



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-4495/1
PJH:cjs

2015 ASSEMBLY BILL 948

February 24, 2016 - Introduced by Representative JOHNSON. Referred to
Committee on Criminal Justice and Public Safety.

1 **AN ACT** *to renumber* 941.29 (3) and 941.29 (4); *to amend* 51.20 (13) (cv) 1., 51.20
2 (13) (cv) 1m. a., 51.20 (13) (cv) 1m. c., 51.20 (13) (cv) 3., 51.20 (13) (cv) 4., 51.45
3 (13) (i) 1., 51.45 (13) (i) 2. a., 51.45 (13) (i) 2. c., 51.45 (13) (i) 3., 51.45 (13) (i) 4.,
4 54.10 (3) (f) 1., 54.10 (3) (f) 2. a., 54.10 (3) (f) 2. c., 54.10 (3) (f) 3., 54.10 (3) (f) 4.,
5 55.12 (10) (a), 55.12 (10) (b) 1., 55.12 (10) (b) 3., 55.12 (10) (c), 55.12 (10) (d),
6 165.63 (2) (a), 165.63 (2) (b), 175.35 (1) (at), 175.35 (2g) (c) 4. a., 175.35 (2g) (c)
7 4. b., 175.35 (2g) (c) 4. c., 175.35 (2g) (d) 1., 175.35 (2g) (d) 2., 175.35 (2k) (ar)
8 2., 175.35 (2k) (g), 175.60 (3) (c), 175.60 (9g) (a) 2., 175.60 (11) (a) 2. f., 175.60
9 (11) (a) 2. h., 813.12 (2) (c) 2., 813.12 (2) (c) 3., 813.12 (4m) (title), 813.12 (4m)
10 (a) 2., 813.12 (4m) (ag), 813.122 (2) (b) 2., 813.122 (2) (b) 3., 813.122 (5m) (title),
11 813.122 (5m) (a) 2., 813.122 (5m) (ag), 813.123 (5) (a) 2. (intro.), 813.123 (5) (a)
12 2. b., 813.123 (5) (a) 2. c., 813.123 (5m) (title), 813.123 (5m) (a), 813.123 (5m) (b),
13 813.123 (5m) (c) (intro.), 813.123 (5m) (c) 2., 813.123 (5m) (d), 813.123 (8m) (a),
14 813.125 (4) (a) 2. (intro.), 813.125 (4) (a) 2. b., 813.125 (4) (a) 2. c., 813.125 (4m)

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1 (title), 813.125 (4m) (a), 813.125 (4m) (b), 813.125 (4m) (c) (intro.), 813.125 (4m)
2 (c) 2., 813.125 (4m) (cg), 813.125 (5) (am), 813.125 (5r) (a), 813.1285 (title),
3 813.1285 (1) (a), 813.1285 (1) (am), 813.1285 (1) (c), 813.1285 (1g) (a), 813.1285
4 (1g) (b), 813.1285 (1g) (c), 813.1285 (1g) (d), 813.1285 (1g) (e), 813.1285 (1g) (f),
5 813.1285 (2) (title), 813.1285 (2) (a), 813.1285 (2) (b), 813.1285 (2) (c) 1.,
6 813.1285 (2) (c) 2., 813.1285 (2) (c) 3. (intro.), 813.1285 (2) (c) 4., 813.1285 (3)
7 (title), 813.1285 (3) (a) (intro.), 813.1285 (3) (a) 1. (intro.), 813.1285 (3) (a) 1. a.,
8 813.1285 (3) (a) 1. b., 813.1285 (3) (a) 1. c., 813.1285 (3) (a) 1. d., 813.1285 (3)
9 (a) 1. e., 813.1285 (3) (a) 2., 813.1285 (3) (a) 3. (intro), 813.1285 (3) (a) 3. b.,
10 813.1285 (4) (title), 813.1285 (4) (a), 813.1285 (4) (b) (intro.), 813.1285 (4) (b) 1.
11 (intro.), 813.1285 (4) (b) 1. a., 813.1285 (4) (b) 1. b., 813.1285 (4) (b) 1m.,
12 813.1285 (4) (b) 2. (intro.), 813.1285 (4) (b) 2. b., 813.1285 (4) (b) 3. a., 813.1285
13 (4) (b) 3. b., 813.1285 (4) (b) 4., 813.1285 (5) (title), 813.1285 (5) (a) (intro.),
14 813.1285 (5) (a) 3., 813.1285 (5) (b), 813.1285 (6) (title), 813.1285 (6) (a),
15 813.1285 (6) (b), 813.1285 (6) (c), 813.1285 (6) (e) 1., 813.1285 (6) (e) 2., 813.1285
16 (7) (title), 813.1285 (7) (a) (intro.), 813.1285 (7) (a) 2., 813.1285 (7) (b), 938.341
17 (title), 941.29 (title), 941.29 (4m) (a) (intro.), 941.29 (5) (intro.), 941.29 (5) (a),
18 941.29 (6), 941.29 (8), 941.29 (9) (b), 941.29 (10) (intro.), 941.29 (10) (a), 941.29
19 (10) (b), 968.20 (1r) (b), 968.20 (1r) (c), 968.20 (1r) (d), 968.20 (1r) (e), 971.17 (1g)
20 and 973.176 (1); and **to create** 941.29 (2m), 941.29 (3) (b) and 941.29 (4) (b) of
21 the statutes; **relating to:** prohibiting certain persons from possessing firearm
22 ammunition, and providing a criminal penalty.

