

**2013 DRAFTING REQUEST**

**Assembly Amendment (AA-AB464)**

Received: 11/18/2013 Received By: chanaman  
Wanted: As time permits Same as LRB:  
For: Garey Bies (608) 266-5350 By/Representing: Cory  
May Contact: Drafter: chanaman  
Subject: Courts - garn/injunct Addl. Drafters:  
Criminal Law - guns and weapons Extra Copies:

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

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Technical amendment

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**Instructions:**

See attached

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**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>
/1	chanaman 11/21/2013	evinz 11/20/2013	jfrantze 11/20/2013	_____	srose 11/20/2013	srose 11/20/2013	
/2	chanaman 11/27/2013	evinz 11/27/2013	rschluet 11/21/2013	_____	mbarman 11/21/2013	mbarman 11/21/2013	
/3	chanaman 12/3/2013	evinz 12/3/2013	jmurphy 11/27/2013	_____	sbasford 11/27/2013	sbasford 11/27/2013	
/4	chanaman	evinz	jmurphy	_____	lparisi	lparisi	

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	12/4/2013	12/4/2013	12/3/2013	_____	12/3/2013	12/3/2013	
/5			jmurphy	_____	srose	srose	
			12/4/2013	_____	12/4/2013	12/4/2013	

FE Sent For:

<END>

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/3	chanaman 12/3/2013	evinz 12/3/2013	jmurphy 11/27/2013	_____	sbasford 11/27/2013	sbasford 11/27/2013	
/4			jmurphy	_____	lparisi	lparisi	

Vers. Drafted

Reviewed

Typed  
12/3/2013

Proofed  
\_\_\_\_\_

Submitted  
12/3/2013

Jacketed  
12/3/2013

Required

FE Sent For:

15 eev  
12/4/13

15 eev  
12/4/13  
<END>

Proofed  
Amit  
12/4

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/3			jmurphy 11/27/2013	_____	sbasford 11/27/2013	sbasford 11/27/2013	

FE Sent For:

14 pev  
12/3/13  
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12/3/13  
jm  
12/3  
<END>

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FE Sent For:

1/3 eev 11/27/13  
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Jm 11/27  
<END>

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/1	chanaman 11/19/2013	evinz 11/20/2013	jfrantze 11/20/2013		srose 11/20/2013	srose 11/20/2013	
FE Sent For:		1/2 eeV 11/21/13	1/2 eeV 11/21/13 <END>				

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/1	chanaman	1, eeV 11/20/13		11/20			

FE Sent For:

<END>

Technical Amendment to AB 464

Page 2, delete lines 9-10.

SECTION 2. 785.01 (1) (bp) and (br) of the statutes are created to read:

785.01 (1) ~~(bp) Failure to attend a hearing to surrender firearms as required under s. 813.1285 (4) (a);~~

(br) Violation of an order under s. 813.1285 (4) (b) 2.;

*The intent is that the court issue an arrest warrant for a failure to appear at a hearing held under 813.1285, not that the failure to appear be specified as an independent ground for contempt.*

Page 4, lines 6-10, page 7, lines 10 – 22, pages 8-9, lines 22 - 9

(a) An injunction issued under sub. (4) shall do all of the following:

1. Inform the respondent named in the petition of the requirements and penalties under s. 941.29 and any similar applicable federal laws and penalties.

2. Except as provided in par. (ag), require the respondent to surrender any firearms that he or she owns or has in his or her possession to the sheriff of the county in which the action under this section was commenced, to the sheriff of the county in which the respondent resides or to another person designated by the respondent and approved by the judge or circuit court commissioner. ~~The judge or circuit court commissioner shall approve the person designated by the respondent unless the judge or circuit court commissioner finds that the person is inappropriate and places the reasons for the finding on the record. If a firearm is surrendered to a person designated by the respondent and approved by the judge or circuit court commissioner, the judge or circuit court commissioner shall inform the person to whom the firearm is surrendered of the requirements and penalties under s. 941.29 (4) in accordance with s. 813.1285.~~

