



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBa2568/1
CMH:all

**SENATE AMENDMENT 1,
TO SENATE SUBSTITUTE AMENDMENT 2,
TO ASSEMBLY BILL 843**

March 20, 2018 - Offered by Senators SHILLING, SCHACHTNER, RISSER, MILLER, BEWLEY, L. TAYLOR, RINGHAND, CARPENTER, LARSON, JOHNSON, HANSEN, ERPENBACH and WIRCH.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 2, line 1: delete the material beginning with that line and ending with
3 page 15, line 2, and substitute:

4 **"SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place,
5 insert the following amounts for the purposes indicated:

2017-18 2018-19

6 **20.255 Public Instruction, department of**

7 (2) AIDS FOR LOCAL EDUCATIONAL PROGRAMMING

8 (dh) Violence prevention and reduc-

9 tion grants GPR A -0- 24,000,000

10 **SECTION 2.** 20.255 (2) (ap) of the statutes is created to read:

1 20.255 (2) (ap) *School safety aid*. A sum sufficient for school safety aid under
2 s. 115.434.

3 **SECTION 3.** 20.255 (2) (dh) of the statutes is created to read:

4 20.255 (2) (dh) *Violence prevention and reduction grants*. The amounts in the
5 schedule for grants to school districts under s. 115.369.

6 **SECTION 4.** 20.455 (2) (gr) of the statutes is amended to read:

7 20.455 (2) (gr) *Handgun Firearm purchaser record check; checks for licenses or*
8 *certifications to carry concealed weapons*. All moneys received as fee payments under
9 ss. 175.35 (2i) (a), 175.49 (5m), and 175.60 (7) (c) and (d), (13), and (15) (b) 4. a. and
10 b. to provide services under ss. 175.35, 175.49, and 175.60.

11 **SECTION 5.** 115.364 (1) (a), (am) and (b) of the statutes, as created by 2017
12 Wisconsin Act 59, are amended to read:

13 115.364 (1) (a) “Eligible independent charter school” is a school under contract
14 with one of the entities under s. 118.40 (2r) (b) 1. or with the director under s. 118.40
15 (2x) that increased the amount it expended in the preceding school year to employ,
16 hire, or retain ~~social workers~~ pupil services personnel over the amount it expended
17 in the school year immediately preceding the preceding school year to employ, hire,
18 or retain ~~social workers~~ pupil services personnel.

19 (am) “Eligible private school” means a private school participating in a
20 parental choice program under s. 118.60 or 119.23 that increased the amount it
21 expended in the preceding school year to employ, hire, or retain ~~social workers~~ pupil
22 services personnel over the amount it expended in the school year immediately
23 preceding the preceding school year to employ, hire, or retain ~~social workers~~ pupil
24 services personnel.

1 (b) "Eligible school district" is a school district that increased the amount it
2 expended in the preceding school year to employ, hire, or retain ~~social workers~~ pupil
3 services personnel over the amount it expended in the school year immediately
4 preceding the preceding school year to employ, hire, or retain ~~social workers~~ pupil
5 services personnel.

6 **SECTION 6.** 115.364 (1) (c) of the statutes is created to read:

7 115.364 (1) (c) "Pupil services personnel" means school counselors, school social
8 workers, school psychologists, and school nurses.

9 **SECTION 7.** 115.364 (2) (a) 1., 2. and 3. of the statutes, as created by 2017
10 Wisconsin Act 59, are amended to read:

11 115.364 (2) (a) 1. Subject to par. (b), from the appropriation under s. 20.255 (2)
12 (da), pay to an eligible school district an amount equal to 50 percent of the amount
13 by which the school district increased its expenditures in the preceding school year
14 to employ, hire, or retain ~~social workers~~ pupil services personnel over the amount it
15 expended in the school year immediately preceding the preceding school year to
16 employ, hire, or retain ~~social workers~~ pupil services personnel.

17 2. Subject to par. (b), from the appropriation under s. 20.255 (2) (da), pay to an
18 eligible independent charter school an amount equal to 50 percent of the amount by
19 which the independent charter school increased its expenditures in the preceding
20 school year to employ, hire, or retain ~~social workers~~ pupil services personnel over the
21 amount it expended in the school year immediately preceding the preceding school
22 year to employ, hire, or retain ~~social workers~~ pupil services personnel.