Analysis by the Legislative Reference Bureau

This bill prohibits certain persons who are prohibited under current law from possessing a firearm from possessing firearm ammunition, as well. Under current

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law, a person may not possess a firearm if he or she is convicted of, or adjudicated delinquent for, committing a felony, ordered not to possess a firearm upon being committed for or receiving certain mental health or substance abuse treatment, or subject to certain injunctions or restraining orders relating to abuse or harassment.

Under the bill, a person who may not possess a firearm may not possess firearm ammunition. A person who does so is guilty of a Class I felony, and may be fined up to \$10,000, imprisoned for up to three years and six month, or both.

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.** 51.20 (13) (cv) 1. of the statutes is amended to read:

2 51.20 (13) (cv) 1. If the court makes the disposition under par. (a) 3., 4., 4m.,
3 or 5., the court shall order the individual not to possess a firearm or firearm
4 ammunition, order the seizure of any firearm and firearm ammunition owned by the
5 individual, and inform the individual of the requirements and penalties under s.
6 941.29 if the court determines that the individual is prohibited, under 18 USC 922
7 (g) (4), from possessing a firearm or firearm ammunition.

8 **SECTION 2.** 51.20 (13) (cv) 1m. a. of the statutes is amended to read:

9 51.20 (13) (cv) 1m. a. If a court orders an individual under subd. 1., or ordered
10 an individual under s. 51.20 (13) (cv) 1., 2007 stats., not to possess a firearm or
11 firearm ammunition, the individual may petition that court or the court in the county
12 where the individual resides to cancel the order.

13 **SECTION 3.** 51.20 (13) (cv) 1m. c. of the statutes is amended to read:

14 51.20 (13) (cv) 1m. c. If the court grants the petition under subd. 1m. b., the
15 court shall cancel the order under subd. 1., or the order under s. 51.20 (13) (cv) 1.,
16 2007 stats., whichever is appropriate, and order the return of any firearm and
17 firearm ammunition ordered seized under subd. 1. or s. 51.20 (13) (cv) 1., 2007 stats.

ASSEMBLY BILL 948**SECTION 4**

1 **SECTION 4.** 51.20 (13) (cv) 3. of the statutes is amended to read:

2 51.20 (13) (cv) 3. In lieu of ordering the seizure under subd. 1., the court may
3 designate a person to store the firearm and firearm ammunition until the order has
4 been canceled under subd. 1m. c.

5 **SECTION 5.** 51.20 (13) (cv) 4. of the statutes is amended to read:

6 51.20 (13) (cv) 4. If the court orders a subject individual not to possess a firearm
7 or firearm ammunition under subd. 1. or cancels under subd. 1m. c. an order issued
8 under subd. 1. or under s. 51.20 (13) (cv) 1., 2007 stats., the court clerk shall notify
9 the department of justice of that fact and provide any information identifying the
10 subject individual that is necessary to permit an accurate firearms restrictions
11 record search under s. 175.35 (2g) (c), a background check under s. 175.60 (9g) (a),
12 or an accurate response under s. 165.63. No other information from the subject
13 individual's court records may be disclosed to the department of justice except by
14 order of the court. The department of justice may disclose information provided
15 under this subdivision only to respond to a request under s. 165.63, as part of a
16 firearms restrictions record search under s. 175.35 (2g) (c), under rules the
17 department of justice promulgates under s. 175.35 (2g) (d), or as part of a background
18 check under s. 175.60 (9g) (a).