*We would like to retain the general language that an injunction "shall do all of the following...require the respondent to surrender any firearms that he or she owns or has in his or her possession to the sheriff of the county in which the action under this section was commenced, to the sheriff of the county in which the respondent resides or to another person designated by the respondent and approved by the judge or circuit court commissioner."*

Page 12, line 5

(4) HEARING TO SURRENDER FIREARMS. (a) Unless the court dismisses the hearing to surrender firearms, a respondent for whom a hearing to surrender firearms has been scheduled must attend the hearing. If the respondent fails to attend the hearing to surrender firearms, the court shall issue an arrest warrant for the respondent and ~~shall proceed under ch. 785 against him or her for contempt of court.~~

*The intent is that the court issue an arrest warrant for a failure to appear at a hearing held under 813.1285, not that the failure to appear be specified as an independent ground for contempt.*

**Amend page 12, line 23 to page 13, line 2 as follows:**

2. If the respondent claims to have surrendered all of the firearms that are subject to the court's order to the sheriff in accordance with (6), verify that the respondent has surrendered all of the firearms that are subject to the court's order.

3. Order the respondent to surrender ~~any~~ **all** firearms that the court finds the respondent owns or possesses on the respondent's firearm possession form to a sheriff in accordance with sub. (6) ~~within 48 hours. If the respondent fails to comply with the order, the court shall issue a warrant for the respondent's arrest and shall proceed under ch. 785 against him or her for contempt of court. If the respondent has not provided the receipt specified in (6)(b) to the clerk of courts within 48 hours showing surrender of all the firearms that were ordered surrendered, the court shall presume the respondent is in violation of the order of this subdivision and may do any of the following:~~

a. notify the sheriff of the violation for investigation and other appropriate action;

b. schedule another hearing under (4); and

c. issue a warrant directed to the sheriff ordering that the respondent be brought before the court to show cause why the respondent should not be held in contempt.

*These amendments deal with the situation in which the respondent is required to attend a hearing to surrender firearms but has already surrendered the firearms to the sheriff. It also gives courts more options and discretion when a respondent has failed to surrender firearms to the sheriff after an initial hearing to surrender firearms has already taken place.*

**Add s. 813.1285(c) - (3)**

(c) Notwithstanding (a), the court may order that respondent surrender his or her firearm under (b). The court may allow a person who appeared under (a)1. to take possession of the firearm from the sheriff if (a)4.-5. apply and after the sheriff completes a background check on the person to determine that the person is not prohibited from possessing a firearm.

**Add 813.1285(4)(b)3.**

3. Notwithstanding 1., the court may order that respondent surrender his or her firearm under 2. The court may allow a person who appeared under 1.a. to take possession of the firearm from the sheriff if 1.d.-e. apply and after the sheriff completes a background check on the person to determine that the person is not prohibited from possessing a firearm.

*These amendments incorporate an additional option for courts that is consistent with the practice in some counties. Under the amendments, the court may require surrender to the sheriff and allow the*

*third party to retrieve the firearms from the sheriff, if the sheriff conducts a background check to determine that the person is not prohibited from possessing a firearm.*

**Add 818.02(9)**

(9 )In a proceeding under s.813.1285.

*This amendment cross references the hearing to surrender firearms statute with the statute that authorizes arrest in civil actions.*



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRBa1279/1

CMH:.....

leeu

Wed if possible

**ASSEMBLY AMENDMENT ,  
TO ASSEMBLY BILL 464**

- 1 At the locations indicated, amend the bill as follows:
- 2 1. Page 3, line 8: delete "(bp) and".
- 3 2. Page 3, line 8: delete "are created" and substitute "is created".
- 4 3. Page 3, line 9: delete lines 9 and 10.
- 5 4. Page 3, line 11: before "(br)" insert "785.01 (1)".
- 6 5. Page 4, line 6: delete the material beginning with "that" and ending with
- 7 "commissioner." on line 10 and substitute "that he or she owns or has in his or her
- 8 possession to the sheriff of the county in which the action under this section was
- 9 commenced, to the sheriff of the county in which the respondent resides, or to another
- 10 person designated by the respondent and approved by the judge or circuit court
- 11 commissioner.".
- 12 6. Page 4, line 16: delete "in" and substitute "in".

