

1979 Assembly Bill 1116

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CHAPTER 115, Laws of 1979

AN ACT to amend 941.23 (2); and to create 941.28 of the statutes, relating to restricting ownership of short-barreled shotguns or short-barreled rifles, disposal of seized weapons and providing a penalty.

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

SECTION 1. 941.23 (2) of the statutes is amended to read:

941.23 (2) Any weapon involved in an offense under sub. (1) ~~may be seized and shall be forwarded, within 48 hours of seizure, to the crime laboratory division of the department of justice for examination. If the weapon is owned by a person convicted under sub. (1), it shall be confiscated and destroyed by the division after such referral. If it is owned by a person other than the person convicted under sub. (1), the trial judge may decide~~

~~whether such weapon shall be returned to its rightful owner or destroyed by the crime laboratory division is subject to s.968.20 (3).~~

SECTION 2. 941.28 of the statutes is created to read:

941.28 Possession of short-barreled shotgun or short-barreled rifle. (1) In this section:

(a) "Rifle" means a firearm designed or redesigned, made or remade, and intended to be fired from the shoulder or hip and designed or redesigned and made or remade to use the energy of a propellant in a metallic cartridge to fire through a rifled barrel a single projectile for each pull of the trigger.

(b) "Short-barreled rifle" means a rifle having one or more barrels having a length of less than 16 inches measured from closed breech or bolt face to muzzle or a rifle having an overall length of less than 26 inches.

(c) "Short-barreled shotgun" means a shotgun having one or more barrels having a length of less than 18 inches measured from closed breech or bolt face to muzzle or a shotgun having an overall length of less than 26 inches.

(d) "Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder or hip and designed or redesigned and made or remade to use the energy of a propellant in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(2) No person may sell or offer to sell, transport, purchase, possess or go armed with a short-barreled shotgun or short-barreled rifle.

(3) Any person violating this section is guilty of a Class E felony.

(4) This section does not apply to the sale, purchase, possession, use or transportation of a short-barreled shotgun or short-barreled rifle to or by any armed forces or national guard personnel in line of duty, any peace officer of the United States or of any political subdivision of the United States or any person who has complied with the licensing and registration requirements under 26 USC 5801 to 5872. This section does not apply to the manufacture of short-barreled shotguns or short-barreled rifles for any person or group authorized to possess these weapons. The restriction on transportation contained in this section does not apply to common carriers. This section shall not apply to any firearm that may be lawfully possessed under federal law, or any firearm that could have been lawfully registered at the time of the enactment of the national firearms act of 1968.

(5) Any firearm seized under this section is subject to s. 968.20 (3) and is presumed to be contraband.

SECTION 3. Effective date. This act takes effect on the first day of the 3rd month commencing after its publication.