19 **SECTION 6.** 51.45 (13) (i) 1. of the statutes is amended to read:

20 51.45 (13) (i) 1. If a court orders commitment of a person under this subsection,
21 the court shall determine if, under 18 USC 922 (g) (4), the person is prohibited from
22 possessing a firearm or firearm ammunition. If the person is prohibited, the court
23 shall order the person not to possess a firearm or firearm ammunition, order the
24 seizure of any firearm and firearm ammunition owned by the person, and inform the
25 person of the requirements and penalties under s. 941.29.

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1 **SECTION 7.** 51.45 (13) (i) 2. a. of the statutes is amended to read:

2 51.45 (13) (i) 2. a. If a court orders a person under subd. 1. not to possess a
3 firearm or firearm ammunition, the person may petition that court or the court in the
4 county where the person resides to cancel the order.

5 **SECTION 8.** 51.45 (13) (i) 2. c. of the statutes is amended to read:

6 51.45 (13) (i) 2. c. If the court grants the petition under subd. 2. b., the court
7 shall cancel the order under subd. 1. and order the return of any firearm and firearm
8 ammunition ordered seized under subd. 1.

9 **SECTION 9.** 51.45 (13) (i) 3. of the statutes is amended to read:

10 51.45 (13) (i) 3. In lieu of ordering the seizure under subd. 1., the court may
11 designate a person to store the firearm and firearm ammunition until the order
12 under subd. 1. is canceled under subd. 2. c.

13 **SECTION 10.** 51.45 (13) (i) 4. of the statutes is amended to read:

14 51.45 (13) (i) 4. If the court orders under subd. 1. a person not to possess a
15 firearm or firearm ammunition or cancels under subd. 2. c. an order issued under
16 subd. 1., the court clerk shall notify the department of justice of the order or
17 cancellation and provide any information identifying the person that is necessary to
18 permit an accurate firearms restrictions record search under s. 175.35 (2g) (c), a
19 background check under s. 175.60 (9g) (a), or an accurate response under s. 165.63.
20 No other information from the person's court records may be disclosed to the
21 department of justice except by order of the court. The department of justice may
22 disclose information provided under this subdivision only to respond to a request
23 under s. 165.63, as part of a firearms restrictions record search under s. 175.35 (2g)
24 (c), under rules the department of justice promulgates under s. 175.35 (2g) (d), or as
25 part of a background check under s. 175.60 (9g) (a).

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1 **SECTION 11.** 54.10 (3) (f) 1. of the statutes is amended to read:

2 54.10 (3) (f) 1. If the court appoints a guardian of the person under this
3 subsection, the court shall determine if, under 18 USC 922 (g) (4), the individual is
4 prohibited from possessing a firearm or firearm ammunition. If the individual is
5 prohibited, the court shall order the individual not to possess a firearm or firearm
6 ammunition, order the seizure of any firearm and firearm ammunition owned by the
7 individual, and inform the individual of the requirements and penalties under s.
8 941.29.

9 **SECTION 12.** 54.10 (3) (f) 2. a. of the statutes is amended to read:

10 54.10 (3) (f) 2. a. If a court orders under subd. 1. an individual not to possess
11 a firearm or firearm ammunition, the individual may petition that court or the court
12 in the county where the individual resides to cancel the order.

13 **SECTION 13.** 54.10 (3) (f) 2. c. of the statutes is amended to read:

14 54.10 (3) (f) 2. c. If the court grants the petition under subd. 2. b., the court shall
15 cancel the order under subd. 1. and order the return of any firearm and firearm
16 ammunition ordered seized under subd. 1.

17 **SECTION 14.** 54.10 (3) (f) 3. of the statutes is amended to read:

18 54.10 (3) (f) 3. In lieu of ordering the seizure under subd. 1., the court may
19 designate a person to store the firearm and firearm ammunition until the order
20 under subd. 1. is canceled under subd. 2. c.