1           **7.** Page 7, line 12: delete the material beginning with “~~that~~” and ending with  
2 “~~commissioner.~~” on line 16 and substitute “that he or she owns or has in his or her  
3 possession to the sheriff of the county in which the action under this section was  
4 commenced, to the sheriff of the county in which the respondent resides, or to another  
5 person designated by the respondent and approved by the judge or circuit court  
6 commissioner.”. ✓

7           **8.** Page 7, line 22: delete “~~in~~” and substitute “, in”. ✓

8           **9.** Page 8, line 24: delete the material beginning with “that he or she owns or  
9 has” and ending with “~~commissioner.~~” on page 9, line 3, and substitute “that he or she  
10 owns or has in his or her possession to the sheriff of the county in which the action  
11 under this section was commenced, to the sheriff of the county in which the  
12 respondent resides, or to another person designated by the respondent and approved  
13 by the judge or circuit court commissioner.”. ✓

14           **10.** Page 9, line 9: delete “~~in~~” and substitute “, in”. ✓

15           **11.** Page 11, line 20: after that line insert:

16           “6. The court has not opted to use the process under par. (c).” ✓

17           **12.** Page 11, line 24: after that line insert:

18           “(c) The respondent surrenders his or her firearm to a sheriff as provided under  
19 par. (b), and a person who appeared at the injunction hearing under s. 813.12 (4),  
20 813.122 (5), or 813.125 (4), whichever is appropriate, takes possession of the firearm  
21 from the sheriff, if all of the following apply:

22           1. Paragraph (a) 4. and 5. apply.

23           2. The sheriff determines that the person is not prohibited from possessing a  
24 firearm.”. ✓

1 **13.** Page 12, line 5: delete that line and substitute "respondent."

2 **14.** Page 12, line 22: after that line insert:

3 "f. The court has not opted to use the process under subd. 3. ed

4 1m. If the respondent claims to have surrendered all of the firearms subject to the  
5 order to the sheriff in accordance with sub. (6), verify that the respondent has  
6 surrendered all such firearms."

7 **15.** Page 12, line 23: delete the material beginning with "on the respondent's"  
8 and ending with "court." on page 13, line 2, and substitute "that the court finds the  
9 respondent owns or possesses to a sheriff in accordance with sub. (6). If the  
10 respondent has not provided to the court, within 48 hours of the order, a receipt

11 as specified in sub. (6) (b) that shows surrender of all of the firearms that were subject  
12 to the order, the court shall presume the respondent is violating the order and may  
13 do any of the following:

- 14 a. Notify the sheriff of the violation for investigation and appropriate action.
- 15 b. Schedule another hearing to surrender firearms under sub. (4).
- 16 c. Issue a warrant to the sheriff ordering that the respondent be brought before  
17 the court to show cause why the respondent should not be held in contempt."

18 **16.** Page 13, line 2: after that line insert:

19 "3. The respondent surrenders his or her firearm to a sheriff as provided under  
20 subd. 2., and a person who appeared at the injunction hearing under s. 813.12 (4),  
21 813.122 (5), or 813.125 (4), whichever is appropriate, takes possession of the firearm  
22 from the sheriff, if all of the following apply:

- 23 a. Subdivision 1. d. and e. apply.



## Hanaman, Cathlene

---

**From:** Rep.Bies  
**Sent:** Thursday, November 21, 2013 9:07 AM  
**To:** Hanaman, Cathlene  
**Subject:** FW: LRB 13a1279 Topic: Technical amendment

Cathlene,

You drafted an amendment for us to AB 464. We'd like to make one more change. Can you add the following recommendation below?

I'll send the stripes back over.

Thank you,  
Cory

---

**From:** Tony Gibart [<mailto:tonyg@wcadv.org>]  
**Sent:** Wednesday, November 20, 2013 4:30 PM  
**To:** Rep.Bies  
**Subject:** RE: LRB 13a1279 Topic: Technical amendment

Hi Cory,

The amendment looks good to me. I asked Dave to take a look at it too.