23 3. Subject to par. (b), from the appropriation under s. 20.255 (2) (da), pay to an
24 eligible private school an amount equal to 50 percent of the amount by which the
25 private school increased its expenditures in the preceding school year to employ, hire,

1 or retain ~~social workers~~ pupil services personnel over the amount it expended in the
2 school year immediately preceding the preceding school year to employ, hire, or
3 retain ~~social workers~~ pupil services personnel.

4 **SECTION 8.** 115.364 (2) (b) 2. a. of the statutes, as created by 2017 Wisconsin
5 Act 59, is amended to read:

6 115.364 (2) (b) 2. a. Subject to subd. 2. b., if, after making the payments
7 required under par. (a), moneys remain in the appropriation account under s. 20.255
8 (2) (da), the state superintendent shall reimburse eligible school districts, private
9 schools, and independent charter schools for an amount equal to expenditures made
10 by the school district, private school, or independent charter school in the preceding
11 school year to employ, hire, or retain ~~social workers~~ pupil services personnel less the
12 amount of increased expenditures for which the school district, private school, or
13 independent charter school was reimbursed under par. (a).

14 **SECTION 9.** 115.367 (3) of the statutes, as created by 2017 Wisconsin Act 59, is
15 amended to read:

16 115.367 (3) AWARDS. The department shall award grants under this section
17 beginning in the 2018-19 school year. From the appropriation under s. 20.255 (2)
18 (dt), the department shall award at least ~~\$3,250,000~~ \$10,250,000 in grants under
19 this section each school year.

20 **SECTION 10.** 115.369 of the statutes is created to read:

21 **115.369 Violence prevention and reduction grants.** (1) Beginning in the
22 2018-19 school year, the department shall award grants on a competitive basis to
23 school districts to develop and implement programs to prevent and reduce violence
24 in schools.

1 (2) A school district may not expend proceeds of a grant received under this
2 section on school district personnel costs.

3 (3) The department shall promulgate rules to implement and administer this
4 section, including all of the following:

5 (a) Rules that specify eligibility criteria for receiving a grant under this section.

6 (b) Rules that specify eligible uses of grant proceeds, including funding any of
7 the following school violence prevention activities:

8 1. Developing and implementing conflict resolution or dispute management
9 strategies, including restorative justice and student leadership programs.

10 2. Providing character education, asset building, peer mediation, antibullying,
11 and equity programs.

12 3. Developing and implementing suicide risk screening, intervention, and
13 prevention efforts.

14 4. Implementing behavioral systems of support.

15 5. Developing and implementing violence prevention curricula.

16 6. Providing wraparound services for pupils, community schools, and family
17 engagement activities.

18 7. Providing school threat or risk assessments.

19 8. Developing and implementing safety, violence prevention, emergency
20 preparedness, and all-hazards school plans.

21 9. Providing trainings with local community or law enforcement partners.

22 **SECTION 11.** 115.434 of the statutes is created to read:

23 **115.434 School safety aid. (1)** In this section:

24 (a) “Local law enforcement agency” means a governmental unit of one or more
25 persons employed full time by a city, town, village, or county in this state for the

1 purpose of preventing and detecting crime and enforcing state laws or local
2 ordinances, employees of which unit are authorized to make arrests for crimes while
3 acting within the scope of their authority.

4 (b) "Number of pupils enrolled" has the meaning given in s. 121.90 (1) (intro.)
5 and includes 40 percent of the summer enrollment.

6 (2) A school district is eligible for aid under this section if all of the following
7 apply:

8 (a) The school board and a local law enforcement agency jointly develop a school
9 safety expenditure plan that satisfies all of the following criteria:

10 1. The plan is consistent with the school board's school safety plan under s.
11 118.07 (4).

12 2. The plan covers each school in the school district.

13 3. The plan describes how the school board will use aid under this section.

14 (b) The school board approves and submits the school safety expenditure plan
15 to the department.

