gun Case Bill

Further clarification –

"at the ready" would really only refer to bows and crossbows.

- Hannah

From: Huffman, Hannah
Sent: Thursday, April 21, 2011 3:27 PM
To: Gibson-Glass, Mary
Subject: Clarification for Gun Case Bill

Mary –

Here is some clarification on the term "not at the ready:"

4/27/2011

Crossbow = the strings not back and the crossbow is not cocked.

Bow = no arrow nocked

Gun - no bullets in the gun (there should already be a statutory definition for loaded or unloaded)

Let me know if you still need any more clarification!

Thanks,

Hannah Huffman

Office of Senator Scott Fitzgerald

Senate Majority Leader

608.266.5660



State of Wisconsin
2011 - 2012 LEGISLATURE



RMR

LRB-1965/2 3
MGG:kjf:jf

today

2011 BILL

legen

1 AN ACT to amend 167.31 (2) (a) and 167.31 (2) (b) of the statutes; relating to:
2 placing, possessing, or transporting a firearm in or on a vehicle, or a bow or
3 crossbow in or on a motorboat or in or on a vehicle.

Analysis by the Legislative Reference Bureau

Under current law, with some exceptions, no person may place, possess, or transport a firearm in or on a vehicle unless the firearm is encased and unloaded. Under the bill, the firearm may be outside a case but must be unloaded.

Under current law, with some exceptions, no person may place, possess, or transport a bow or crossbow in or on a motorboat or a vehicle unless the bow or crossbow is unstrung or is encased. Under the bill, the bow or crossbow may be strung and outside a case, but a bow may not have an arrow nocked and a crossbow may not ~~have the strings drawn back or~~ be cocked.

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

4 SECTION 1. 167.31 (2) (a) of the statutes is amended to read:
5 167.31 (2) (a) Except as provided in sub. (4), no person may place, possess, or
6 transport a firearm, bow, or crossbow in or on a motorboat with the motor running,

BILL

PLAIN

1 unless the firearm is unloaded ~~or~~, unless the bow ~~or~~ does not have an arrow nocked,
 2 ~~or unless the strings of the crossbow is unstrung or is enclosed in a carrying case are~~
 3 ~~not back and the crossbow is not cocked.~~

SECTION 2. 167.31 (2) (b) of the statutes is amended to read:

5 167.31 (2) (b) Except as provided in sub. (4), no person may place, possess, or
 6 transport a firearm, bow, or crossbow in or on a vehicle, unless the firearm is
 7 unloaded ~~and encased or~~, unless the bow ~~or~~ does not have an arrow nocked, or unless
 8 the strings of the crossbow is unstrung or is enclosed in a carrying case ~~are not back~~
 9 and the crossbow is not cocked.

(END)

PLAIN

10

From: Huffman, Hannah
Sent: Thursday, June 23, 2011 3:13 PM
To: Gibson-Glass, Mary
Subject: More Changes to Gun Case Bill

Hello Mary –

Would you be able to draft some changes to the gun case bill?

1. Amend to recognize the uncased but loaded handgun language passed in ccw bill
2. Apply to ATVs in addition to vehicles, which are addressed in the bill ✓
3. Allow for a loaded gun ON a stationary vehicle

Please let me know if you have any questions.

Thank you.

Hannah Huffman

Office of Senator Scott Fitzgerald
Senate Majority Leader
608.266.5660



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1965/4
MGG:f.md

RMR

MONDAY MORNING 9:00
2011 BILL

soon

7/18

gjs

str

Gen Cat

bows or crossbow

1 AN ACT *to amend* 167.31 (2) (a) and 167.31 (2) (b) of the statutes; relating to:
2 placing, possessing, or transporting a firearm in or on a vehicle, or a bow or
3 crossbow in or on a motorboat or in or on a vehicle.
or

INS ANL4

Analysis by the Legislative Reference Bureau

Under current law, with some exceptions, no person may place, possess, or transport a firearm in or on a vehicle unless the firearm is encased and unloaded. Under the bill, the firearm may be outside a case but must be unloaded.

