



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBs0431/1
CMH:wlj

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 1031**

March 22, 2018 - Offered by Representative NERISON.

1 **AN ACT** *to renumber* 175.35 (2); *to renumber and amend* 175.35 (2i); *to*
2 *amend* 20.455 (2) (gr) (title), 175.35 (title), 175.35 (1) (at), 175.35 (2g) (d),
3 175.35 (2k) (c) 2. a., 175.35 (2k) (c) 2. b., 175.35 (2k) (g), 175.35 (2k) (h), 175.35
4 (2L), 175.35 (2t) (a), (b) and (c) and 938.396 (2g) (n); and *to create* 175.35 (2)
5 (bm), 175.35 (2g) (e) and 175.35 (2i) (b) of the statutes; **relating to:** background
6 checks on sales of firearms that are not handguns.

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

7 **SECTION 1.** 20.455 (2) (gr) (title) of the statutes is amended to read:
8 20.455 (2) (gr) (title) *Handgun Firearm purchaser record check; checks for*
9 *licenses or certifications to carry concealed weapons.*

10 **SECTION 2.** 175.35 (title) of the statutes is amended to read:

11 **175.35 (title) Purchase of handguns firearms.**

1 **SECTION 3.** 175.35 (1) (at) of the statutes is amended to read:

2 175.35 (1) (at) “Firearms restrictions record search” means a search of
3 department of justice records to determine whether a person seeking to purchase a
4 ~~handgun~~ firearm is prohibited from possessing a firearm under s. 941.29. “Firearms
5 restrictions record search” includes a criminal history record search, a search to
6 determine whether a person is prohibited from possessing a firearm under s. 51.20
7 (13) (cv) 1., 2007 stats., a search in the national instant criminal background check
8 system to determine whether a person has been ordered not to possess a firearm
9 under s. 51.20 (13) (cv) 1., 51.45 (13) (i) 1., 54.10 (3) (f) 1., or 55.12 (10) (a), a search
10 to determine whether the person is subject to an injunction under s. 813.12 or
11 813.122, or a tribal injunction, as defined in s. 813.12 (1) (e), issued by a court
12 established by any federally recognized Wisconsin Indian tribe or band, except the
13 Menominee Indian tribe of Wisconsin, that includes notice to the respondent that he
14 or she is subject to the requirements and penalties under s. 941.29 and that has been
15 filed with the circuit court under s. 813.128 (3g), and a search to determine whether
16 the person is prohibited from possessing a firearm under s. 813.123 (5m) or 813.125
17 (4m).

18 **SECTION 4.** 175.35 (2) of the statutes is renumbered 175.35 (2) (am).

19 **SECTION 5.** 175.35 (2) (bm) of the statutes is created to read:

20 175.35 (2) (bm) 1. When a firearms dealer sells a firearm that is not a handgun,
21 he or she may not transfer possession of that firearm to any other person until all of
22 the following have occurred:

23 a. The transferee has provided identification as required by rule under sub. (2g)
24 (a).

25 b. The transferee has completed the notification form described in sub. (2g) (b).

1 c. The firearms dealer has conveyed the information from the completed
2 notification form to the department of justice as required by rule under sub. (2g) (b)
3 and requested a firearms restrictions record search.

4 d. The firearms dealer has received an approval number regarding the firearms
5 restrictions record search under sub. (2g) (c) from the department of justice.

6 2. This paragraph does not apply if the department of justice certifies that the
7 national instant criminal background check system contains all of the information
8 the department conveys under sub. (2g) (d) and the national instant criminal
9 background check system is using that information when performing a background
10 check on persons seeking to purchase firearms that are not handguns.

11 **SECTION 6.** 175.35 (2g) (d) of the statutes is amended to read:

12 175.35 (2g) (d) 1. The department of justice shall promulgate rules to convey
13 information in a timely manner to the national instant criminal background check
14 system regarding individuals ~~ordered not to possess~~ prohibited from possessing a
15 firearm under s. 51.20 (13) (cv) 1., 51.45 (13) (i) 1., 54.10 (3) (f) 1., or 55.12 (10) (a)
16 941.29.

17 2. The department of justice shall promulgate rules to convey information in
18 a timely manner to the national instant criminal background check system
19 regarding the cancellation under s. 51.20 (13) (cv) 1m. c., 51.45 (13) (i) 2. c., 54.10 (3)
20 (f) 2. c., or 55.12 (10) (b) 3. of an order not to possess a firearm or if an injunction under
21 s. 813.12 (4) or 813.122 (5); an injunction issued under s. 813.123 if the court has
22 required the individual to surrender his or her firearms under s. 813.123 (5m); or an
23 injunction issued under s. 813.125 if the court has required the individual to
24 surrender his or her firearms under s. 813.125 (4m) has been vacated or has expired
25 and not been extended.