One other suggestion Dave made at the hearing that was not incorporated into the suggested amendment was that the court ask the petitioner about the location of guns. This information would be helpful when there might need to be a warrant issued.

The bill would then read on page 10:

(b) If the respondent is not present at the injunction hearing, the court shall provide the petitioner with an opportunity to inform the court orally or in writing whether he or she believes that the respondent possesses a firearm. If the petitioner informs the court that the respondent possesses a firearm, the court shall request the petitioner to inform the court orally or in writing how many firearms he or she believes the respondent possesses, and the make and model of any firearm he or she believes the respondent possesses, and the location of any firearm he or she believes the respondent possesses.

I asked Rep. Jacque about an exec. He said he was going to attempt to get everyone together the day before or after the special session. Has that date been set?

Thanks!

Tony

---

**From:** Rep.Bies [<mailto:Rep.Bies@legis.wisconsin.gov>]  
**Sent:** Wednesday, November 20, 2013 2:15 PM  
**To:** Tony Gibart  
**Subject:** FW: LRB 13a1279 Topic: Technical amendment

Tony,  
I haven't had a chance to look this over yet, but wanted to get it to you right away. It seemed that Rep. Jacque was willing to do an exec. so I don't want to hold anything up!

Cory

---

**From:** LRB.Legal  
**Sent:** Wednesday, November 20, 2013 2:11 PM  
**To:** Rep.Bies  
**Subject:** LRB 13a1279 Topic: Technical amendment

The attached proposal has been jacketed for introduction.

A copy has also been sent to:



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRBa1279/f<sup>2</sup>  
CMH:eev:jf

*Redraft  
make  
new*

ASSEMBLY AMENDMENT,  
TO ASSEMBLY BILL 464

*today  
please*

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 3, line 8: delete “(bp) and”.
- 3 **2.** Page 3, line 8: delete “are created” and substitute “is created”.
- 4 **3.** Page 3, line 9: delete lines 9 and 10.
- 5 **4.** Page 3, line 11: before “(br)” insert “785.01 (1)”.
- 6 **5.** Page 4, line 6: delete the material beginning with “that” and ending with
- 7 “~~commissioner.~~” on line 10 and substitute “that he or she owns or has in his or her
- 8 possession to the sheriff of the county in which the action under this section was
- 9 commenced, to the sheriff of the county in which the respondent resides, or to another
- 10 person designated by the respondent and approved by the judge or circuit court
- 11 commissioner.”.
- 12 **6.** Page 4, line 16: delete “in” and substitute “, in”.

1           **7.** Page 7, line 12: delete the material beginning with “~~that~~” and ending with  
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8           **9.** Page 8, line 24: delete the material beginning with “that he or she owns ~~or~~  
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13 by the judge or circuit court commissioner.”.

14           **10.** Page 9, line 9: delete “in” and substitute “, in”.

15           **11.** Page 11, line 20: after that line insert:

16           “6. The court has not opted to use the process under par. (c).”.

17           **12.** Page 11, line 24: after that line insert:

18           “(c) The respondent surrenders his or her firearm to a sheriff as provided under  
19 par. (b), and a person who appeared at the injunction hearing under s. 813.12 (4),  
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22           1. Paragraph (a) 4. and 5. apply.

23           2. The sheriff determines that the person is not prohibited from possessing a  
24 firearm.”.

WJ 2-15

1           **13.** Page 12, line 5: delete that line and substitute “respondent.”

2           **14.** Page 12, line 22: after that line insert:

3           “f. The court has not opted to use the process under subd. 3.

4           1m. If the respondent claims to have surrendered all of the firearms subject to  
5 the order to the sheriff in accordance with sub. (6), verify that the respondent has  
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7           **15.** Page 12, line 23: delete the material beginning with “on the respondent’s”  
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22 from the sheriff, if all of the following apply:

- 23           a. Subdivision 1. d. and e. apply.