Under current law, with some exceptions, no person may place, possess, or transport a bow or crossbow in or on a motorboat or a vehicle unless the bow or crossbow is unstrung or is encased. Under the bill, the bow or crossbow may be strung and outside a case, but a bow may not have an arrow nocked and a crossbow may not be cocked.

INSERT ANL 2

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

4 SECTION 1. 167.31 (2) (a) of the statutes is amended to read:
5 167.31 (2) (a) Except as provided in sub. (4), no person may place, possess, or
6 transport a firearm, bow, or crossbow in or on a motorboat with the motor running,

BILL

1 ~~unless the firearm is unloaded or, unless the bow or does not have an arrow nocked,~~
2 ~~or unless the crossbow is unstrung or is enclosed in a carrying case not cocked.~~

3 **SECTION 2.** 167.31 (2) (b) of the statutes is amended to read:

4 167.31 (2) (b) Except as provided in sub. (4), no person may place, possess, or
5 transport a firearm, bow, or crossbow in ~~or on~~ a vehicle, unless the firearm is
6 unloaded ~~and encased or, unless the bow or does not have an arrow nocked, or unless~~
7 ~~the~~ crossbow is unstrung or is enclosed in a carrying case not cocked.

8 (END)

INSERT 2-8

1

Insert ANL1

~~not~~ The bill also allows a person to place or possess such a firearm that is loaded on a vehicle if the vehicle is stationary.

Under current law, no person may operate an all-terrain vehicle (ATV) with a firearm, other than a handgun, in his or her possession unless the firearm is unloaded and encased. Under the bill, the firearm may be outside a case but must be unloaded.

2

Insert ANL2

Under current law no person may operate an ATV with a bow in his or her possession unless the bow is unstrung or encased. The bill expands this provision to specifically include crossbows. Under the bill, a bow or crossbow may be strung and outside a case, but a bow may not have an arrow nocked and a crossbow may not be cocked.

3

Insert 2-8

4

SECTION 1. 23.33 (3) (e) of the statutes, as affected by 2011 Wisconsin Act 35, is

amended to read:

23.33 (3) (e) With any firearm in his or her possession unless the firearm is unloaded and enclosed in a carrying case or unless the firearm is a handgun, as defined in s. 175.60 (1) (bm), or any bow unless it is unstrung or enclosed in a carrying case.

History: 2011 a. 35.

10

SECTION 2. 23.33 (3) (eg) of the statutes is created to read:

11

23.33 (3) (eg) With any crossbow in his or her possession unless the crossbow

12

is uncocked.

13

SECTION 3. 23.33 (3) (er) of the statutes is created to read:

14

23.33 (3) (er) With any bow in his or her possession unless the bow does not

15

have an arrow nocked.

16

SECTION 4. 167.31 (1) (e) of the statutes is created to read:

17

167.31 (1) (e) "Handgun" has the meaning given in s. 175.60 (1) (bm).

renumbered 167.31 (2)(a)(intro.) and

Fix component

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SECTION 5. 167.31 (2) (a) of the statutes, as affected by 2011 Wisconsin Act 35,

is amended to read: (intro.)

167.31 (2) (a) Except as provided in sub. (4), no person may place, possess, or transport a firearm, bow, or crossbow in or on a motorboat with the motor running, unless the one of the following ^{ies} apply:

1. The firearm is unloaded or is a handgun, as defined in s. 175.60 (1) (bm), unless the firearm is unloaded, or unless the,

2. The bow or crossbow is unstrung or is enclosed in a carrying case does not have an arrow ⁿ focked.

History: 2011 a. 35.

SECTION 6. 167.31 (2) (a) 3. of the statutes is created to read:

167.31 (2) (a) 3. The crossbow is not cocked.

35
6

SECTION 7. 167.31 (2) (b) of the statutes, as affected by 2011 Wisconsin Act 30,

is amended to read: renumbered 167.31(2)(b)(intro.) and

167.31 (2) (b) Except as provided in sub. (4), no person may place, possess, or transport a firearm, bow, or crossbow in or on a vehicle, unless the one of the following ^{ies} apply: is ← plain

1. The firearm is unloaded or a handgun, as defined in s. 175.60 (1) (bm), unless the firearm is unloaded and encased, or unless the,

2. The bow or crossbow is unstrung or is enclosed in a carrying case does not have an arrow ⁿ focked.

History: 2011 a. 35.

