



## Fiscal Estimate Narratives

DOJ 6/21/2011

|  |           |                     |        |               |          |
|--|-----------|---------------------|--------|---------------|----------|
| LRB Number   | 11-2209/2 | Introduction Number | SB-131 | Estimate Type | Original |
| <b>Description</b><br>Carrying a concealed weapon if prohibited from possessing a firearm, purchasing a firearm for a person who is prohibited from possessing a firearm, and providing a penalty. |           |                     |        |               |          |

### Assumptions Used in Arriving at Fiscal Estimate

Most felony prosecutions are handled by district attorneys, but assistant attorneys general in the Department of Justice's Criminal Litigation Unit on occasion act as special prosecutors throughout Wisconsin at the request of district attorneys. In addition, the Department of Justice's Criminal Appeals Unit represents the State of Wisconsin in defending felony convictions when those convictions are challenged in state or federal court. Under Wisconsin law, this unit is charged with preparing briefs and presenting arguments in front of any state appellate or federal court hearing a challenge to a felony conviction.

Under Chapter 175.35, whoever intentionally provides false information to a firearms dealer when purchasing a firearm shall be fined not less than \$500 nor more than \$10,000 and may be imprisoned for not more than 9 months. Under 2011 Senate Bill 131, whoever purchases a firearm for a person knowing that the person is prohibited from possessing a firearm is guilty of a Class G felony.

Under s. 941.23, any person who carries a concealed weapon is guilty of a class A misdemeanor. Under s. 941.29, generally it is a Class G felony for a person to possess a firearm if the person has been convicted of a felony in this state, convicted of a crime elsewhere that would be a felony in this state, adjudicated delinquent for an act that if committed by an adult in this state would be a felony, found not guilty of a felony in this state by reason of mental disease or defect, found not guilty of a crime elsewhere that would be a felony in this state by reason of mental disease or defect, or ordered not to possess a firearm under various state statutes. Under federal law, generally it is unlawful for a person to possess a firearm if the person is a fugitive from justice, an unlawful user of or addicted to any controlled substance, illegally in the United States, dishonorably discharged from the Armed Forces, convicted of misdemeanor domestic violence, or under indictment for a crime punishable by imprisonment for a term exceeding one year.

Under SB 131, any person who carries a concealed weapon while ineligible to possess a firearm as indicated by a search in the National Instant Criminal background check system is guilty of a Class H felony.

Since SB 131 broadens the types of activities that can be prosecuted as felonies, it is possible that the enactment of the bill could result in an increased caseload for the department's Criminal Litigation and Criminal Appeals units. If the increased caseload is significant, DOJ will need additional resources.

### Long-Range Fiscal Implications