

## 2019 DRAFTING REQUEST

**Bill**

For: **Rob Stafsholt (608) 266-7683** Drafter: **emueller**  
 By: **Matthew** Secondary Drafters:  
 Date: **1/29/2019** May Contact:

Same as LRB:

Submit via email: **YES**  
 Requester's email: **Rep.Stafsholt@legis.wisconsin.gov**  
 Carbon copy (CC) to: **eric.mueller@legis.wisconsin.gov**  
**marc.shovers@legis.wisconsin.gov**

**Pre Topic:**

No specific pre topic given

**Topic:**

Prohibit local government from regulating certain firearm discharges

**Instructions:**

Redraft 2017 LRB-5755/p2

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	emueller 1/29/2019	anienaja 1/29/2019			
/P1			lparisi 1/29/2019		
/1	emueller 2/13/2019	anienaja 2/7/2019	dwalker 2/7/2019		
/2		anienaja 2/13/2019	mbarman 2/13/2019	mbarman 2/26/2019	

FE Sent For:

<END>

↳ Not  
Needed

**Mueller, Eric**

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**From:** Spencer, Matthew  
**Sent:** Tuesday, January 29, 2019 9:50 AM  
**To:** Mueller, Eric  
**Cc:** Taylor, Chad  
**Subject:** 2017 LRB 5755/P2

Morning Eric,

Can I get a re-draft of LRB 5755. Sen. Craig will be taking the lead in the Senate. Chad Taylor from his office is CC'ed on this email.

Thanks,

Matthew Spencer  
Office of Representative Rob Stafsholt



# RESEARCH APPENDIX

## Drafting History Reproduction Request Form

Drafting Attorneys: Please complete form below and give to Mike Barman (lead PA).

Requested by	<i>Gun</i>
Date	<i>1/29/19</i>

\*Note: Except for companion bills, both drafts should have same requester.

<input checked="" type="checkbox"/>	Please transfer the drafting file for:	
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2017 LRB	<i>5755</i>	For Rep./Sen. <i>Stafsholt</i>
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To the drafting file for:

2019 LRB	<i>1760</i>	For Rep./Sen. <i>Stafsholt</i>
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OR

<input type="checkbox"/>	Please copy the drafting file for:	
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2019 LRB	<i>/</i>	For Rep./Sen.
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And place it in the drafting file for:

2019 LRB		For Rep./Sen.
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*Done  
MIB*

Companion bills?	<input type="checkbox"/> YES*	<input type="checkbox"/> NO
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\*If yes, the transfer or copy of the file was authorized by whom in the original requester's office?



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-5755/P2 1700/PE  
EVM:cdc/amm/cjs  
RMNR

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

SA  
Xref  
Pwf

1/30/19

Reagen

- 1 AN ACT *to renumber and amend* 66.0409 (3) (b); and *to create* 66.0409 (3) (b)
- 2 3. of the statutes; **relating to:** local regulation of certain firearm discharges.

***Analysis by the Legislative Reference Bureau***

Under current law, no political subdivision may have more stringent regulation than is provided in state statutes of the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permitting, registration, or taxation of a firearm. Current law also specifies that this limitation does not prohibit a municipality from restricting the discharge of a firearm.

Under this bill, a municipal restriction on the discharge of a firearm may not be enforced against a discharge of a firearm that involves the use of only blanks and that is part of a funeral for which military honors are provided or of military honors provided at a cemetery on Memorial Day or Veterans Day or at a veterans memorial site.

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

- 3 SECTION 1. 66.0409 (3) (b) of the statutes is renumbered 66.0409 (3) (b) 1. and
- 4 amended to read:



**Mueller, Eric**

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**From:** Spencer, Matthew  
**Sent:** Wednesday, February 06, 2019 2:29 PM  
**To:** Mueller, Eric  
**Subject:** Re: Draft review: LRB -1700/P1

How about "local regulation of honorary military firearm discharges"

If that works, we'll take a /1.

