



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBa2607/1
CMH:wlj

**ASSEMBLY AMENDMENT 6,
TO SENATE SUBSTITUTE AMENDMENT 2,
TO ASSEMBLY BILL 843**

March 22, 2018 - Offered by Representatives DOYLE, HINTZ and SPREITZER.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 2, line 11: after that line insert:

3 “SECTION 3g. 20.455 (2) (gr) (title) of the statutes is amended to read:

4 20.455 (2) (gr) (title) *Handgun Firearm purchaser record check; checks for*
5 *licenses or certifications to carry concealed weapons.*”

6 **2.** Page 13, line 12: after that line insert:

7 “SECTION 23b. 175.35 (title) of the statutes is amended to read:

8 **175.35 (title) Purchase of handguns firearms.**

9 SECTION 23d. 175.35 (1) (at) of the statutes is amended to read:

10 175.35 (1) (at) “Firearms restrictions record search” means a search of
11 department of justice records to determine whether a person seeking to purchase a
12 handgun firearm is prohibited from possessing a firearm under s. 941.29. “Firearms

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

14 **SECTION 23f.** 175.35 (2) of the statutes is renumbered 175.35 (2) (am).

15 **SECTION 23h.** 175.35 (2) (bm) of the statutes is created to read:

16 175.35 (2) (bm) 1. When a firearms dealer sells a firearm that is not a handgun,
17 he or she may not transfer possession of that firearm to any other person until all of
18 the following have occurred:

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

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

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

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

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

8 **SECTION 23j.** 175.35 (2g) (d) of the statutes is amended to read:

9 175.35 (2g) (d) 1. The department of justice shall promulgate rules to convey
10 information in a timely manner to the national instant criminal background check
11 system regarding individuals ~~ordered not to possess~~ prohibited from possessing a
12 firearm under s. 51.20 (13) (cv) 1., 51.45 (13) (i) 1., 54.10 (3) (f) 1., or 55.12 (10) (a)
13 941.29.

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

23 **SECTION 23k.** 175.35 (2g) (e) of the statutes is created to read:

24 175.35 (2g) (e) The department of justice shall promulgate rules for making the
25 certification under sub. (2) (bm) 2.

1 **SECTION 23L.** 175.35 (2i) of the statutes is renumbered 175.35 (2i) (a) and
2 amended to read:

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

9 **SECTION 23m.** 175.35 (2i) (b) of the statutes is created to read:

10 175.35 **(2i)** (b) The department may not charge a firearms dealer a fee for a
11 firearms restrictions record search that the firearms dealer requests under sub. (2)
12 ~~(bm)~~ 1. c. The department may request the secretary of administration under s.
13 16.515 to supplement the appropriation under s. 20.455 (2) (gr) for purposes of
14 conducting firearms restrictions record searches under sub. (2) ~~(bm)~~ 1. c.

15 **SECTION 23n.** 175.35 (2k) (c) 2. a. of the statutes is amended to read:

16 175.35 **(2k)** (c) 2. a. A statement that the Wisconsin law enforcement agency
17 is conducting an investigation of a crime in which a ~~handgun~~ firearm was used or was
18 attempted to be used or was unlawfully possessed.

19 **SECTION 23o.** 175.35 (2k) (c) 2. b. of the statutes is amended to read:

20 175.35 **(2k)** (c) 2. b. A statement by a division commander or higher authority
21 within the Wisconsin law enforcement agency that he or she has a reasonable
22 suspicion that the person who is the subject of the information request has obtained
23 or is attempting to obtain a ~~handgun~~ firearm.

24 **SECTION 23p.** 175.35 (2k) (g) of the statutes is amended to read:

1 175.35 **(2k)** (g) If a search conducted under sub. (2g) indicates that the
2 transferee is prohibited from possessing a firearm under s. 941.29, the attorney
3 general or his or her designee may disclose to a law enforcement agency that the
4 transferee has attempted to obtain a handgun firearm.

5 **SECTION 23q.** 175.35 (2k) (h) of the statutes is amended to read:

6 175.35 **(2k)** (h) If a search conducted under sub. (2g) indicates a felony charge
7 without a recorded disposition and the attorney general or his or her designee has
8 reasonable grounds to believe the transferee may pose a danger to himself, herself
9 or another, the attorney general or his or her designee may disclose to a law
10 enforcement agency that the transferee has obtained or has attempted to obtain a
11 handgun firearm.

12 **SECTION 23s.** 175.35 (2L) of the statutes is amended to read:

13 175.35 **(2L)** The department of justice shall promulgate rules providing for the
14 review of nonapprovals under sub. (2g) (c) 4. a. Any person who is denied the right
15 to purchase a handgun firearm because the firearms dealer received a nonapproval
16 number under sub. (2g) (c) 4. a. may request a firearms restrictions record search
17 review under those rules. If the person disagrees with the results of that review, the
18 person may file an appeal under rules promulgated by the department.

19 **SECTION 23t.** 175.35 (2t) (a), (b) and (c) of the statutes are amended to read:

20 175.35 **(2t)** (a) Transfers of any handgun firearm classified as an antique by
21 regulations of the U.S. department of the treasury.

22 (b) Transfers of any handgun firearm between firearms dealers or between
23 wholesalers and dealers.

24 (c) Transfers of any handgun firearm to law enforcement or armed services
25 agencies.”.