SECTION 8. 167.31 (2) (b) 3. of the statutes is created to read:

167.31 (2) (b) 3. The crossbow is not cocked.

Fix component

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1 **SECTION 9.** 167.31 (2) (c) of the statutes, as affected by 2011 Wisconsin Act 35, ✓
2 is amended to read:

3 167.31 (2) (c) Except as provided in sub. (4), no person may load a firearm, other
4 than a handgun, as defined in s. 175.60 (1) (bm), in a vehicle or discharge a firearm
5 or shoot a bolt or an arrow from a bow or crossbow in or from a vehicle.

History: 2011 a. 35.

6 **SECTION 10.** 167.31 (3) (a) 2. of the statutes, as created by 2011 Wisconsin Act ✓
7 35, is amended to read:

8 167.31 (3) (a) 2. Place, possess, or transport a firearm, bow, or crossbow in or
9 on a noncommercial aircraft, unless the firearm is unloaded and encased or the
10 firearm is a handgun, as defined in s. 175.60 (1) (bm), or unless the bow or crossbow
11 is unstrung or is enclosed in a carrying case.

History: 2011 a. 35.

12 **SECTION 11.** 167.31 (4) (ag) of the statutes is created to read:

13 167.31 (4) (ag) Subsection (2) (b) 1. does not apply to a firearm that is placed ✓
14 or possessed on a vehicle that is stationary.

15 **SECTION 12. Effective date.**

16 (1) This act takes effect on November 2, 2011 or on the day after publication,
17 whichever is later.

1
A

Gibson-Glass, Mary

From: Richard, Rob
Sent: Friday, July 29, 2011 12:33 PM
To: Gibson-Glass, Mary
Subject: LRB-1965 draft

Mary:

Please make two changes to the draft:

- 1) In the analysis, first paragraph, last sentence, please delete "in or" after "loaded". This conflicts with the actual language on page 4, line 7.
- 2) Just like the proposed provision for a vehicle, the bill should allow a person to place or possess a firearm that is loaded on an ATV if the ATV is stationary. *See d note*

Thanks,

Rob Richard

Legislative Aide
Office of Senator Scott Fitzgerald
Senate Majority Leader
608-266-5660



State of Wisconsin
2011 - 2012 LEGISLATURE



RMR

LRB-1965/4 5
MGG:cjs:jf

D-N

2011 BILL

Mon
AM

Regen

1 AN ACT *to renumber and amend* 167.31 (2) (a) and 167.31 (2) (b); *to amend*
2 23.33 (3) (e), 167.31 (2) (c) and 167.31 (3) (a) 2.; and *to create* 23.33 (3) (eg),
3 23.33 (3) (er), 167.31 (1) (cm), 167.31 (2) (a) 3., 167.31 (2) (b) 3. and 167.31 (4)
4 (ag) of the statutes; **relating to:** placing, possessing, or transporting a firearm,
5 bow, or crossbow in or on a vehicle or in or on a motorboat.

Analysis by the Legislative Reference Bureau

X

Under current law, with some exceptions, no person may place, possess, or transport a firearm in or on a vehicle unless the firearm is encased and unloaded. Under the bill, the firearm may be outside a case but must be unloaded. The bill also allows a person to place or possess such a firearm that is loaded ~~in~~ on a vehicle if the vehicle is stationary.

Under current law, no person may operate an all-terrain vehicle (ATV) with a firearm, other than a handgun, in his or her possession unless the firearm is unloaded and encased. Under the bill, the firearm may be outside a case but must be unloaded.

Under current law, with some exceptions, no person may place, possess, or transport a bow or crossbow in or on a motorboat or a vehicle unless the bow or crossbow is unstrung or is encased. Under the bill, the bow or crossbow may be strung and outside a case, but a bow may not have an arrow nocked and a crossbow may not be cocked.

Under current law no person may operate an ATV with a bow in his or her possession unless the bow is unstrung or encased. The bill expands this provision

BILL

to specifically include crossbows. Under the bill, a bow or crossbow may be strung and outside a case, but a bow may not have an arrow nocked and a crossbow may not be cocked.