Sent via the Samsung Galaxy S9+, an AT&T 4G LTE smartphone

----- Original message -----

**From:** "Mueller, Eric" <Eric.Mueller@legis.wisconsin.gov>  
**Date:** 2/6/19 1:45 PM (GMT-06:00)  
**To:** "Spencer, Matthew" <Matthew.Spencer@legis.wisconsin.gov>  
**Subject:** RE: Draft review: LRB -1700/P1

Matthew,

Is "local regulation of honorary firearm discharges" okay for the title? I think mentioning local regulation provides a little more complete explanation of what the bill does.

If so, do you want a /p2 now or should I wait until you have other changes or are ready for an introducible version?

Eric Mueller  
Attorney, Legislative Reference Bureau  
Phone: (608)261-7032  
eric.mueller@legis.wisconsin.gov

**From:** Spencer, Matthew <Matthew.Spencer@legis.wisconsin.gov>  
**Sent:** Wednesday, February 06, 2019 9:55 AM  
**To:** Mueller, Eric <Eric.Mueller@legis.wisconsin.gov>  
**Subject:** FW: Draft review: LRB -1700/P1

Eric,

Is there any way we can change the relating to clause? Something like, Honorary firearm discharges. If you have questions, 7-9431

**From:** Rep.Stafsholt  
**Sent:** Thursday, January 31, 2019 8:45 AM  
**To:** Spencer, Matthew <Matthew.Spencer@legis.wisconsin.gov>  
**Subject:** FW: Draft review: LRB -1700/P1

*Sharlene Konkel*

Legislative Assistant  
Representative Rob Stafsholt  
29<sup>th</sup> Assembly District  
(608)266-7683

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**From:** LRB.Legal <[lrblegal@legis.wisconsin.gov](mailto:lrblegal@legis.wisconsin.gov)>  
**Sent:** Tuesday, January 29, 2019 4:35 PM  
**To:** Rep.Stafsholt <[Rep.Stafsholt@legis.wisconsin.gov](mailto:Rep.Stafsholt@legis.wisconsin.gov)>  
**Subject:** Draft review: LRB -1700/P1

**Following is the PDF version of draft LRB -1700/P1.**





State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-1700/P1  
EVM:amn

RME

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2/7/19

- 1 AN ACT *to renumber and amend* 66.0409 (3) (b); and *to create* 66.0409 (3) (b)  
2 3. of the statutes; **relating to:** local regulation of certain firearm discharges.

honorary  
military

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***Analysis by the Legislative Reference Bureau***

Under current law, no political subdivision may have more stringent regulation than is provided in state statutes of the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permitting, registration, or taxation of a firearm. Current law also specifies that this limitation does not prohibit a municipality from restricting the discharge of a firearm.

Under this bill, a municipal restriction on the discharge of a firearm may not be enforced against a discharge of a firearm that involves the use of only blanks and that is part of a funeral for which military honors are provided or of military honors provided at a cemetery on Memorial Day or Veterans Day or at a veterans memorial site.

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

- 3 SECTION 1. 66.0409 (3) (b) of the statutes is renumbered 66.0409 (3) (b) 1. and  
4 amended to read:

1 66.0409 (3) (b) 1. Nothing in this section prohibits a city, village or town that  
2 is authorized to exercise village powers under s. 60.22 (3) from enacting an ordinance  
3 or adopting a resolution that restricts the discharge of a firearm. Any

4 2. Notwithstanding subd. 1., any ordinance or resolution that restricts the  
5 discharge of a firearm does not apply and may not be enforced if the actor's conduct  
6 is justified or, had it been subject to a criminal penalty, would have been subject to  
7 a defense described in s. 939.45.

8 **SECTION 2.** 66.0409 (3) (b) 3. of the statutes is created to read:

9 66.0409 (3) (b) 3. Notwithstanding subd. 1., any ordinance or resolution that  
10 restricts the discharge of a firearm that involves the use of only blanks and that is  
11 part of any of the following does not apply and may not be enforced:

12 a. A funeral for which military funeral honors are provided.

13 b. Military honors provided at a cemetery on Memorial Day or Veterans Day.

14 c. Military honors provided at a veterans memorial site.

