

Clearinghouse Rule 11-036

AN ORDER to amend Jus. 10.11 (1); and to create Jus. 10.01 (4) (am) and 10.095, relating to firearms records searches.

SECTION 1. Jus 10.01(4)(am) is created to read: “Firearms restrictions record search” means a search of department of justice records to determine whether a person seeking to purchase a handgun is prohibited from possessing a firearm, as provided in s. 175.35 (1) (at), Stats.

SECTION 2. Jus 10.095 is created to read: **Jus 10.095 Processing of information received from circuit courts under chs. 51 and 55, Stats.**

(1) (a) The department shall maintain a database that includes:

1. A listing of those persons who have been ordered not to possess a firearm under ss. 51.20 (13) (cv) 1., 51.45 (13) (i) 1., 54.10 (3) (f) 1., or 55.12 (10) (a), Stats., with respect to whom the department has received such information from a circuit court.
2. A listing of those persons who have obtained relief through a cancellation order under ss. 51.20 (13) (cv) 1m. c., 51.45 (13) (i) 2.c., 54.10 (3) (f) 2.c., or 55.12 (10) (b) 3., Stats., with respect to whom the department has received such information from a circuit court.
3. Any identifying information that has been provided by a circuit court to the department under subd. 1. or 2.

(b) The department shall in a timely manner provide relevant information that is added to the database to the national instant criminal background check system, 28 CFR Part 25, in accordance with its procedures.

(2) Except as provided in sub. (1) (b) and s. 175.35 (2g) (c), Stats., the department may not disclose information from the database.

Note: The promulgation of this section is required by s. 175.35 (2g) (d), Stats., as created by 2009 Wisconsin Act 258, sec. 13, which directs the department of justice to promulgate rules to convey in a timely manner to the national instant criminal background check system certain information concerning handgun restrictions that is received from circuit courts in proceedings under chs. 51 and 55, Stats.

SECTION 3. Jus 10.11(1) is amended to read: The department shall charge a dealer a \$5 fee for each record search the dealer requests under s. Jus 10.06 (1) (d) as set forth in s. 175.35, Stats. A dealer may collect the \$5 fee from the transferee.