21 **SECTION 15.** 54.10 (3) (f) 4. of the statutes is amended to read:

22 54.10 (3) (f) 4. If the court orders under subd. 1. an individual not to possess
23 a firearm or firearm ammunition or cancels under subd. 2. c. an order issued under
24 subd. 1., the court clerk shall notify the department of justice of the order or
25 cancellation and provide any information identifying the individual that is necessary

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1 to permit an accurate firearms restrictions record search under s. 175.35 (2g) (c), a
2 background check under s. 175.60 (9g) (a), or an accurate response under s. 165.63.
3 No other information from the individual's court records may be disclosed to the
4 department of justice except by order of the court. The department of justice may
5 disclose information provided under this subdivision only to respond to a request
6 under s. 165.63, as part of a firearms restrictions record search under s. 175.35 (2g)
7 (c), under rules the department of justice promulgates under s. 175.35 (2g) (d), or as
8 part of a background check under s. 175.60 (9g) (a).

9 **SECTION 16.** 55.12 (10) (a) of the statutes is amended to read:

10 55.12 (10) (a) If a court orders protective services or protective placement of an
11 individual under this section and if an order has not been made under s. 54.10 (3) (f)
12 for the individual, the court shall determine if, under 18 USC 922 (g) (4), the
13 individual is prohibited from possessing a firearm or firearm ammunition. If the
14 individual is prohibited, the court shall order the individual not to possess a firearm
15 or firearm ammunition, order the seizure of any firearm and firearm ammunition
16 owned by the individual, and inform the individual of the requirements and
17 penalties under s. 941.29.

18 **SECTION 17.** 55.12 (10) (b) 1. of the statutes is amended to read:

19 55.12 (10) (b) 1. If a court orders under par. (a) an individual not to possess a
20 firearm or firearm ammunition, the individual may petition that court or the court
21 in the county where the individual resides to cancel the order.

22 **SECTION 18.** 55.12 (10) (b) 3. of the statutes is amended to read:

23 55.12 (10) (b) 3. If the court grants the petition under subd. 2., the court shall
24 cancel the order under par. (a) and order the return of any firearm and firearm
25 ammunition ordered seized under par. (a).

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1 **SECTION 19.** 55.12 (10) (c) of the statutes is amended to read:

2 55.12 **(10)** (c) In lieu of ordering the seizure under par. (a), the court may
3 designate a person to store the firearm and firearm ammunition until the order
4 under par. (a) is canceled under par. (b) 3.

5 **SECTION 20.** 55.12 (10) (d) of the statutes is amended to read:

6 55.12 **(10)** (d) If the court orders under par. (a) an individual not to possess a
7 firearm or firearm ammunition or cancels under par. (b) 3. an order issued under par.
8 (a), the court clerk shall notify the department of justice of the order or cancellation
9 and provide any information identifying the individual that is necessary to permit
10 an accurate firearms restrictions record search under s. 175.35 (2g) (c), a background
11 check under s. 175.60 (9g) (a), or an accurate response under s. 165.63. No other
12 information from the individual's court records may be disclosed to the department
13 of justice except by order of the court. The department of justice may disclose
14 information provided under this paragraph only to respond to a request under s.
15 165.63, as part of a firearms restrictions record search under s. 175.35 (2g) (c), under
16 rules the department of justice promulgates under s. 175.35 (2g) (d), or as part of a
17 background check under s. 175.60 (9g) (a).

18 **SECTION 21.** 165.63 (2) (a) of the statutes is amended to read:

19 165.63 **(2)** (a) Individuals ordered not to possess a firearm or firearm
20 ammunition under s. 51.20 (13) (cv) 1., 51.45 (13) (i) 1., 54.10 (3) (f) 1., or 55.12 (10)
21 (a).

22 **SECTION 22.** 165.63 (2) (b) of the statutes is amended to read:

23 165.63 **(2)** (b) The cancellation under s. 51.20 (13) (cv) 1m. c., 51.45 (13) (i) 2.
24 c., 54.10 (3) (f) 2. c., or 55.12 (10) (b) 3. of an order not to possess a firearm or firearm
25 ammunition.

