

2013 DRAFTING REQUEST

Bill

Received: 10/4/2013 Received By: chanaman
Wanted: As time permits Same as LRB:
For: Evan Goyke (608) 266-0645 By/Representing: Ryan
May Contact: Drafter: chanaman
Subject: Criminal Law - guns and weapons Addl. Drafters:
Criminal Law - sentencing Extra Copies:

Submit via email: YES
Requester's email: Rep.Goyke@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Prohibiting possession of firearms by persons convicted of certain misdemeanors

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>
/?	chanaman 10/4/2013	evinz 10/21/2013		_____			
/1			rschluet 10/21/2013	_____	srose 10/21/2013	mbarman 2/27/2014	State S&L

FE Sent For:

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INTRO.

<END>

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1/?	chanaman	1/ eev 10/17/13	1/ eev 10/21/13				

FE Sent For:

<END>

Hanaman, Cathlene

From: Hurley, Peggy
Sent: Friday, October 04, 2013 10:17 AM
To: Hanaman, Cathlene
Subject: FW: Draft Request - Rep. Goyke

From: Knocke, Ryan
Sent: Friday, October 04, 2013 9:27 AM
To: Hurley, Peggy
Subject: Draft Request - Rep. Goyke

Peggy-

Happy Friday! Thank you for helping our office with the C-Cap changes. We greatly appreciate it. On some of those fine details I defer to Evan with his expertise!

Evan asked me to file a new drafting request (I'm sorry to add to your pile.)

He would like to draft a bill to prohibit the lawful possession and lawful ability to carry as a concealed weapon any firearm for those persons deemed to be habitual criminals, as defined by Wis. Stat. 939.50 (I think...). Any person who has committed three or more misdemeanors or one felony within five years would be ineligible for a CCW permit and would not be allowed to legally carry any firearm.

The bill would also provide a felony penalty for those that knowingly violate this provision. Evan would like to set that penalty at a Class H Felony.

I hope this makes sense! Please let me know if you have any questions for Evan!

- Ryan

Ryan Knocke
Legislative Aide
Office of State Representative Evan Goyke
Telephone: (608) 266-0645



today per CMH

Leev

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SAV
xref1

general

1 AN ACT ^s...; relating to: possession of firearm^s by individuals who are habitual
2 criminals.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from possessing a firearm if he or she has been convicted of a felony, found not guilty of a felony by reason of mental disease or defect, or adjudicated delinquent for an act that if committed by an adult in this state would be a felony. Under this bill, if a person has been convicted of a misdemeanor on three separate occasions within a five-year period, the person is prohibited from possessing a firearm until at least five years ~~has~~ passed since the first misdemeanor conviction. have

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:

3 SECTION 1. 941.29 (1) of the statutes is amended to read:
4 941.29 (1) A person is subject to the requirements and penalties of this section
5 if he or she has been who possesses a firearm is guilty of a Class G felony if any of
6 the following applies:

- 1 (a) ~~Convicted~~ The person has been convicted of a felony in this state.
- 2 (b) ~~Convicted~~ The person has been convicted of a crime elsewhere that would
3 be a felony if committed in this state.
- 4 (bm) ~~Adjudicated~~ The person has been adjudicated delinquent for an act
5 committed on or after April 21, 1994, that if committed by an adult in this state would
6 be a felony.
- 7 (c) ~~Found~~ The person has been found not guilty of a felony in this state by reason
8 of mental disease or defect.
- 9 (d) ~~Found~~ The person has been found not guilty of or not responsible for a crime
10 elsewhere that would be a felony in this state by reason of insanity or mental disease,
11 defect or illness.
- 12 (e) ~~Committed~~ The person has been committed for treatment under s. 51.20 (13)
13 (a) and ~~ordered~~ is subject to an order not to possess a firearm under s. 51.20 (13) (cv)
14 1., 2007 stats.
- 15 (em) ~~Ordered~~ The person is subject to an order not to possess a firearm under
16 s. 51.20 (13) (cv) 1., 51.45 (13) (i) 1., 54.10 (3) (f) 1., or 55.12 (10) (a).
- 17 (f) ~~Enjoined under~~ The person is subject to an injunction issued under s. 813.12
18 or 813.122 or under a tribal injunction, as defined in s. 813.12 (1) (e), issued by a court
19 established by any federally recognized Wisconsin Indian tribe or band, except the
20 Menominee Indian tribe of Wisconsin, that includes notice to the respondent that he
21 or she is subject to the requirements and penalties under this section and that has
22 been filed under s. 806.247 (3).
- 23 (g) ~~Ordered~~ The person is subject to an order not to possess a firearm under s.
24 813.125 (4m).

1 **SECTION 2.** 941.29 (1) (bt) of the statutes is [✓]created to read:

2 941.29 (1) (bt) The person has been convicted of a misdemeanor on 3 separate
3 occasions within the immediately preceding 5 years, not including any time that the
4 person spent in actual confinement serving a criminal sentence. It is immaterial that
5 sentence for any of the 3 misdemeanors was stayed, withheld, or suspended, or,
6 notwithstanding sub. (5) (a), that the actor was pardoned for any of the 3
7 misdemeanors, unless the pardon was granted on the ground of innocence.

8 **SECTION 3.** 941.29 (2) of the statutes is [✓]repealed.

9 **SECTION 4.** 941.29 (3) of the statutes is amended to read:

10 941.29 (3) Any firearm involved in an offense under sub. [✓](2) this section is
11 subject to s. 968.20 (3).

12 **History:** 1981 c. 141, 317; 1983 a. 269; 1985 [✓]a. 259; 1993 a. 195, 196, 491; 1995 a. 71, 77, 306, 417; 2001 a. 109; 2007 a. 27; 2009 a. 258; 2011 a. 257, 258.

12 **SECTION 5.** 941.29 (4) of the statutes is amended to read:

13 941.29 (4) A person is concerned with the commission of a crime, as specified
14 in s. 939.05 (2) (b), in violation of this section if he or she knowingly furnishes a person
15 with a firearm in violation of sub. [✓](2) this section.

16 **History:** 1981 c. 141, 317; 1983 a. 269; 1985 [✓]a. 259; 1993 a. 195, 196, 491; 1995 a. 71, 77, 306, 417; 2001 a. 109; 2007 a. 27; 2009 a. 258; 2011 a. 257, 258.

16 **SECTION 6.** 973.176 (1) of the statutes is amended to read:

17 973.176 (1) FIREARM POSSESSION. Whenever a court imposes a sentence or
18 places a defendant on probation regarding a felony conviction, or regarding a
19 misdemeanor conviction if the conviction would subject the defendant to the
20 prohibition under s. 941.29 (1) (bt), the court shall inform the defendant of the
21 requirements and penalties under s. 941.29.

22 **History:** 2003 a. 121 ss. 2, 3, 5; 2005 a. 277, 451; 2007 a. 116.

22 **SECTION 7. Initial applicability.**

Barman, Mike

From: Knocke, Ryan
Sent: Thursday, February 27, 2014 2:02 PM
To: LRB.Legal
Subject: Draft Review: LRB -3349/1 Topic: Prohibiting possession of firearms by persons convicted of certain misdemeanors

Please Jacket LRB -3349/1 for the ASSEMBLY.