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

1 **SECTION 1.** 23.33 (3) (e) of the statutes, as affected by 2011 Wisconsin Act 35,
2 is amended to read:

3 23.33 (3) (e) With any firearm in his or her possession unless it the firearm is
4 unloaded ~~and enclosed in a carrying case~~ or ~~unless the firearm~~ is a handgun, as
5 defined in s. 175.60 (1) (bm), ~~or any bow unless it is unstrung or enclosed in a carrying~~
6 ~~ease.~~

7 **SECTION 2.** 23.33 (3) (eg) of the statutes is created to read:

8 23.33 (3) (eg) With any crossbow in his or her possession unless the crossbow
9 is uncocked.

10 **SECTION 3.** 23.33 (3) (er) of the statutes is created to read:

11 23.33 (3) (er) With any bow in his or her possession unless the bow does not
12 have an arrow nocked.

13 **SECTION 4.** 167.31 (1) (cm) of the statutes is created to read:

14 167.31 (1) (cm) "Handgun" has the meaning given in s. 175.60 (1) (bm).

15 **SECTION 5.** 167.31 (2) (a) of the statutes, as affected by 2011 Wisconsin Act 35,
16 is renumbered 167.31 (2) (a) (intro.) and amended to read:

17 167.31 (2) (a) (intro.) Except as provided in sub. (4), no person may place,
18 possess, or transport a firearm, bow, or crossbow in or on a motorboat with the motor
19 running, unless the one of the following applies:

BILL

1 1. ~~The firearm is unloaded or is a handgun, as defined in s. 175.60 (1) (bm),~~
2 ~~unless the firearm is unloaded, or unless the~~

3 2. ~~The bow or crossbow is unstrung or is enclosed in a carrying case does not~~
4 ~~have an arrow nocked.~~

5 **SECTION 6.** 167.31 (2) (a) 3. of the statutes[✓] is created to read:

6 167.31 (2) (a) 3. The crossbow is not cocked.

7 **SECTION 7.** 167.31 (2) (b) of the statutes[✓], as affected by 2011 Wisconsin Act 35,
8 is renumbered 167.31 (2) (b) (intro.) and amended to read:

9 167.31 (2) (b) (intro.) Except as provided in sub. (4), no person may place,
10 possess, or transport a firearm, bow, or crossbow in or on a vehicle, unless the one of
11 the following applies:

12 1. ~~The firearm is unloaded or is a handgun, as defined in s. 175.60 (1) (bm),~~
13 ~~unless the firearm is unloaded and encased, or unless the~~

14 2. ~~The bow or crossbow is unstrung or is enclosed in a carrying case does not~~
15 ~~have an arrow nocked.~~

16 **SECTION 8.** 167.31 (2) (b) 3. of the statutes[✓] is created to read:

17 167.31 (2) (b) 3. The crossbow is not cocked.

18 **SECTION 9.** 167.31 (2) (c) of the statutes[✓], as affected by 2011 Wisconsin Act 35,
19 is amended to read:

20 167.31 (2) (c) Except as provided in sub. (4), no person may load a firearm, other
21 than a handgun, ~~as defined in s. 175.60 (1) (bm),~~ in a vehicle or discharge a firearm
22 or shoot a bolt or an arrow from a bow or crossbow in or from a vehicle.

23 **SECTION 10.** 167.31 (3) (a) 2. of the statutes[✓], as created by 2011 Wisconsin Act
24 35, is amended to read:

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

Use 1965/40n 5
LRB-1965/Adn
MGG:ejj

Date

gf

Use: check all spacing please

(4) (ag)

Attention Rob:

It is possible that the definition of "vehicle" for purposes of s. 167.31 (2) (b), in current law and as treated in this draft, could be interpreted to exclude ATVs. If that were the case, the prohibition in s. 167.31 (2) (b) would not cover ATVs in the first place. However, for purposes of this draft, it does not matter whether "vehicle" includes ATVs because any "vehicle" subject to the prohibition under s. 167.31 (2) (b) is exempted under s. 167.31 (4g) and, therefore, no additional language is necessary. If you want a further explanation regarding as how the definition of "vehicle" is used in s. 167.30 and the ambiguities caused, let me know.