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1 **SECTION 23.** 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 is prohibited from possessing a firearm or firearm ammunition under s.
5 941.29. “Firearms restrictions record search” includes a criminal history record
6 search, a search to determine whether a person is prohibited from possessing a
7 firearm or firearm ammunition under s. 51.20 (13) (cv) 1., 2007 stats., a search in the
8 national instant criminal background check system to determine whether a person
9 has been ordered not to possess a firearm or firearm ammunition under s. 51.20 (13)
10 (cv) 1., 51.45 (13) (i) 1., 54.10 (3) (f) 1., or 55.12 (10) (a), a search to determine whether
11 the person is subject to an injunction under s. 813.12 or 813.122, or a tribal
12 injunction, as defined in s. 813.12 (1) (e), issued by a court established by any
13 federally recognized Wisconsin Indian tribe or band, except the Menominee Indian
14 tribe of Wisconsin, that includes notice to the respondent that he or she is subject to
15 the requirements and penalties under s. 941.29 and that has been filed with the
16 circuit court under s. 806.247 (3), and a search to determine whether the person is
17 prohibited from possessing a firearm or firearm ammunition under s. 813.123 (5m)
18 or 813.125 (4m).

19 **SECTION 24.** 175.35 (2g) (c) 4. a. of the statutes is amended to read:

20 175.35 (2g) (c) 4. a. If the search indicates that the transferee is prohibited from
21 possessing a firearm or firearm ammunition under s. 941.29, the department shall
22 provide the firearms dealer with a unique nonapproval number. The department
23 may not disclose to the firearms dealer the reason the transferee is prohibited from
24 possessing a firearm or firearm ammunition under s. 941.29.

25 **SECTION 25.** 175.35 (2g) (c) 4. b. of the statutes is amended to read:

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1 175.35 (2g) (c) 4. b. If the search indicates that the transferee is not prohibited
2 from possessing a firearm or firearm ammunition under s. 941.29, the department
3 shall provide the firearms dealer with a unique approval number.

4 **SECTION 26.** 175.35 (2g) (c) 4. c. of the statutes, as affected by 2015 Wisconsin
5 Act 22, is amended to read:

6 175.35 (2g) (c) 4. c. If the search indicates that it is unclear whether the person
7 is prohibited under state or federal law from possessing a firearm or firearm
8 ammunition and the department needs more time to make the determination, the
9 department shall make every reasonable effort to determine whether the person is
10 prohibited under state or federal law from possessing a firearm or firearm
11 ammunition and notify the firearms dealer of the results as soon as practicable but
12 no later than 5 working days after the search was requested.

13 **SECTION 27.** 175.35 (2g) (d) 1. of the statutes is amended to read:

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

19 **SECTION 28.** 175.35 (2g) (d) 2. of the statutes is amended to read:

20 175.35 (2g) (d) 2. The department of justice shall promulgate rules to convey
21 information in a timely manner to the national instant criminal background check
22 system regarding the cancellation under s. 51.20 (13) (cv) 1m. c., 51.45 (13) (i) 2. c.,
23 54.10 (3) (f) 2. c., or 55.12 (10) (b) 3. of an order not to possess a firearm or firearm
24 ammunition.

25 **SECTION 29.** 175.35 (2k) (ar) 2. of the statutes is amended to read:

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1 175.35 **(2k)** (ar) 2. Check each notification form received under sub. (2j) against
2 the information recorded by the department regarding the corresponding request for
3 a firearms restrictions record search under sub. (2g). If the department previously
4 provided a unique approval number regarding the request and nothing in the
5 completed notification form indicates that the transferee is prohibited from
6 possessing a firearm or firearm ammunition under s. 941.29, the department shall
7 destroy all records regarding that firearms restrictions record search within 30 days
8 after receiving the notification form.

9 **SECTION 30.** 175.35 (2k) (g) of the statutes is amended to read:

10 175.35 **(2k)** (g) If a search conducted under sub. (2g) indicates that the
11 transferee is prohibited from possessing a firearm or firearm ammunition under s.
12 941.29, the attorney general or his or her designee may disclose to a law enforcement
13 agency that the transferee has attempted to obtain a handgun.

14 **SECTION 31.** 175.60 (3) (c) of the statutes is amended to read:

15 175.60 **(3)** (c) The individual is prohibited from possessing a firearm or firearm
16 ammunition under s. 941.29.