**2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBa1279/2ins  
CMH:.....

1           Insert 2-15

2           **1.** Page 10, line 16: delete “possesses and the” and substitute “possesses, the”. ✓

3           **2.** Page 10, line 17: after “possesses” insert “, and the location of any firearm

4           he or she believes the respondent possesses”. ✓



ASSEMBLY AMENDMENT ,  
TO ASSEMBLY BILL 464

*today  
please*

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16 the”.

17           **12.** Page 10, line 17: after “possesses” insert “, and the location of any firearm  
18 he or she believes the respondent possesses”.

19           **13.** Page 11, line 20: after that line insert:

20           “6. The court has not opted to use the process under par. (c).”.

21           **14.** Page 11, line 24: after that line insert:

22           “(c) The respondent surrenders his or her firearm to a sheriff as provided under  
23 par. (b), and a person who appeared at the injunction hearing under s. 813.12 (4),

1 813.122 (5), or 813.125 (4), whichever is appropriate, takes possession of the firearm  
2 from the sheriff, if all of the following apply:

3 1. Paragraph (a) 4. and 5. apply.

4 2. The sheriff determines that the person is not prohibited from possessing a  
5 firearm.”.

WJ  
3-7

6 **15.** Page 12, line 5: delete that line and substitute “respondent.”.

7 **16.** Page 12, line 22: after that line insert:

8

“f. The court has not opted to use the process under subd ~~3~~.”

9

10  1m. If the respondent claims to have surrendered all of the firearms subject to  
11 the order to the sheriff in accordance with sub. (6), verify that the respondent has  
12 surrendered all such firearms.”.

13 **17.** Page 12, line 23: delete the material beginning with “on the respondent’s”  
14 and ending with “court.” on page 13, line 2, and substitute “that the court finds the  
15 respondent owns or possesses to a sheriff in accordance with sub. (6). If the  
16 respondent has not provided to the court, within 48 hours of the order, a receipt as  
17 specified in sub. (6) (b) that shows surrender of all of the firearms that were subject  
18 to the order, the court shall presume the respondent is violating the order and may  
19 do any of the following:

- 20 a. Notify the sheriff of the violation for investigation and appropriate action.
- 21 b. Schedule another hearing to surrender firearms under sub. (4).
- 22 c. Issue a warrant to the sheriff ordering that the respondent be brought before  
23 the court to show cause why the respondent should not be held in contempt.”.

**18.** Page 13, line 2: after that line insert:

\_\_\_\_\_



2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBa1279/3ins  
CMH:.....

1           Insert 3-7

2           ~~¶~~ 1. Page 12, line 11: delete lines 11 to 22 and substitute: ✓

3           "1. If the respondent wants to surrender his or her firearms to a person who is  
4           not the sheriff and if the court, after considering all relevant factors and input from  
5           the petitioner, approves the surrender and informs the person to whom the firearms  
6           are surrendered of the requirements and penalties under s. 941.29 (4), order the  
7           respondent to surrender his or her firearms in one of the following ways:

8           a. To the person after the person testifies under oath that he or she has received  
9           the firearms listed on the respondent's firearm possession form and after the court  
10          determines that the person is not prohibited from possessing a firearm.

11          b. To the sheriff who shall transfer the firearms to the person after determining  
12          that the person is not prohibited from possessing a firearm." ✓

## Hanaman, Cathlene

---

**From:** Rep.Bies  
**Sent:** Tuesday, December 03, 2013 8:27 AM  
**To:** Hanaman, Cathlene  
**Subject:** FW: LRB 13a1279 Topic: Technical amendment

Cathlene,

Please see email below from Tony Gibart with End Domestic Abuse Wisconsin. You have our permission to talk with him about the bill.

Tony – you can reach Cathlene at 266-3561.

Thanks,  
Cory

---

**From:** Tony Gibart [<mailto:tonyg@wcadv.org>]  
**Sent:** Monday, December 02, 2013 4:26 PM  
**To:** Rep.Bies  
**Subject:** RE: LRB 13a1279 Topic: Technical amendment

Thanks, Cory. We will certainly have it wrapped up by then.