16 (3) Beginning in the 2018-19 school year, from the appropriation under s.
17 20.255 (2) (ap), the department shall pay each school district that is eligible under
18 sub. (2) an amount equal to \$100 times the number of pupils enrolled in the school
19 district or \$40,000, whichever is greater, for the purpose of covering compensation
20 costs associated with providing security officers in the school district, purchasing
21 safety equipment, and improving school safety.

22 **SECTION 12.** 118.07 (4) (b) of the statutes is amended to read:

23 118.07 (4) (b) ~~A school safety plan shall be created~~ Each school board and the
24 governing body of each private school shall establish a school safety team. The school
25 board or governing body shall create the school safety plan with the active

1 participation of ~~appropriate parties, as specified by the school board or governing~~
2 ~~body of the private school. The appropriate parties~~ the school safety team. ~~The~~
3 school safety team may include local law enforcement officers, fire fighters, school
4 administrators, teachers, pupil services professionals, as defined in s. 118.257 (1) (c),
5 parents, pupils, community members, and mental health professionals. A school
6 safety plan shall include general guidelines specifying procedures for emergency
7 prevention and mitigation, preparedness, response, and recovery. The plan shall
8 specify one individual employed by the school board or governing body who is
9 responsible for implementing the school safety plan. The plan shall also specify the
10 process for reviewing the methods for conducting drills required to comply with the
11 plan.

12 **SECTION 13.** 118.07 (4) (d) of the statutes is amended to read:

13 118.07 (4) (d) Each school board and the governing body of each private school
14 shall review the school safety plan at least once every 3 years after the plan goes into
15 effect. At least once every 3 years, each school board and the governing body of each
16 private school shall conduct a comprehensive security site assessment of each school
17 building and facility that is owned or leased by the school board or governing body.

18 **SECTION 14.** 118.07 (4) (e) of the statutes is created to read:

19 118.07 (4) (e) The department shall promulgate rules to establish minimum
20 standards for conducting comprehensive security site assessments and for
21 establishing school safety teams.

22 **SECTION 15.** 119.04 (1) of the statutes, as affected by 2017 Wisconsin Act 59,
23 is amended to read:

24 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
25 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,

1 115.345, 115.363, 115.364, 115.365 (3), 115.367, 115.369, 115.38 (2), 115.415, 115.434,
2 115.445, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12,
3 118.125 to 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164,
4 118.18, 118.19, 118.196, 118.20, 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and
5 (10), 118.245, 118.255, 118.258, 118.291, 118.292, 118.293, 118.30 to 118.43, 118.46,
6 118.50, 118.51, 118.52, 118.53, 118.55, 118.56, 120.12 (2m), (4m), (5), and (15) to (27),
7 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), (38),
8 and (39), 120.137, 120.14, 120.20, 120.21 (3), and 120.25 are applicable to a 1st class
9 city school district and board but not, unless explicitly provided in this chapter or in
10 the terms of a contract, to the commissioner or to any school transferred to an
11 opportunity schools and partnership program.

12 **SECTION 15g.** 165.25 (17) of the statutes is created to read:

13 165.25 (17) BACKGROUND CHECKS FOR PRIVATE GUN SALES. Upon request from an
14 individual, the department of justice shall perform a background check on an
15 individual that is identical to a firearms restrictions record search under s. 175.35
16 (1) (at) and, if the search does not indicate that the individual is prohibited from
17 possessing a firearm under state or federal law, issue the individual a certificate
18 indicating the results of the search that is valid for 30 days after issuance.

19 **SECTION 15t.** 165.82 (1) (intro.) of the statutes is amended to read:

20 165.82 (1) (intro.) Notwithstanding s. 19.35 (3), the department of justice shall
21 impose the following fees, plus any surcharge required under sub. (1m), for criminal
22 history searches for purposes unrelated to criminal justice or to s. 165.25 (17), 175.35,
23 175.49, or 175.60:

24 **SECTION 16.** 175.33 of the statutes is created to read:

25 **175.33 Transfer of firearms. (1)** In this section:

1 (a) "Family member" means a spouse, parent, grandparent, sibling, child, or
2 grandchild. The relationship may be by blood, marriage, or adoption.

3 (b) "Firearms dealer" has the meaning given in s. 175.35 (1) (ar).

4 **(2)** No person may sell or transfer ownership of a firearm, or purchase or obtain
5 ownership of a firearm, unless one of the following applies:

6 (a) The seller or transferor is a firearms dealer.