In light of this issue, please review s. 23.33 (3) (intro.) and (e), and the definition of "operate" which is used in s. 23.33 (3) (intro.). See s. 23.33 (1) (ir). The definition of "operate" is very broad and includes the scenario when any of an ATVs controls are activated. This includes, sitting on an ATV with the motor running. If you want the exemption in s. 23.33 (3) to apply when an ATV's controls are "activated" additional drafting will be required. Also, it is unclear whether the exemption under s. 167.31 (4g) applies when a vehicle's motor is running or is in gear because there is no definition of "stationary." I do not know how, or if, DNR interprets the word "stationary."

If you wish for me to speak with DNR to find out how they currently interpret these any of the provisions described above, please let me know.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

even with even with

(4) (ag)

may include

not

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1965/5dn
MGG:kjf:jf

August 1, 2011

Attention Rob:

It is possible that the definition of "vehicle" for purposes of s. 167.31 (2) (b), in current law and as treated in this draft, could be interpreted to exclude ATVs. If that were the case, the prohibition in s. 167.31 (2) (b) would not cover ATVs in the first place. However, for purposes of this draft, it does not matter whether "vehicle" includes ATVs because any "vehicle" subject to the prohibition under s. 167.31 (2) (b) 1. is exempted under s. 167.31 (4) (ag) and, therefore, no additional language is necessary. If you want a further explanation regarding how the definition of "vehicle" is used in s. 167.30 and the ambiguities caused, let me know.

In light of this issue, please review s. 23.33 (3) (intro.) and (e), and the definition of "operate," which is used in s. 23.33 (3) (intro.). See s. 23.33 (1) (ir). The definition of "operate" is very broad and includes the scenario when any of an ATVs controls are activated. This may include sitting on an ATV even with the motor not running. If you want the exemption in s. 23.33 (3) to apply when an ATV's controls are "activated," additional drafting will be required. Also, it is unclear whether the exemption under s. 167.31 (4) (ag) applies when a vehicle's motor is running or is in gear because there is no definition of "stationary." I do not know how, or if, DNR interprets the word "stationary."

If you wish for me to speak with DNR to find out how they currently interpret any of the provisions described above, please let me know.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1965/5dn
MGG:kjf:jf

August 1, 2011

Attention Rob:

It is possible that the definition of "vehicle" for purposes of s. 167.31 (2) (b), in current law and as treated in this draft, could be interpreted to exclude ATVs. If that were the case, the prohibition in s. 167.31 (2) (b) would not cover ATVs in the first place. However, for purposes of this draft, it does not matter whether "vehicle" includes ATVs because any "vehicle" subject to the prohibition under s. 167.31 (2) (b) 1. is exempted under s. 167.31 (4) (ag) and, therefore, no additional language is necessary. If you want a further explanation regarding how the definition of "vehicle" is used in s. 167.30 and the ambiguities caused, let me know.

In light of this issue, please review s. 23.33 (3) (intro.) and (e), and the definition of "operate," which is used in s. 23.33 (3) (intro.). See s. 23.33 (1) (ir). The definition of "operate" is very broad and includes the scenario when any of an ATVs controls are activated. This may include sitting on an ATV even with the motor not running. If you want the exemption in s. 23.33 (3) to apply when an ATV's controls are "activated," additional drafting will be required. Also, it is unclear whether the exemption under s. 167.31 (4) (ag) applies when a vehicle's motor is running or is in gear because there is no definition of "stationary." I do not know how, or if, DNR interprets the word "stationary."

If you wish for me to speak with DNR to find out how they currently interpret any of the provisions described above, please let me know.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

Gibson-Glass, Mary

From: Kite, Robin
Sent: Wednesday, August 03, 2011 11:45 AM
To: Gibson-Glass, Mary
Subject: LRB-1965

Rob from Fitzgerald's office called me about this draft (re: firearms, bows, and crossbows in vehicles). He knew that you were out of town but still wanted to talk about your drafter's note. With regard to the first paragraph of your Note, he agrees that no additional drafting is needed. With regard to the second paragraph, he wanted to explain his intent concerning the concept of "operating" a vehicle. He wants a hunter to be able to get off of a vehicle (e.g. truck, ATV, etc.) and keep the motor running, then load the weapon, and then get back on the vehicle and use it as a "mount". So he suggests that the draft be changed so that it is O.K. to have a loaded weapon on a vehicle as long as the vehicle is "not in motion". He prefers this phrase to the term "stationary" because he thinks it is more specific. As I think about it, I wonder if he thinks it would be O.K. to have the loaded weapon in a car that is running, but not in motion, and then shoot from a seat inside the car. I didn't ask him that question. Let's talk when you get back.