1 **SECTION 7.** 175.35 (2g) (e) of the statutes is created to read:

2 175.35 **(2g)** (e) The department of justice shall promulgate rules for making the
3 certification under sub. (2) (bm) 2.

4 **SECTION 8.** 175.35 (2i) of the statutes is renumbered 175.35 (2i) (a) and
5 amended to read:

6 175.35 **(2i)** (a) The department shall charge a firearms dealer a \$10 fee for each
7 firearms restrictions record search that the firearms dealer requests under sub. (2)
8 (e) (am) 3. The firearms dealer may collect the fee from the transferee. The
9 department may refuse to conduct firearms restrictions record searches for any
10 firearms dealer who fails to pay any fee under this subsection within 30 days after
11 billing by the department.

12 **SECTION 9.** 175.35 (2i) (b) of the statutes is created to read:

13 175.35 **(2i)** (b) The department may not charge a firearms dealer a fee for a
14 firearms restrictions record search that the firearms dealer requests under sub. (2)
15 (bm) 1. c. The department may request the secretary of administration under s.
16 16.515 to supplement the appropriation under s. 20.455 (2) (gr) for purposes of
17 conducting firearms restrictions record searches under sub. (2) (bm) 1. c.

18 **SECTION 10.** 175.35 (2k) (c) 2. a. of the statutes is amended to read:

19 175.35 **(2k)** (c) 2. a. A statement that the Wisconsin law enforcement agency
20 is conducting an investigation of a crime in which a ~~handgun~~ firearm was used or was
21 attempted to be used or was unlawfully possessed.

22 **SECTION 11.** 175.35 (2k) (c) 2. b. of the statutes is amended to read:

23 175.35 **(2k)** (c) 2. b. A statement by a division commander or higher authority
24 within the Wisconsin law enforcement agency that he or she has a reasonable

1 suspicion that the person who is the subject of the information request has obtained
2 or is attempting to obtain a handgun firearm.

3 **SECTION 2dt.** 175.35 (2k) (g) of the statutes is amended to read:

4 175.35 **(2k)** (g) If a search conducted under sub. (2g) indicates that the
5 transferee is prohibited from possessing a firearm under s. 941.29, the attorney
6 general or his or her designee may disclose to a law enforcement agency that the
7 transferee has attempted to obtain a handgun firearm.

8 **SECTION 2dv.** 175.35 (2k) (h) of the statutes is amended to read:

9 175.35 **(2k)** (h) If a search conducted under sub. (2g) indicates a felony charge
10 without a recorded disposition and the attorney general or his or her designee has
11 reasonable grounds to believe the transferee may pose a danger to himself, herself
12 or another, the attorney general or his or her designee may disclose to a law
13 enforcement agency that the transferee has obtained or has attempted to obtain a
14 handgun firearm.

15 **SECTION 2dx.** 175.35 (2L) of the statutes is amended to read:

16 175.35 **(2L)** The department of justice shall promulgate rules providing for the
17 review of nonapprovals under sub. (2g) (c) 4. a. Any person who is denied the right
18 to purchase a handgun firearm because the firearms dealer received a nonapproval
19 number under sub. (2g) (c) 4. a. may request a firearms restrictions record search
20 review under those rules. If the person disagrees with the results of that review, the
21 person may file an appeal under rules promulgated by the department.

22 **SECTION 12.** 175.35 (2t) (a), (b) and (c) of the statutes are amended to read:

23 175.35 **(2t)** (a) Transfers of any handgun firearm classified as an antique by
24 regulations of the U.S. department of the treasury.

1 (b) Transfers of any ~~handgun~~ firearm between firearms dealers or between
2 wholesalers and dealers.

3 (c) Transfers of any ~~handgun~~ firearm to law enforcement or armed services
4 agencies.

5 **SECTION 13.** 938.396 (2g) (n) of the statutes is amended to read:

6 938.396 (2g) (n) *Firearms restrictions record search or background check.* If a
7 juvenile is adjudged delinquent for an act that would be a felony if committed by an
8 adult, the court clerk shall notify the department of justice of that fact. No other
9 information from the juvenile's court records may be disclosed to the department of
10 justice except by order of the court. The department of justice may disclose any
11 information provided under this subsection only as part of a firearms restrictions
12 record search under s. 175.35 (2g) (c), under rules the department of justice
13 promulgates under s. 175.35 (2g) (d), or as part of a background check under s. 175.60
14 (9g) (a).

15 (END)