



1995 ASSEMBLY BILL 504

August 7, 1995 - Introduced by Representatives BELL, R. YOUNG, BOCK, RILEY and BOYLE, cosponsored by Senators BURKE and WINEKE. Referred to 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) 2., 146.995 (3) and 905.04 (4) (h);
3 and **to create** 146.995 (1) (b) to (e), (g) and (h), 146.995 (2m), 175.38, 175.39 and
4 255.20 (4) of the statutes; **relating to:** a reporting procedure for firearm
5 injuries, safety devices for firearms, granting rule-making authority and
6 providing penalties.

Analysis by the Legislative Reference Bureau

Current law places various restrictions on the possession or use of a firearm. For example, persons who have committed felonies are prohibited from possessing a firearm, persons may not leave a loaded firearm within the reach or easy access of a child under 14 years old and purchasers of handguns from a federally licensed firearms dealer must submit to a procedure involving a background check and waiting period.

This bill adds 2 requirements. Beginning on January 1, 1998, no person may transport into this state, sell or transfer possession of a handgun unless the handgun is equipped with a certified and operable trigger lock or a firearm unless the firearm is equipped with a certified and operable loaded chamber indicator. The bill provides a procedure for the department of justice to certify models of trigger locks and loaded chamber indicators. Any person who intentionally violates the previously described requirements must be fined not less than \$500 nor more than \$10,000 and may be imprisoned for not more than 9 months. The bill provides exceptions for antique firearms and common carriers transporting firearms.

Currently, certain health care professionals who treat patients suffering from gunshot wounds, certain other wounds and certain burns must report the patient's name and the type of wound or burn injury to local police departments or the county

sheriff's office. Persons making these reports in good faith are immune from civil and criminal liability that may result because of the report.

This bill, beginning on January 1, 1998, requires certain health care professionals, including emergency medical technicians and first responders, who treat patients for injuries that result from the firing of a firearm to report specified information quarterly to the department of health and social services (DHSS). Similar information must, under the bill, be reported to DHSS by law enforcement officers or tribal law enforcement officers who apprehend alleged perpetrators of firearm injuries to others or who investigate firearm injuries. Lastly, the bill requires the state and regional crime laboratories, which perform criminal investigations or perform other services with respect to a firearm injury, to report specified information. Persons who perform this required reporting in good faith are immune from report-related civil or criminal liability. DHSS must publish and provide forms for use in reporting the required information and must analyze the data received to determine the characteristics of persons and firearms that are likely to be associated with firearm injuries. DHSS must annually report this analysis to the legislature, the governor and local public health departments.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

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

2 **146.995 (title) Reporting of wounds and burn and firearm injuries.**

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

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

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

7 (c) "Firearm" has the meaning given in s. 167.31 (1) (c).

8 (d) "Firearm injury" means an injury to a person as the result of the firing of
9 a firearm, including an injury that results in death.

10 (e) "First responder" has the meaning given in s. 146.53 (1) (d).

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

1 (h) "Tribal law enforcement officer" has the meaning given in s. 165.85 (2) (g).

2 **SECTION 4.** 146.995 (2) (a) 1. of the statutes is repealed.

3 **SECTION 5.** 146.995 (2) (a) 2. of the statutes is amended to read:

4 146.995 (2) (a) 2. Any wound other than a ~~gunshot-wound~~ firearm injury if the
5 person has reasonable cause to believe that the wound occurred as a result of a crime.

6 **SECTION 6.** 146.995 (2m) of the statutes is created to read:

7 146.995 (2m) Beginning on January 1, 1998, all of the following shall report
8 quarterly to the department on a form that the department shall provide:

9 (a) A person who is licensed, certified or registered by the state under ch. 441,
10 448 or 455, an emergency medical technician or a first responder, who treats a
11 patient for a firearm injury, shall report all of the following, if known to the person,
12 emergency medical technician or first responder:

13 1. The date of birth, race, gender, education and occupation of the patient or
14 deceased person.

15 2. The date and time of the firearm injury and the geographical location at
16 which it occurred.

17 3. Any evidence, if available without testing, of the use of alcohol or other drug
18 by the patient or by the alleged perpetrator of the firearm injury, if other than the
19 patient.

20 4. The make, model, serial number, caliber, type and barrel length of the
21 firearm; modifications, if any, to the firearm; and whether the firearm was equipped
22 with a loaded chamber indicator, as defined in s. 175.38 (1) (b).

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

SECTION 6

1 (b) A law enforcement officer or tribal law enforcement officer, who apprehends
2 an alleged perpetrator of a firearm injury to another or who investigates a firearm
3 injury shall report all of the following, if known to the law enforcement officer or
4 tribal law enforcement officer:

5 1. The date of the firearm injury.