15 (END)

## Mueller, Eric

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**From:** Taylor, Chad  
**Sent:** Tuesday, February 12, 2019 2:36 PM  
**To:** Spencer, Matthew; Mueller, Eric  
**Subject:** RE: Draft review: LRB -1700/P1

Eric:

Senator Craig agrees with Rep. Stafsholt and would like bill to include all funerals and events honoring:

1. Active/Retired/Deceased Military Service Members
2. Law Enforcement Officers
3. Professional Fire Fighters

If you have any questions or additional thoughts, please let us know. Thank you for all your assistance.

Regards,

Chad Taylor

Chad Taylor  
Office of State Senator David Craig  
28<sup>th</sup> Senate District  
State of Wisconsin  
(608) 266-5400

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**From:** Spencer, Matthew <Matthew.Spencer@legis.wisconsin.gov>  
**Sent:** Tuesday, February 12, 2019 2:20 PM  
**To:** Mueller, Eric <Eric.Mueller@legis.wisconsin.gov>  
**Cc:** Taylor, Chad <Chad.Taylor@legis.wisconsin.gov>  
**Subject:** RE: Draft review: LRB -1700/P1

Eric,

I think we're going to be sending the bill jacket back to you. Can we get a /2 that includes Enforcement Officials, Fight Fighters, and Military personnel.

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**From:** Spencer, Matthew <Matthew.Spencer@legis.wisconsin.gov>  
**Sent:** Wednesday, February 6, 2019 2:29 PM  
**To:** Mueller, Eric <Eric.Mueller@legis.wisconsin.gov>  
**Subject:** Re: Draft review: LRB -1700/P1

How about "local regulation of honorary military firearm discharges"

If that works, we'll take a /1.



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-1700/1  
EVM:amn

12

PMR

2019 BILL

2/13/19

1 AN ACT to renumber and amend 66.0409 (3) (b); and to create 66.0409 (3) (b)  
2 3. of the statutes; relating to: local regulation of honorary (military) firearm  
3 discharges.

**Analysis by the Legislative Reference Bureau**

an honorary

Under current law, no political subdivision may have more stringent regulation than is provided in state statutes of the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permitting, registration, or taxation of a firearm. Current law also specifies that this limitation does not prohibit a municipality from restricting the discharge of a firearm.

Under this bill, a municipal restriction on the discharge of a firearm may not be enforced against a discharge of a firearm that involves the use of only blanks and that is part of a funeral for which military honors are provided or of military honors provided at a cemetery on Memorial Day or Veterans Day or at a veterans memorial site.

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

4 SECTION 1. 66.0409 (3) (b) of the statutes is renumbered 66.0409 (3) (b) 1. and  
5 amended to read:

an event honoring a current or former member of the military, law enforcement officer, or fire fighters

**BILL**

1           66.0409 (3) (b) 1. Nothing in this section prohibits a city, village or town that  
2 is authorized to exercise village powers under s. 60.22 (3) from enacting an ordinance  
3 or adopting a resolution that restricts the discharge of a firearm. Any

4           2. Notwithstanding subd. 1., any ordinance or resolution that restricts the  
5 discharge of a firearm does not apply and may not be enforced if the actor's conduct  
6 is justified or, had it been subject to a criminal penalty, would have been subject to  
7 a defense described in s. 939.45.

8           **SECTION 2.** 66.0409 (3) (b) 3. of the statutes is created to read:

9           66.0409 (3) (b) 3. Notwithstanding subd. 1., any ordinance or resolution that  
10 restricts the <sup>honorary</sup> discharge of a firearm that involves the use of only blanks and that is  
11 part of any of the following does not apply and may not be enforced:

- 12 a. A funeral for which military funeral honors are provided.
- 13 b. Military honors provided at a cemetery on Memorial Day or Veterans Day.
- 14 c. Military honors provided at a veterans memorial site.

(END)

An event, includes a funeral, honoring a member  
of the military, law enforcement officer, or professional  
fire fighter.

*current or former*

**Barman, Mike**

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**From:** Spencer, Matthew  
**Sent:** Tuesday, February 26, 2019 10:53 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -1700/2

Please Jacket LRB -1700/2 for the ASSEMBLY.