7 (b) The seller or transferor makes the sale or transfer to or through a firearms
8 dealer and obtains a receipt under s. 175.35 (2j) (b).

9 (bm) The seller or transferor is not a firearms dealer and is transferring
10 ownership of the firearm to a person who has a valid certificate issued by the
11 department of justice under s. 165.25 (17).

12 (c) The sale or transfer of ownership of the firearm is one of the transfers listed
13 under s. 175.35 (2t).

14 (d) The transferor is transferring ownership of the firearm to a family member
15 by gift, bequest, inheritance, or sale, the transferee is not prohibited from possessing
16 a firearm under s. 941.29, and the transferee is at least 18 years of age.

17 (e) The transferor is transferring ownership of the firearm with the intent that
18 the transfer be temporary, neither the transferor nor the transferee is prohibited
19 from possessing a firearm under s. 941.29, and the purpose of the transfer is not
20 prohibited by law.

21 **(3)** Any person who intentionally violates sub. (2) is guilty of a misdemeanor
22 and shall be fined not less than \$500 nor more than \$10,000 and may be imprisoned
23 for not more than 9 months. The person is also prohibited under s. 941.29 from
24 possessing a firearm for a period of 2 years.

25 **SECTION 17.** 175.35 (title) of the statutes is amended to read:

1 **175.35 (title) Purchase of handguns firearms.**

2 **SECTION 18.** 175.35 (1) (at) of the statutes is amended to read:

3 175.35 (1) (at) “Firearms restrictions record search” means a search of
4 department of justice records to determine whether a person seeking to purchase a
5 handgun firearm is prohibited from possessing a firearm under s. 941.29. “Firearms
6 restrictions record search” includes a criminal history record search, a search to
7 determine whether a person is prohibited from possessing a firearm under s. 51.20
8 (13) (cv) 1., 2007 stats., a search in the national instant criminal background check
9 system to determine whether a person has been ordered not to possess a firearm
10 under s. 51.20 (13) (cv) 1., 51.45 (13) (i) 1., 54.10 (3) (f) 1., or 55.12 (10) (a), a search
11 to determine whether the person is subject to an injunction under s. 813.12 or
12 813.122, or a tribal injunction, as defined in s. 813.12 (1) (e), issued by a court
13 established by any federally recognized Wisconsin Indian tribe or band, except the
14 Menominee Indian tribe of Wisconsin, that includes notice to the respondent that he
15 or she is subject to the requirements and penalties under s. 941.29 and that has been
16 filed with the circuit court under s. 813.128 (3g), and a search to determine whether
17 the person is prohibited from possessing a firearm under s. 813.123 (5m) or 813.125
18 (4m).

19 **SECTION 19.** 175.35 (1) (b) of the statutes is repealed.

20 **SECTION 20.** 175.35 (2) (intro.) of the statutes is renumbered 175.35 (2) (am)
21 and amended to read:

22 175.35 (2) (am) When a firearms dealer sells or transfers a handgun firearm,
23 he or she may not transfer possession of that handgun firearm to any other person
24 until all of the following have occurred: requirements under par. (cm) have been met.

1 **SECTION 21.** 175.35 (2) (a), (b), (c) and (d) of the statutes are renumbered 175.35
2 (2) (cm) 1., 2., 3. and 4.

3 **SECTION 22.** 175.35 (2) (bm) of the statutes is created to read:

4 175.35 (2) (bm) When a person sells a firearm or transfers ownership of a
5 firearm through a firearms dealer, the person may not transfer possession of that
6 firearm to any person other than the firearms dealer, and the firearms dealer may
7 not transfer or authorize the transfer of possession of that firearm to any person,
8 until all of the requirements of par. (cm) have been met. This paragraph does not
9 apply if a person sells a firearm, or transfers ownership of a firearm, to a firearms
10 dealer.

11 **SECTION 23.** 175.35 (2) (cm) (intro.) of the statutes is created to read:

12 175.35 (2) (cm) (intro.) All of the following must occur before a sale or transfer
13 of a firearm occurs under par. (am) or (bm):

14 **SECTION 24.** 175.35 (2g) (a) of the statutes is amended to read:

15 175.35 (2g) (a) The department of justice shall promulgate rules prescribing
16 procedures for use under sub. (2) (d) for a transferee to provide and a firearms dealer
17 to inspect identification containing a photograph of the transferee.