Robin

Robin N. Kite
Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
1 E. Main St., Suite 200
Madison, WI 53703
(608) 266-7291

conv w/ Rob
OK to define "stationary" for all of s. 167.31



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1965/A
MGG:cjs:jf

RMR
6

D-N

Fri AM
(8/12)

TWLj

2011 BILL

INSERT
ANL

Regen

1 AN ACT to renumber and amend 167.31 (2) (a) and 167.31 (2) (b); to amend
 2 23.33 (3) (e), 167.31 (2) (c) and 167.31 (3) (a) 2.; and to create 23.33 (3) (eg),
 3 23.33 (3) (er), 167.31 (1) (cm), 167.31 (2) (a) 3., 167.31 (2) (b) 3. and 167.31 (4)
 4 (ag) of the statutes; relating to: placing, possessing, or transporting a firearm,
 5 bow, or crossbow in or on a vehicle or in or on a motorboat.

Analysis by the Legislative Reference Bureau

Under current law, with some exceptions, no person may place, possess, or transport a firearm in or on a vehicle unless the firearm is encased and unloaded. Under the bill, the firearm may be outside a case but must be unloaded. The bill also allows a person to place or possess such a firearm that is loaded on a vehicle if the vehicle is stationary.

Under current law, no person may operate an all-terrain vehicle (ATV) with a firearm, other than a handgun, in his or her possession unless the firearm is unloaded and encased. Under the bill, the firearm may be outside a case but must be unloaded.

Under current law, with some exceptions, no person may place, possess, or transport a bow or crossbow in or on a motorboat or a vehicle unless the bow or crossbow is unstrung or is encased. Under the bill, the bow or crossbow may be strung and outside a case, but a bow may not have an arrow nocked and a crossbow may not be cocked.

Under current law no person may operate an ATV with a bow in his or her possession unless the bow is unstrung or encased. The bill expands this provision

BILL

to specifically include crossbows. Under the bill, a bow or crossbow may be strung and outside a case, but a bow may not have an arrow nocked and a crossbow may not be cocked.

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

1 Please
2 fix
3 comp

SECTION 1. 23.33 (3) (e) of the statutes, as affected by 2011 Wisconsin Act 35, is (renumbered) 23.33 (3c) (a) and

amended to read:
23.33 (3) (e) ~~With any firearm in his or her possession unless it the firearm is~~ ^{with} ~~unloaded and enclosed in a carrying case or unless the firearm is a handgun, as defined in s. 175.60 (1) (bm), or any bow unless it is unstrung or enclosed in a carrying ease.~~
~~With any firearm in his or her possession unless it the firearm is~~ [↓] ~~unloaded and enclosed in a carrying case or unless the firearm is a handgun, as defined in s. 175.60 (1) (bm), or any bow unless it is unstrung or enclosed in a carrying ease.~~ ^{with}

SECTION 2. 23.33 (3) (eg) of the statutes is created to read:

23.33 (3) (eg) With any crossbow in his or her possession unless the crossbow is uncocked.

SECTION 3. 23.33 (3) (er) of the statutes is created to read:

23.33 (3) (er) With any bow in his or her possession unless the bow does not have an arrow nocked.

SECTION 4. 167.31 (1) (cm) of the statutes is created to read:

167.31 (1) (cm) "Handgun" has the meaning given in s. 175.60 (1) (bm).

