# 2001 ASSEMBLY BILL 540

October 8, 2001 – Introduced by Representatives PETTIS, ALBERS, BALOW, BIES, DUFF, J. FITZGERALD, FRISKE, GARD, GRONEMUS, GUNDERSON, GUNDRUM, HAHN, HUEBSCH, HUNDERTMARK, JENSEN, JOHNSRUD, KEDZIE, KESTELL, KRAWCZYK, LADWIG, F. LASEE, M. LEHMAN, LEIBHAM, LIPPERT, LOEFFELHOLZ, McCORMICK, MUSSER, NASS, OWENS, PETROWSKI, POWERS, SHERMAN, SHILLING, SKINDRUD, STARZYK, STEINBRINK, SUDER, SYKORA and WALKER, cosponsored by Senators ROESSLER, ZIEN, S. FITZGERALD and SCHULTZ. Referred to Committee on Criminal Justice.

1    AN ACT *to renumber and amend* 175.35 (2L); and *to create* 175.35 (2L) (b) of

2    the statutes; **relating to:** firearms restrictions record checks.

---

### *Analysis by the Legislative Reference Bureau*

Current law requires that a firearms dealer complete a department of justice (DOJ) firearms restrictions record check on a handgun purchaser before transferring possession of a handgun to the purchaser. A firearms restrictions record check consists of a search of criminal history records, and a search of prohibitions against a person possessing a firearm as a result of a finding that the person is mentally ill, drug dependent, or developmentally disabled, or based on conditions of a domestic abuse or child abuse restraining order. If the firearms restrictions record check reveals that a person is prohibited from possessing a gun, a firearms dealer may not transfer a gun to that person. A person denied the right to purchase a gun as a result of a firearms restrictions record check may request that DOJ review the denial, and if the outcome of the review is unfavorable, the person may appeal the denial to a DOJ administrator.

This bill requires that if DOJ finds, either in a review or in an appeal, that a person was improperly denied the right to purchase a handgun on the basis of incorrect information found in a firearms restrictions record check, DOJ must correct the information in DOJ records, notify the agency that provided the incorrect information and request that the agency correct it, and notify any agency or person to whom DOJ provided notice of the denial that the denial was based on incorrect information and has been reversed.

For further information see the ***state*** 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.** 175.35 (2L) of the statutes is renumbered 175.35 (2L) (a) and

2    amended to read:

3      175.35 **(2L)** (a)  The department of justice shall promulgate rules providing for

4    the review of nonapprovals under sub. (2g) (c) 4. a. and for the correction of inaccurate

5    information under par. (b).  Any person who is denied the right to purchase a

6    handgun because the firearms dealer received a nonapproval number under sub. (2g)

7    (c) 4. a. may request a firearms restrictions record search review under those rules.

8    If the person disagrees with the results of that review, the person may file an appeal

9    under rules promulgated by the department.

10      **SECTION 2.** 175.35 (2L) (b) of the statutes is created to read:

11      175.35 **(2L)** (b)  If, upon review or appeal under par. (a), the department of

12    justice determines that a person was incorrectly denied approval under sub. (2g) (c)

13    4. a. based on incorrect information obtained from a firearms restrictions record

14    search, the department of justice shall immediately do all of the following:

15      1.  Update any relevant department of justice records to reflect the correct

16    information.

17      2.  Notify the agency that provided the incorrect information to the department

18    of justice that the information provided is incorrect and request that the agency

19    update its records to reflect the correct information.

2001 – 2002 Legislature     – 3 –     LRB–3792/1
RLR:rs&cmh:pg
**ASSEMBLY BILL 540**     **SECTION 2**

1     3. Notify any agency or person to which the department of justice provided

2     notice of the nonapproval under sub. (2g) (c) 4. a. that the nonapproval was based on

3     incorrect information and that it has been reversed.

4     **(END)**