18 **SECTION 25.** 175.35 (2g) (b) of the statutes is amended to read:

19 175.35 (2g) (b) The department of justice shall promulgate rules prescribing
20 a notification form for use under sub. (2) (cm) 2. and 3. requiring the transferee to
21 provide his or her name, date of birth, gender, race and social security number, and
22 other identification necessary to permit an accurate firearms restrictions record
23 search under par. (c) 3. and the required notification under par. (c) 4. The department
24 of justice shall make the forms available at locations throughout the state.

25 **SECTION 26.** 175.35 (2g) (c) 4. c. of the statutes is amended to read:

1 175.35 (2g) (c) 4. c. If the search indicates that it is unclear whether the person
2 is prohibited under state or federal law from possessing a firearm and the
3 department needs more time than provided under sub. (2) (cm) 4. to make the
4 determination, the department shall make every reasonable effort to determine
5 whether the person is prohibited under state or federal law from possessing a firearm
6 and notify the firearms dealer of the results as soon as practicable but no later than
7 5 working days after the search was requested.

8 **SECTION 27.** 175.35 (2i) of the statutes is renumbered 175.35 (2i) (a) and
9 amended to read:

10 175.35 (2i) (a) The department shall charge a firearms dealer a \$10 fee for each
11 firearms restrictions record search that the firearms dealer requests under sub. (2)
12 (e) (cm) 3.

13 (b) 1. The firearms dealer may collect the fee under par. (a) from the transferee.

14 (c) The department may refuse to conduct firearms restrictions record searches
15 for any firearms dealer who fails to pay any fee under ~~this subsection~~ par. (a) within
16 30 days after billing by the department.

17 **SECTION 28.** 175.35 (2i) (b) 2. of the statutes is created to read:

18 175.35 (2i) (b) 2. If the transfer is made under sub. (2) (bm), the firearms dealer
19 may collect from the transferor the fee under par. (a) and any additional amount to
20 cover any costs he or she incurs in processing the transfer.

21 **SECTION 29.** 175.35 (2j) of the statutes is renumbered 175.35 (2j) (a).

22 **SECTION 30.** 175.35 (2j) (b) of the statutes is created to read:

23 175.35 (2j) (b) If a person sells a firearm or transfers ownership of a firearm
24 through a firearms dealer under sub. (2) (bm), or sells a firearm or transfers
25 ownership of a firearm to a firearms dealer, the firearms dealer shall provide the

1 person a written receipt documenting the dealer's participation in the sale or
2 transfer.

3 **SECTION 31.** 175.35 (2k) (ar) 2. of the statutes is amended to read:

4 175.35 (2k) (ar) 2. Check each notification form received under sub. (2j) (a)
5 against the information recorded by the department regarding the corresponding
6 request for a firearms restrictions record search under sub. (2g). If the department
7 previously provided a unique approval number regarding the request and nothing
8 in the completed notification form indicates that the transferee is prohibited from
9 possessing a firearm under s. 941.29, the department shall destroy all records
10 regarding that firearms restrictions record search within 30 days after receiving the
11 notification form.

12 **SECTION 32.** 175.35 (2k) (c) 2. a. of the statutes is amended to read:

13 175.35 (2k) (c) 2. a. A statement that the Wisconsin law enforcement agency
14 is conducting an investigation of a crime in which a ~~handgun~~ firearm was used or was
15 attempted to be used or was unlawfully possessed.

16 **SECTION 33.** 175.35 (2k) (c) 2. b. of the statutes is amended to read:

17 175.35 (2k) (c) 2. b. A statement by a division commander or higher authority
18 within the Wisconsin law enforcement agency that he or she has a reasonable
19 suspicion that the person who is the subject of the information request has obtained
20 or is attempting to obtain a ~~handgun~~ firearm.

