



**SENATE AMENDMENT 2,
TO 1995 SENATE BILL 144**

September 27, 1995 - Offered by Senator FITZGERALD.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 14: delete lines 14 and 15 and substitute: "to determine whether
3 the person is prohibited from possessing a firearm under s. 813.12 (4m), 813.122 (5m)
4 or 813.125 (4m) or under an order included in a tribal injunction filed with the circuit
5 court under s. 813.12 (9) (a).".

6 **2.** Page 7, line 21: delete lines 21 and 22 and substitute:

7 "813.12 (4m) RESTRICTION ON FIREARM POSSESSION; SURRENDER OF FIREARMS. (a)
8 If a judge or family court commissioner issues an injunction under sub. (4) and the
9 judge or family court commissioner determines, based on evidence presented at the
10 hearing on the issuance of the injunction, that the respondent may use a firearm to
11 cause physical harm to another or to endanger public safety, the judge or family court
12 commissioner may prohibit the respondent from possessing a firearm.

13 (b) An order prohibiting a respondent from possessing a firearm issued under
14 par. (a) remains in effect until the expiration of the injunction issued under sub. (4)
15 and of any subsequent periods of extension of the injunction under sub. (4) (c).

1 (c) An order issued under par. (a) that prohibits a respondent from possessing
2 a firearm shall do all of the following:”.

3 **3.** Page 8, line 9: substitute “(d)” for “(b)”; and substitute “(c)” for “(a)”.

4 **4.** Page 8, line 16: substitute “(e)” for “(c)”; and substitute “(c)” for “(a)”.

5 **5.** Page 9, line 1: delete lines 1 to 4 and substitute:

6 “813.12 **(6)** (am) If an order prohibiting a respondent from possessing a firearm
7 is issued under sub. (4m) or is extended due to the extension under sub. (4) (c) of the
8 injunction with which the order was issued, or if a tribal injunction that includes an
9 order prohibiting a respondent from possessing a firearm is filed under sub. (9) (a),
10 the clerk of the circuit court shall notify the department of justice of the existence of
11 the order prohibiting a respondent from possessing a firearm and shall provide the
12 department of justice with information concerning the period during which the order
13 is in effect and in-”.

14 **6.** Page 9, line 8: delete that line and substitute:

15 “813.12 **(9)** (a) 4. If the tribal injunction includes an order prohibiting the
16 respondent from possessing a firearm, the order includes notice to the respondent
17 that he”.

18 **7.** Page 9, line 9: after that line insert:

19 “**SECTION 18m.** 813.12 (9) (b) of the statutes is amended to read:

20 813.12 **(9)** (b) A tribal order or injunction filed under par. (a) shall have the
21 same effect and shall be subject to the same procedures, defenses and proceedings
22 as an order or injunction under subs. (3) and, (4) and (4m) and may be enforced in
23 like manner.”.

24 **8.** Page 9, line 11: delete lines 11 and 12 and substitute:

1 “813.122 **(5m)** RESTRICTION ON FIREARM POSSESSION; SURRENDER OF FIREARMS. (a)
2 If a judge or court commissioner issues an injunction under sub. (5) and the judge or
3 court commissioner determines, based on evidence presented at the hearing on the
4 issuance of the injunction, that the respondent may use a firearm to cause physical
5 harm to another or to endanger public safety, the judge or court commissioner may
6 prohibit the respondent from possessing a firearm.

7 (b) An order prohibiting a respondent from possessing a firearm issued under
8 par. (a) remains in effect until the expiration of the injunction issued under sub. (5)
9 and of any subsequent periods of extension of the injunction under sub. (5) (d).

10 (c) An order issued under par. (a) that prohibits a respondent from possessing
11 a firearm shall do all of the following:”.

12 **9.** Page 9, line 23: substitute “(d)” for “(b)”; and substitute “(c)” for “(a)”.

13 **10.** Page 10, line 6: substitute “(e)” for “(c)”; and substitute “(c)” for “(a)”.

14 **11.** Page 10, line 16: delete lines 16 to 19 and substitute:

15 “813.122 **(9)** (am) If an order prohibiting a respondent from possessing a
16 firearm is issued under sub. (5m) or is extended due to the extension under sub. (5)
17 (d) of the injunction with which the order was issued, the clerk of the circuit court
18 shall notify the department of justice of the existence of the order prohibiting a
19 respondent from possessing a firearm and shall provide the department of justice
20 with information concerning the period during which the order is in effect and
21 information necessary to identify the respondent”.

22 **12.** Page 10, line 22: delete lines 22 and 23 and substitute:

23 “813.125 **(4m)** RESTRICTION ON FIREARM POSSESSION; SURRENDER OF FIREARMS. (a)
24 If a judge or court commissioner issues an injunction under sub. (4) and the judge or

1 court commissioner determines, based on evidence presented at the hearing on the
2 issuance of the injunction, that the respondent may use a firearm to cause physical
3 harm to another or to endanger public safety, the judge or court commissioner may
4 prohibit the respondent from possessing a firearm.

5 (b) An order prohibiting a respondent from possessing a firearm issued under
6 par. (a) remains in effect until the expiration of the injunction issued under sub. (4).

7 (c) An order issued under par. (a) that prohibits a respondent from possessing
8 a firearm shall do all of the following:”.

9 **13.** Page 11, line 9: substitute “(d)” for “(b)”; and substitute “(c)” for “(a)”.

10 **14.** Page 11, line 16: substitute “(e)” for “(c)”; and substitute “(c)” for “(a)”.

11 **15.** Page 12, line 1: delete lines 1 to 4 and substitute:

12 “813.125 (5r) NOTICE TO DEPARTMENT OF JUSTICE. If an order prohibiting a
13 respondent from possessing a firearm is issued under sub. (4m), the clerk of the
14 circuit court shall notify the department of justice of the existence of the order
15 prohibiting a respondent from possessing a firearm and shall provide the
16 department of justice with information concerning the period during which the order
17 is in effect and information neces-”.

18 **16.** Page 12, line 8: delete lines 8 and 9 and substitute:

19 “941.29 (1) (f) Ordered not to possess a firearm under s. 813.12 (4m), 813.122
20 (5m) or 813.125 (4m) or under an order included in a tribal injunction that has been
21 filed under s. 813.12 (9) (a).”.

22 **17.** Page 13, line 1: substitute “order” for “injunction”.

23 (END)