



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1995 ASSEMBLY BILL 504**

January 3, 1996 – Offered by COMMITTEE ON GOVERNMENT OPERATIONS.

1 **AN ACT to repeal** 146.995 (2) (a) 1. and 146.995 (4) (c); **to renumber** 146.995 (1)
2 (b); **to amend** 146.995 (title), 146.995 (2) (a) 1., 146.995 (2) (a) 2., 146.995 (3)
3 and 905.04 (4) (h); and **to create** 146.995 (1) (b) to (e), (g) and (h), 146.995 (2k),
4 146.995 (2m), 146.995 (2p) and 255.20 (4) of the statutes; **relating to:** a
5 reporting procedure for firearm injuries.

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

6 **SECTION 1.** 146.995 (title) of the statutes is amended to read:

7 **146.995 (title) Reporting of wounds and burn and firearm injuries.**

8 **SECTION 2.** 146.995 (1) (b) of the statutes is renumbered 146.995 (1) (f).

9 **SECTION 3.** 146.995 (1) (b) to (e), (g) and (h) of the statutes are created to read:

10 146.995 (1) (b) “Emergency medical technician” means a person who is licensed
11 or permitted as an emergency medical technician under s. 146.50 (5).

12 (c) “Firearm” has the meaning given in s. 167.31 (1) (c).

13 (d) “Firearm injury” means an injury to a person as the result of the firing of
14 a firearm, including an injury that results in death.

1 (e) “First responder” has the meaning given in s. 146.53 (1) (d).

2 (g) “Law enforcement officer” has the meaning given in s. 165.85 (2) (c).

3 (h) “Tribal law enforcement officer” has the meaning given in s. 165.85 (2) (g).

4 **SECTION 4.** 146.995 (2) (a) 1. of the statutes is amended to read:

5 146.995 (2) (a) 1. A ~~gunshot wound~~ firearm injury.

6 **SECTION 5.** 146.995 (2) (a) 1. of the statutes, as affected by 1995 Wisconsin Act
7 (this act), is repealed.

8 **SECTION 6.** 146.995 (2) (a) 2. of the statutes is amended to read:

9 146.995 (2) (a) 2. Any wound other than a ~~gunshot wound~~ firearm injury if the
10 person has reasonable cause to believe that the wound occurred as a result of a crime.

11 **SECTION 7.** 146.995 (2k) of the statutes is created to read:

12 146.995 (2k) Beginning on January 1, 1997, a person who is licensed, certified
13 or registered by the state under ch. 441, 448 or 455, an emergency medical technician
14 or a first responder, who treats a patient for a firearm injury, shall report, on a form
15 that the department shall provide, as soon as reasonably possible to a law
16 enforcement officer or tribal law enforcement officer for the area where the
17 treatment is rendered all of the following, if known to the person, emergency medical
18 technician or first responder:

19 (a) The date of birth, race, gender, education and occupation of the patient or
20 deceased person.

21 (b) The date and time of the firearm injury and the geographical location at
22 which it occurred.

23 (c) Any evidence, if available without testing, of the use of alcohol or other drug
24 by the patient or by the alleged perpetrator of the firearm injury, if other than the
25 patient.

1 (d) The make, model, serial number, caliber, type and barrel length of the
2 firearm and modifications, if any, to the firearm.

3 (e) The caliber and type of all bullets and casings used in the firearm injury or
4 death.

5 **SECTION 8.** 146.995 (2m) of the statutes is created to read:

6 146.995 (2m) Beginning on January 1, 1997, all of the following shall report
7 quarterly to the department on a form that the department shall provide:

8 (a) A law enforcement officer or tribal law enforcement officer, who apprehends
9 an alleged perpetrator of a firearm injury to another or who investigates a firearm
10 injury shall report all of the following, if known to the law enforcement officer or
11 tribal law enforcement officer:

12 1. The date of the firearm injury.

13 2. The date of birth, race, gender, education and occupation of the alleged
14 perpetrator.

15 3. The parole or probation status of the alleged perpetrator.

16 4. The make, model, serial number, caliber, type and barrel length of the
17 firearm and modifications, if any, to the firearm.

18 5. The caliber and type of all bullets and casings used in the firearm injury or
19 death.

20 6. The circumstances of the firearm injury and the geographical location at
21 which it occurred.

22 7. The relationship, if any, of the alleged perpetrator to the person who suffered
23 the firearm injury.

24 8. The state or regional crime laboratory case number for evidence associated
25 with the firearm injury.

1 (b) The state and regional crime laboratories, which perform criminal
2 investigations or provide other services with respect to a firearm injury, shall report
3 all of the following, if known to the laboratory:

4 1. The state or regional crime laboratory case number for evidence associated
5 with the firearm injury.

6 2. The dates of the firearm injury and the death, if any, resulting from the
7 firearm injury.

8 3. The make, model, serial number, caliber, type and barrel length of the
9 firearm and modifications, if any, to the firearm that is determined by the state or
10 regional crime laboratory to have been used to produce the firearm injury.

11 4. The caliber and type of all bullets and casings used in the firearm injury.

12 **SECTION 9.** 146.995 (2p) of the statutes is created to read:

13 146.995 (2p) Beginning on January 1, 1997, a law enforcement officer or tribal
14 law enforcement officer who receives information reported under sub. (2k) shall
15 report that information quarterly to the department.

16 **SECTION 10.** 146.995 (3) of the statutes is amended to read:

17 146.995 (3) Any person reporting in good faith under sub. (2) or (2m), and any
18 inpatient health care facility that employs the a person who reports in good faith, are
19 immune from all civil and criminal liability that may result because of the report.
20 In any proceeding, the good faith of any person reporting under this section shall be
21 presumed.

22 **SECTION 11.** 146.995 (4) (c) of the statutes is repealed.

23 **SECTION 12.** 255.20 (4) of the statutes is created to read:

24 255.20 (4) Publish and provide forms for use in reporting the information
25 required under s. 146.995 (2k), (2m) and (2p). From the information that is so

1 reported, the department shall analyze the data to determine the characteristics of
2 persons and firearms that are likely to be associated with firearm injuries and shall
3 annually report this analysis to the governor, to the legislature under s. 13.172 (2),
4 and to local health departments.

5 **SECTION 13.** 905.04 (4) (h) of the statutes is amended to read:

6 905.04 (4) (h) (title) *Reporting wounds and firearm or burn injuries*. There is
7 no privilege regarding information contained in a report under s. 146.995 pertaining
8 to a patient's name and type of wound or firearm injury or burn injury.

9 **SECTION 14. Effective dates.** This act takes effect on the day after
10 publication, except as follows:

11 (1) The repeal of section 146.995 (2) (a) 1. of the statutes takes effect on
12 January 1, 1997.

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(END)