21 **SECTION 34.** 175.35 (2k) (g) of the statutes is amended to read:

22 175.35 (2k) (g) If a search conducted under sub. (2g) indicates that the
23 transferee is prohibited from possessing a firearm under s. 941.29, the attorney
24 general or his or her designee ~~may~~ shall disclose to a law enforcement agency that
25 the transferee has attempted to obtain a ~~handgun~~ firearm.

1 **SECTION 35.** 175.35 (2k) (h) of the statutes is amended to read:

2 175.35 **(2k)** (h) If a search conducted under sub. (2g) indicates a felony charge
3 without a recorded disposition and the attorney general or his or her designee has
4 reasonable grounds to believe the transferee may pose a danger to himself, herself
5 or another, the attorney general or his or her designee may disclose to a law
6 enforcement agency that the transferee has obtained or has attempted to obtain a
7 handgun firearm.

8 **SECTION 36.** 175.35 (2L) of the statutes is amended to read:

9 175.35 **(2L)** The department of justice shall promulgate rules providing for the
10 review of nonapprovals under sub. (2g) (c) 4. a. Any person who is denied the right
11 to purchase a handgun firearm because the firearms dealer received a nonapproval
12 number under sub. (2g) (c) 4. a. may request a firearms restrictions record search
13 review under those rules. If the person disagrees with the results of that review, the
14 person may file an appeal under rules promulgated by the department.

15 **SECTION 37.** 175.35 (2t) (a), (b) and (c) of the statutes are amended to read:

16 175.35 **(2t)** (a) Transfers of any handgun firearm classified as an antique by
17 regulations of the U.S. department of the treasury.

18 (b) Transfers of any handgun firearm between firearms dealers or between
19 wholesalers and dealers.

20 (c) Transfers of any handgun firearm to law enforcement or armed services
21 agencies.

22 **SECTION 38.** 175.60 (7) (d) of the statutes is amended to read:

23 175.60 **(7)** (d) A fee for a background check that is equal to the fee charged under
24 s. 175.35 (2i) (a).

25 **SECTION 39.** 175.60 (15) (b) 4. b. of the statutes is amended to read:

1 175.60 (15) (b) 4. b. A fee for a background check that is equal to the fee charged
2 under s. 175.35 (2i) (a).

3 **SECTION 40.** 938.208 (1) (b) of the statutes is amended to read:

4 938.208 (1) (b) Probable cause exists to believe that the juvenile possessed,
5 used or threatened to use a handgun, as defined in s. ~~175.35 (1) (b)~~ 941.237 (1) (d),
6 short-barreled rifle, as defined in s. 941.28 (1) (b), or short-barreled shotgun, as
7 defined in s. 941.28 (1) (c), while committing a delinquent act that would be a felony
8 under ch. 940 if committed by an adult.

9 **SECTION 41.** 938.34 (4m) (b) 2. of the statutes is amended to read:

10 938.34 (4m) (b) 2. The juvenile has possessed, used or threatened to use a
11 handgun, as defined in s. ~~175.35 (1) (b)~~ 941.237 (1) (d), short-barreled rifle, as
12 defined in s. 941.28 (1) (b), or short-barreled shotgun, as defined in s. 941.28 (1) (c),
13 while committing a delinquent act that would be a felony under ch. 940 if committed
14 by an adult.

15 **SECTION 42.** 938.341 of the statutes is amended to read:

16 **938.341 Delinquency adjudication; restriction on firearm possession.**

17 Whenever a court adjudicates a juvenile delinquent for an act that if committed by
18 an adult in this state would be a felony or for a violation under s. 175.33 (3), the court
19 shall inform the juvenile of the requirements and penalties under s. 941.29.

20 **SECTION 43.** 941.237 (1) (d) of the statutes is amended to read:

21 941.237 (1) (d) “Handgun” ~~has the meaning given in s. 175.35 (1) (b)~~ means any
22 weapon designed or redesigned, or made or remade, and intended to be fired while
23 held in one hand and to use the energy of an explosive to expel a projectile through
24 a smooth or rifled bore.

25 **SECTION 44.** 941.285 of the statutes is created to read:

1 **941.285 Possession of firearm accessories that accelerate the rate of**
2 **fire. (1)** No person may import, sell or offer to sell, purchase, manufacture, transfer,
3 use, or possess a trigger crank, a bump-fire device, or any part, combination of parts,
4 component, device, attachment, or accessory that is added after manufacture that is
5 designed or functions to accelerate the rate of fire of a semiautomatic firearm.