17 **SECTION 32.** 175.60 (9g) (a) 2. of the statutes is amended to read:

18 175.60 **(9g)** (a) 2. The department shall conduct a criminal history record
19 search and shall search its records and conduct a search in the national instant
20 criminal background check system to determine whether the applicant is prohibited
21 from possessing a firearm or firearm ammunition under federal law; whether the
22 applicant is prohibited from possessing a firearm or firearm ammunition under s.
23 941.29; whether the applicant is prohibited from possessing a firearm or firearm
24 ammunition under s. 51.20 (13) (cv) 1., 2007 stats.; whether the applicant has been
25 ordered not to possess a firearm or firearm ammunition under s. 51.20 (13) (cv) 1.,

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1 51.45 (13) (i) 1., 54.10 (3) (f) 1., or 55.12 (10) (a); whether the applicant is subject to
2 an injunction under s. 813.12 or 813.122, or a tribal injunction, as defined in s. 813.12
3 (1) (e), issued by a court established by any federally recognized Wisconsin Indian
4 tribe or band, except the Menominee Indian tribe of Wisconsin, that includes notice
5 to the respondent that he or she is subject to the requirements and penalties under
6 s. 941.29 and that has been filed with the circuit court under s. 806.247 (3); and
7 whether the applicant is prohibited from possessing a firearm or firearm
8 ammunition under s. 813.123 (5m) or 813.125 (4m); and to determine if the court has
9 prohibited the applicant from possessing a dangerous weapon under s. 969.02 (3) (c)
10 or 969.03 (1) (c) and if the applicant is prohibited from possessing a dangerous
11 weapon as a condition of release under s. 969.01.

12 **SECTION 33.** 175.60 (11) (a) 2. f. of the statutes, as affected by 2015 Wisconsin
13 Act 109, is amended to read:

14 175.60 (11) (a) 2. f. The individual becomes subject to an injunction described
15 in s. 941.29 (1m) (f) or (2m) (f) or is ordered not to possess a firearm or firearm
16 ammunition under s. 813.123 (5m) or 813.125 (4m).

17 **SECTION 34.** 175.60 (11) (a) 2. h. of the statutes is amended to read:

18 175.60 (11) (a) 2. h. A court has ordered the individual not to possess a firearm
19 or firearm ammunition under s. 51.20 (13) (cv) 1., 51.45 (13) (i) 1., 54.10 (3) (f) 1., or
20 55.12 (10) (a).

21 **SECTION 35.** 813.12 (2) (c) 2. of the statutes is amended to read:

22 813.12 (2) (c) 2. An explanation of s. 813.1285, including the procedures for
23 surrendering a firearm and firearm ammunition and the circumstances listed under
24 s. 813.1285 under which a respondent must appear at a hearing to surrender
25 firearms and firearm ammunition.

ASSEMBLY BILL 948**SECTION 36**

1 **SECTION 36.** 813.12 (2) (c) 3. of the statutes is amended to read:

2 813.12 (2) (c) 3. A firearm and firearm ammunition possession form developed
3 under s. 813.1285 (5) (a), with instructions for completing and returning the form.

4 **SECTION 37.** 813.12 (4m) (title) of the statutes is amended to read:

5 813.12 (4m) (title) NOTICE OF RESTRICTION ON FIREARM AND FIREARM AMMUNITION
6 POSSESSION; SURRENDER OF FIREARMS AND FIREARM AMMUNITION.

7 **SECTION 38.** 813.12 (4m) (a) 2. of the statutes is amended to read:

8 813.12 (4m) (a) 2. Except as provided in par. (ag), require in writing the
9 respondent to surrender any firearms and firearm ammunition that he or she owns
10 or has in his or her possession to the sheriff of the county in which the action under
11 this section was commenced, to the sheriff of the county in which the respondent
12 resides or to another person designated by the respondent and approved by the judge
13 or circuit court commissioner, in accordance with s. 813.1285.

14 **SECTION 39.** 813.12 (4m) (ag) of the statutes is amended to read:

15 813.12 (4m) (ag) If the respondent is a peace officer, an injunction issued under
16 sub. (4) may not require the respondent to surrender a firearm or firearm
17 ammunition that he or she is required, as a condition of employment, to possess
18 whether or not he or she is on duty.

19 **SECTION 40.** 813.122 (2) (b) 2. of the statutes is amended to read:

20 813.122 (2) (b) 2. An explanation of s. 813.1285, including the procedures for
21 surrendering a firearm and firearm ammunition and the circumstances listed under
22 s. 813.1285 under which a respondent must appear at a hearing to surrender
23 firearms and firearm ammunition.

24 **SECTION 41.** 813.122 (2) (b) 3. of the statutes is amended to read:

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1 813.122 (2) (b) 3. A firearm and firearm ammunition possession form developed
2 under s. 813.1285 (5) (a), with instructions for completing and returning the form.