6 2. The date of birth, race, gender, education and occupation of the alleged
7 perpetrator.

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

9 4. The make, model, serial number, caliber, type and barrel length of the
10 firearm; modifications, if any, to the firearm; and whether the firearm was equipped
11 with a loaded chamber indicator, as defined in s. 175.38 (1) (b).

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

14 6. The circumstances of the firearm injury and the geographical location at
15 which it occurred.

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

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

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

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

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

3 3. The make, model, serial number, caliber, type and barrel length of the
4 firearm and modifications, if any, to the firearm that is determined by the state or
5 regional crime laboratory to have been used to produce the firearm injury, and
6 whether the firearm was equipped with a loaded chamber indicator, as defined in s.
7 175.38 (1) (b).

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

9 **SECTION 7.** 146.995 (3) of the statutes is amended to read:

10 146.995 (3) Any person reporting in good faith under sub. (2) or (2m), and any
11 inpatient health care facility that employs ~~the~~ a person who reports in good faith, are
12 immune from all civil and criminal liability that may result because of the report.
13 In any proceeding, the good faith of any person reporting under this section shall be
14 presumed.

15 **SECTION 8.** 146.995 (4) (c) of the statutes is repealed.

16 **SECTION 9.** 175.38 of the statutes is created to read:

17 **175.38 Loaded chamber indicator required upon transfer of firearm.**

18 **(1)** In this section:

19 (a) "Department" means the department of justice.

20 (b) "Loaded chamber indicator" means a device that plainly indicates whether
21 a bullet, cartridge or shell is present in the firing chamber of a firearm.

22 **(2)** Upon the request of any person, the department shall inspect a device and
23 certify whether that model of a device is a loaded chamber indicator acceptable to be
24 used on a firearm. The department may not charge a fee for processing the request.

SECTION 9

1 The department shall promulgate rules stating those models that have been certified
2 as acceptable loaded chamber indicators.

3 (3) Beginning on January 1, 1998, no person may transport into this state, sell
4 or transfer possession of a firearm unless the firearm is equipped with a loaded
5 chamber indicator for which a model has been certified under sub. (2) and the
6 indicator is operable.

7 (4) Any person who intentionally violates sub. (3) shall be fined not less than
8 \$500 nor more than \$10,000 and may be imprisoned for not more than 9 months.

9 (5) This section does not apply to:

10 (a) Any transportation, sale or transfer of a firearm classified as an antique by
11 regulations of the U.S. department of the treasury.

12 (b) Any transportation of a firearm by a common carrier.

13 **SECTION 10.** 175.39 of the statutes is created to read:

14 **175.39 Trigger lock required upon transfer of handgun.** (1) In this
15 section:

16 (a) "Department" means the department of justice.

17 (b) "Handgun" has the meaning given in s. 175.35 (1) (b).

18 (2) Upon the request of any person, the department shall inspect a trigger lock
19 and certify whether that model of a trigger lock is capable, when locked, of preventing
20 a person from firing a handgun. The department may not charge a fee for processing
21 the request. The department shall promulgate rules stating those models that have
22 been certified as acceptable trigger locks.

23 (3) Beginning on January 1, 1998, no person may transport into this state, sell
24 or transfer the possession of a handgun unless the handgun is equipped with a

1 trigger lock for which a model has been certified under sub. (2) and the trigger lock
2 is operable.

3 (4) Any person who intentionally violates sub. (3) shall be fined not less than
4 \$500 nor more than \$10,000 and may be imprisoned for not more than 9 months.

5 (5) This section does not apply to:

6 (a) Any transportation, sale or transfer of a handgun classified as an antique
7 by regulations of the U.S. department of the treasury.

8 (b) Any transportation of a handgun by a common carrier.

9 **SECTION 11.** 255.20 (4) of the statutes is created to read:

10 255.20 (4) The department shall publish and provide forms for use in reporting
11 the information required under s. 146.995 (2m). From the information that is so
12 reported, the department shall analyze the data to determine the characteristics of
13 persons and firearms that are likely to be associated with firearm injuries and shall
14 annually report this analysis to the governor, to the legislature under s. 13.172 (2),
15 and to local health departments.

16 **SECTION 12.** 905.04 (4) (h) of the statutes is amended to read:

17 905.04 (4) (h) (title) *Reporting wounds and firearm or burn injuries*. There is
18 no privilege regarding information contained in a report under s. 146.995 pertaining
19 to a patient's name and type of wound or firearm injury or burn injury.

20 (END)