6 **(2)** Any person violating sub. (1) is guilty of a Class G felony.

7 **(3)** Subsection (1) does not apply to the importation, sale, purchase,
8 manufacture, transfer, use, or possession by or under the authority of the federal
9 government or a state or local government.

10 **SECTION 45.** 941.29 (1g) (a) of the statutes is amended to read:

11 941.29 **(1g)** (a) “Violent felony” means any felony under s. 943.23 (1m), 1999
12 stats., or s. 943.23 (1r), 1999 stats., this section, or s. 940.01, 940.02, 940.03, 940.05,
13 940.06, 940.08, 940.09, 940.10, 940.19, 940.195, 940.20, 940.201, 940.203, 940.21,
14 940.225, 940.23, 940.235, 940.285 (2), 940.29, 940.295 (3), 940.30, 940.302, 940.305,
15 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20, 941.26, 941.28, 941.285, 941.292,
16 941.30, 941.327 (2) (b) 3. or 4., 943.02, 943.04, 943.06, 943.10 (2), 943.23 (1g), 943.32,
17 943.87, 946.43, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.051, 948.06,
18 948.07, 948.08, 948.085, or 948.30.

19 **SECTION 46.** 941.29 (1m) (dm), (dn) and (do) of the statutes are created to read:

20 941.29 **(1m)** (dm) The person has been convicted of a misdemeanor under s.
21 175.33 (3), unless at least 2 years have passed since the conviction.

22 (dn) The person has been adjudicated delinquent for a violation under s. 175.33
23 (3), unless at least 2 years have passed since the adjudication.

1 (do) The person has been found not guilty of a misdemeanor under s. 175.33 (3)
2 by reason of mental disease or defect, unless at least 2 years have passed since the
3 finding.

4 **SECTION 47.** 941.291 (1) (b) of the statutes is amended to read:

5 941.291 (1) (b) “Violent felony” means any felony, or the solicitation, conspiracy,
6 or attempt to commit any felony, under s. 943.23 (1m) or (1r), 1999 stats., or s. 940.01,
7 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19, 940.195, 940.20,
8 940.201, 940.203, 940.21, 940.225, 940.23, 940.285 (2), 940.29, 940.295 (3), 940.30,
9 940.305, 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20, 941.26, 941.28, 941.285,
10 941.29, 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.04, 943.06,
11 943.10 (2), 943.23 (1g), 943.32, 943.81, 943.82, 943.83, 943.85, 943.86, 943.87,
12 943.88, 943.89, 943.90, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04,
13 948.05, 948.06, 948.07, 948.08, 948.085, or 948.30; or, if the victim is a financial
14 institution, as defined in s. 943.80 (2), a felony, or the solicitation, conspiracy, or
15 attempt to commit a felony under s. 943.84 (1) or (2).

16 **SECTION 48.** 941.296 (1) (b) of the statutes is amended to read:

17 941.296 (1) (b) “Handgun” has the meaning given in s. ~~175.35 (1) (b)~~ 941.237
18 (1) (d).

19 **SECTION 49.** 968.20 (3) (b) of the statutes is amended to read:

20 968.20 (3) (b) Except as provided in par. (a) or sub. (1m) or (4), a city, village,
21 town or county or other custodian of a seized dangerous weapon or ammunition, if
22 the dangerous weapon or ammunition is not required for evidence or use in further
23 investigation and has not been disposed of pursuant to a court order at the
24 completion of a criminal action or proceeding, shall make reasonable efforts to notify
25 all persons who have or may have an authorized rightful interest in the dangerous