Having said that, I think Cathlene is correct. Section 16 should explicitly state that the third party must appear at the hearing to surrender firearms. As drafted, it might not be clear that the person needs to appear, especially if the court exercises the option under 1.b. (using the Sheriff as the intermediary). If it would be useful, I could talk to Cathlene about how we could do this.

Thanks!

Tony

---

**From:** Rep.Bies [<mailto:Rep.Bies@legis.wisconsin.gov>]  
**Sent:** Monday, December 02, 2013 9:45 AM  
**To:** Tony Gibart  
**Subject:** FW: LRB 13a1279 Topic: Technical amendment

Tony,  
Attached below is the updated amendment. Here is what the drafter sent in an email separately...

Okay, you should be getting a new amendment today. I moved that subdivision – I think it will be item 16 in the amendment now. Please review it carefully as I want to ensure it does exactly what you intend. I think you want the person to still have to appear at the hearing to surrender the firearms.

Again, I apologize for the mistake. I hate it when I make mistakes.

-Cathlene

Let me know if we need to make any additional changes. I got a call from Jacque's office today and they're looking to exec. on Dec. 18<sup>th</sup>. I told her I thought we'd have the amendment figured out by the end of this week so we could get it to the committee in plenty of time.

Cory

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**From:** LRB.Legal  
**Sent:** Wednesday, November 27, 2013 11:09 AM  
**To:** Rep.Bies  
**Subject:** LRB 13a1279 Topic: Technical amendment

The attached proposal has been jacketed for introduction.

A copy has also been sent to:



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRBa1279/3  
CMH:eev:jm

*today please*

4

**ASSEMBLY AMENDMENT ,  
TO ASSEMBLY BILL 464**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 8: delete "(bp) and".

3 **2.** Page 3, line 8: delete "are created" and substitute "is created".

4 **3.** Page 3, line 9: delete lines 9 and 10.

5 **4.** Page 3, line 11: before "(br)" insert "785.01 (1)".

6 **5.** Page 4, line 6: delete the material beginning with "that" and ending with  
7 "~~commissioner.~~" on line 10 and substitute "that he or she owns or has in his or her  
8 possession to the sheriff of the county in which the action under this section was  
9 commenced, to the sheriff of the county in which the respondent resides, or to another  
10 person designated by the respondent and approved by the judge or circuit court  
11 commissioner."

12 **6.** Page 4, line 16: delete "in" and substitute ", in".

1           **7.** Page 7, line 12: delete the material beginning with “~~that~~” and ending with  
2           “~~commissioner.~~” on line 16 and substitute “that he or she owns or has in his or her  
3           possession to the sheriff of the county in which the action under this section was  
4           commenced, to the sheriff of the county in which the respondent resides, or to another  
5           person designated by the respondent and approved by the judge or circuit court  
6           commissioner.”.

7           **8.** Page 7, line 22: delete “in” and substitute “, in”.

8           **9.** Page 8, line 24: delete the material beginning with “that he or she owns or  
9           has” and ending with “~~commissioner.~~” on page 9, line 3, and substitute “that he or she  
10          owns or has in his or her possession to the sheriff of the county in which the action  
11          under this section was commenced, to the sheriff of the county in which the  
12          respondent resides, or to another person designated by the respondent and approved  
13          by the judge or circuit court commissioner.”.

14          **10.** Page 9, line 9: delete “in” and substitute “, in”.

15          **11.** Page 10, line 16: delete “possesses and the” and substitute “possesses,  
16          the”.

17          **12.** Page 10, line 17: after “possesses” insert “, and the location of any firearm  
18          he or she believes the respondent possesses”.

19          **13.** Page 11, line 20: after that line insert:

20          “6. The court has not opted to use the process under par. (c).”.

21          **14.** Page 11, line 24: after that line insert:

22          “(c) The respondent surrenders his or her firearm to a sheriff as provided under  
23          par. (b), and a person who appeared at the injunction hearing under s. 813.12 (4),

1 813.122 (5), or 813.125 (4), whichever is appropriate, takes possession of the firearm  
2 from the sheriff, if all of the following apply:

3 1. Paragraph (a) 4. and 5. apply.