SECTION 5. 167.31 (2) (a) of the statutes, as affected by 2011 Wisconsin Act 35, is renumbered 167.31 (2) (a) (intro.) and amended to read:

167.31 (2) (a) (intro.) Except as provided in sub. (4), no person may place, possess, or transport a firearm, bow, or crossbow in or on a motorboat with the motor running, unless the one of the following applies:

INSERT
2-12

BILL

1 1. ~~The firearm is unloaded or is a handgun, as defined in s. 175.60 (1) (bm),~~
2 ~~unless the firearm is unloaded, or unless the~~

3 2. ~~The bow or crossbow is unstrung or is enclosed in a carrying case does not~~
4 ~~have an arrow nocked.~~

5 **SECTION 6.** 167.31 (2) (a) 3. of the statutes is created to read:

6 167.31 (2) (a) 3. The crossbow is not cocked.

7 **SECTION 7.** 167.31 (2) (b) of the statutes, as affected by 2011 Wisconsin Act 35,
8 is renumbered 167.31 (2) (b) (intro.) and amended to read:

9 167.31 (2) (b) (intro.) Except as provided in sub. (4), no person may place,
10 possess, or transport a firearm, bow, or crossbow in or on a vehicle, unless the one of
11 the following applies:

12 1. ~~The firearm is unloaded or is a handgun, as defined in s. 175.60 (1) (bm),~~
13 ~~unless the firearm is unloaded and encased, or unless the~~

14 2. ~~The bow or crossbow is unstrung or is enclosed in a carrying case does not~~
15 ~~have an arrow nocked.~~

16 **SECTION 8.** 167.31 (2) (b) 3. of the statutes is created to read:

17 167.31 (2) (b) 3. The crossbow is not cocked.

18 **SECTION 9.** 167.31 (2) (c) of the statutes, as affected by 2011 Wisconsin Act 35,
19 is amended to read:

20 167.31 (2) (c) Except as provided in sub. (4), no person may load a firearm, other
21 than a handgun, ~~as defined in s. 175.60 (1) (bm),~~ in a vehicle or discharge a firearm
22 or shoot a bolt or an arrow from a bow or crossbow in or from a vehicle.

23 **SECTION 10.** 167.31 (3) (a) 2. of the statutes, as created by 2011 Wisconsin Act
24 35, is amended to read:

1 **Insert ANL**

2 **Not** The bill also defines “stationary”, when referring to a vehicle, to include a
3 vehicle with the motor running, if the vehicle is not moving. Under the bill, this
4 definition also applies to stationary vehicles used by persons hunting with disabled
5 hunter permits.

6 **Insert 2-12**

7 ~~SECTION #~~ 23.33 (3c) (title) of the statutes is created to read:

8 23.33 (3c) (title) OPERATION WITH FIREARMS AND BOWS

9 ~~SECTION #~~ 23.33 (3c) (b) of the statutes is created to read:

10 23.33 (3c) (b) Paragraph (a) does not apply to a firearm that is placed or
11 possessed on an all-terrain vehicle that is stationary, as defined in s. 167.31 (1) (fg).

12 ~~SECTION #~~ 23.33 (11p) (e) 2. of the statutes is amended to read:

13 23.33 (11p) (e) 2. Subsections (3), (3c), (3g), (4), (4c) to (4x), (6), (7), (10), (12),
14 and (13).

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367.

15 ~~SECTION #~~ 167.31 (1) (fg) of the statutes is created to read:

16 167.31 (1) (fg) “Stationary” means not moving, regardless of whether the motor
17 is running.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1965/6dn

MGG: f...
|

WLj

Date

I decided to include the concept of a motor running in this redraft to make it clear what it means to be not moving or stationary and also because this concept is found in s. 167.31 (2) (a) under current law.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1965/6dn
MGG:wjl:ph

August 9, 2011

I decided to include the concept of a motor running in this redraft to make it clear what it means to be not moving or stationary and because this concept is found in s. 167.31 (2) (a) under current law.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

Godwin, Gigi

From: Hogan, John
Sent: Tuesday, September 13, 2011 1:48 PM
To: LRB.Legal
Cc: Gibson-Glass, Mary; Hilgemann, Luke
Subject: Jacket gun case bill

Hello,

Please jacket LRB-1965/6 for Senate, and have it delivered to Senator Moulton.

Also, please have an Assembly companion bill released and jacketed for Rep. Scott Krug.

John Hogan
Chief of Staff
Office of the Senate Majority Leader
Senator Scott Fitzgerald
(608) 266-5660