1 weapon or ammunition of the application requirements under sub. (1). If, within 30
2 days after the notice, an application under sub. (1) is not made and the seized
3 dangerous weapon or ammunition is not returned by the officer under sub. (2), the
4 city, village, town or county or other custodian may retain the dangerous weapon or
5 ammunition and authorize its use by a law enforcement agency, except that a
6 dangerous weapon used in the commission of a homicide or a handgun, as defined
7 in s. ~~175.35 (1) (b)~~ 941.237 (1) (d), may not be retained. If a dangerous weapon other
8 than a firearm is not so retained, the city, village, town or county or other custodian
9 shall safely dispose of the dangerous weapon or, if the dangerous weapon is a motor
10 vehicle, as defined in s. 340.01 (35), sell the motor vehicle following the procedure
11 under s. 973.075 (4). If a firearm or ammunition is not so retained, the city, village,
12 town or county or other custodian shall ship it to the state crime laboratories and it
13 is then the property of the laboratories. A person designated by the department of
14 justice may destroy any material for which the laboratories have no use or arrange
15 for the exchange of material with other public agencies. In lieu of destruction,
16 shoulder weapons for which the laboratory has no use shall be turned over to the
17 department of natural resources for sale and distribution of proceeds under s. 29.934
18 or for use under s. 29.938.

19 **SECTION 50.** 971.17 (1g) of the statutes is amended to read:

20 971.17 (1g) If the defendant under sub. (1) is found not guilty of a felony, or of
21 a violation under s. 175.33 (3), by reason of mental disease or defect, the court shall
22 inform the defendant of the requirements and penalties under s. 941.29.

23 **SECTION 51.** 973.123 (1) of the statutes is amended to read:

24 973.123 (1) In this section, “violent felony” means any felony under s. 943.23
25 (1m), 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 940.01, 940.02, 940.03, 940.05,

1 940.06, 940.08, 940.09, 940.10, 940.19, 940.195, 940.20, 940.201, 940.203, 940.21,
2 940.225, 940.23, 940.235, 940.285 (2), 940.29, 940.295 (3), 940.30, 940.302, 940.305,
3 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20, 941.26, 941.28, 941.285, 941.29,
4 941.292, 941.30, 941.327 (2) (b) 3. or 4., 943.02, 943.04, 943.06, 943.10 (2), 943.23
5 (1g), 943.32, 943.87, 946.43, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05,
6 948.051, 948.06, 948.07, 948.08, 948.085, or 948.30.

7 **SECTION 52.** 973.176 (1) of the statutes is amended to read:

8 973.176 (1) FIREARM POSSESSION. Whenever a court imposes a sentence or
9 places a defendant on probation regarding a felony conviction for a felony or for a
10 misdemeanor under s. 175.33 (3), the court shall inform the defendant of the
11 requirements and penalties applicable to him or her under s. 941.29 (1m) or (4m).

12 **SECTION 53. Nonstatutory provisions.**

13 (1) Notwithstanding section 941.285 of the statutes, no person may be subject
14 to a penalty for violating section 941.285 (1) of the statutes with regard to the
15 possession of any device prohibited under that section for the first 180 days after the
16 effective date of this subsection.

17 (2) The department of public instruction may promulgate emergency rules
18 under section 227.24 of the statutes to implement section 115.369 of the statutes.
19 Notwithstanding section 227.24 (1) (e) 1d. of the statutes, the department of public
20 instruction is not required to prepare a statement of the scope of the rules required
21 under section 115.369 of the statutes if emergency rules are promulgated under this
22 subsection. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency
23 rules promulgated under this subsection remain in effect until July 1, 2019, or the
24 date on which permanent rules take effect, whichever is sooner. Notwithstanding
25 section 227.24 (1) (a) and (3) of the statutes, the department is not required to provide

1 evidence that promulgating a rule under this subsection as an emergency rule is
2 necessary for the preservation of the public peace, health, safety, or welfare and is
3 not required to provide a finding of emergency for a rule promulgated under this
4 subsection.

5 **SECTION 54. Fiscal changes.**

6 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation
7 to the department of public instruction under section 20.255 (2) (dt) of the statutes,
8 the dollar amount for fiscal year 2018-19 is increased by \$7,000,000 for the purpose
9 for which the appropriation is made.

10 (2) In the schedule under section 20.005 (3) of the statutes for the appropriation
11 to the department of public instruction under section 20.255 (2) (da) of the statutes,
12 the dollar amount for fiscal year 2018-19 is increased by \$17,000,000 for the purpose
13 for which the appropriation is made.

14 **SECTION 55. Initial applicability.**

15 (1) This act first applies to sales or transfers of ownership of firearms that occur
16 on the effective date of this subsection.”.

17 (END)