4 2. The sheriff determines that the person is not prohibited from possessing a  
5 firearm.”.

6 **15.** Page 12, line 5: delete that line and substitute “respondent.”.

7 **16.** Page 12, line 11: delete lines 11 to 22 and substitute:

8 “1. If the respondent wants to surrender his or her firearms to a person who is  
9 not the sheriff and if the court, after considering all relevant factors and input from  
10 the petitioner, approves the surrender and informs the person to whom the firearms  
11 are surrendered of the requirements and penalties under s. 941.29 (4), order the  
12 respondent to surrender his or her firearms in one of the following ways:

13 a. To the person, after the person testifies under oath that he or she has received  
14 the firearms listed on the respondent’s firearm possession form and after the court  
15 determines that the person is not prohibited from possessing a firearm.

16 b. To the sheriff, who shall transfer the firearms to the person after determining  
17 that the person is not prohibited from possessing a firearm.”.

18 **17.** Page 12, line 22: after that line insert:

19 “1m. If the respondent claims to have surrendered all of the firearms subject  
20 to the order to the sheriff in accordance with sub. (6), verify that the respondent has  
21 surrendered all such firearms.”.

22 **18.** Page 12, line 23: delete the material beginning with “on the respondent’s”  
23 and ending with “court.” on page 13, line 2, and substitute “that the court finds the  
24 respondent owns or possesses to a sheriff in accordance with sub. (6). If the

1 respondent has not provided to the court, within 48 hours of the order, a receipt as  
2 specified in sub. (6) (b) that shows surrender of all of the firearms that were subject  
3 to the order, the court shall presume the respondent is violating the order and may  
4 do any of the following:

- 5 a. Notify the sheriff of the violation for investigation and appropriate action.  
6 b. Schedule another hearing to surrender firearms under sub. (4).  
7 c. Issue a warrant to the sheriff ordering that the respondent be brought before  
8 the court to show cause why the respondent should not be held in contempt.”.

9 **19.** Page 14, line 10: after “person” insert “(whether directly or indirectly  
10 through a sheriff)”.

11 **20.** Page 15, line 17: after that line insert:

12 “SECTION 25h. 818.02 (9) of the statutes is created to read:  
13 818.02 (9) In a proceeding under s. 813.1285.”.

14 (END)



ASSEMBLY AMENDMENT,  
TO ASSEMBLY BILL 464

*today  
if possible*

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 3, line 8: delete “(bp) and”.
- 3 **2.** Page 3, line 8: delete “are created” and substitute “is created”.
- 4 **3.** Page 3, line 9: delete lines 9 and 10.
- 5 **4.** Page 3, line 11: before “(br)” insert “785.01 (1)”.
- 6 **5.** Page 4, line 6: delete the material beginning with “that” and ending with
- 7 “~~commissioner.~~” on line 10 and substitute “that he or she owns or has in his or her
- 8 possession to the sheriff of the county in which the action under this section was
- 9 commenced, to the sheriff of the county in which the respondent resides, or to another
- 10 person designated by the respondent and approved by the judge or circuit court
- 11 commissioner.”.
- 12 **6.** Page 4, line 16: delete “in” and substitute “, in”.

1           **7.** Page 7, line 12: delete the material beginning with “~~that~~” and ending with  
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4 commenced, to the sheriff of the county in which the respondent resides, or to another  
5 person designated by the respondent and approved by the judge or circuit court  
6 commissioner.”.

7           **8.** Page 7, line 22: delete “in” and substitute “, in”.

8           **9.** Page 8, line 24: delete the material beginning with “that he or she owns ~~or~~  
9 has” and ending with “~~commissioner.~~” on page 9, line 3, and substitute “that he or she  
10 owns or has in his or her possession to the sheriff of the county in which the action  
11 under this section was commenced, to the sheriff of the county in which the  
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13 by the judge or circuit court commissioner.”.

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15 (END)