3 **SECTION 42.** 813.122 (5m) (title) of the statutes is amended to read:

4 813.122 (5m) (title) NOTICE OF RESTRICTION ON FIREARM AND FIREARM AMMUNITION
5 POSSESSION; SURRENDER OF FIREARMS AND FIREARM AMMUNITION.

6 **SECTION 43.** 813.122 (5m) (a) 2. of the statutes is amended to read:

7 813.122 (5m) (a) 2. Except as provided in par. (ag), require in writing the
8 respondent to surrender any firearms and firearm ammunition that he or she owns
9 or has in his or her possession to the sheriff of the county in which the action under
10 this section was commenced, to the sheriff of the county in which the respondent
11 resides or to another person designated by the respondent and approved by the judge
12 or circuit court commissioner, in accordance with s. 813.1285.

13 **SECTION 44.** 813.122 (5m) (ag) of the statutes is amended to read:

14 813.122 (5m) (ag) If the respondent is a peace officer, an injunction issued
15 under sub. (5) may not require the respondent to surrender a firearm or firearm
16 ammunition that he or she is required, as a condition of employment, to possess
17 whether or not he or she is on duty.

18 **SECTION 45.** 813.123 (5) (a) 2. (intro.) of the statutes is amended to read:

19 813.123 (5) (a) 2. (intro.) The petitioner serves upon the respondent a copy of
20 the petition and notice of the time for hearing on the issuance of the injunction, or
21 the respondent serves upon the petitioner notice of the time for hearing on the
22 issuance of the injunction. The notice served under this subdivision shall inform the
23 respondent that, if the judge or circuit court commissioner issues an injunction, the
24 judge or circuit court commissioner may also order the respondent not to possess a
25 firearm or firearm ammunition while the injunction is in effect. The person who

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1 serves the respondent with the notice shall also provide the respondent with all of
2 the following information:

3 **SECTION 46.** 813.123 (5) (a) 2. b. of the statutes is amended to read:

4 813.123 (5) (a) 2. b. An explanation of s. 813.1285, including the procedures for
5 surrendering a firearm and firearm ammunition and the circumstances listed under
6 s. 813.1285 under which a respondent must appear at a hearing to surrender
7 firearms and firearm ammunition.

8 **SECTION 47.** 813.123 (5) (a) 2. c. of the statutes is amended to read:

9 813.123 (5) (a) 2. c. A firearm and firearm ammunition possession form
10 developed under s. 813.1285 (5) (a), with instructions for completing and returning
11 the form.

12 **SECTION 48.** 813.123 (5m) (title) of the statutes is amended to read:

13 813.123 (5m) (title) RESTRICTION ON FIREARM AND FIREARM AMMUNITION
14 POSSESSION; SURRENDER OF FIREARMS AND FIREARM AMMUNITION.

15 **SECTION 49.** 813.123 (5m) (a) of the statutes is amended to read:

16 813.123 (5m) (a) If a judge or circuit court commissioner issues an injunction
17 under sub. (5) and the judge or circuit court commissioner determines, based on clear
18 and convincing evidence presented at the hearing on the issuance of the injunction,
19 that the respondent may use a firearm to cause physical harm to another or to
20 endanger public safety, the judge or circuit court commissioner may prohibit the
21 respondent from possessing a firearm or firearm ammunition.

22 **SECTION 50.** 813.123 (5m) (b) of the statutes is amended to read:

23 813.123 (5m) (b) An order prohibiting a respondent from possessing a firearm
24 or firearm ammunition issued under par. (a) remains in effect until the expiration
25 of the injunction issued under sub. (5).

ASSEMBLY BILL 948**SECTION 51**

1 **SECTION 51.** 813.123 (5m) (c) (intro.) of the statutes is amended to read:

2 813.123 **(5m)** (c) (intro.) An order issued under par. (a) that prohibits a
3 respondent from possessing a firearm or firearm ammunition shall do all of the
4 following:

5 **SECTION 52.** 813.123 (5m) (c) 2. of the statutes is amended to read:

6 813.123 **(5m)** (c) 2. Except as provided in par. (d), require in writing the
7 respondent to surrender any firearms and firearm ammunition that he or she owns
8 or has in his or her possession to the sheriff of the county in which the action under
9 this section was commenced, to the sheriff of the county in which the respondent
10 resides, or to another person designated by the respondent and approved by the judge
11 or circuit court commissioner, in accordance with s. 813.1285.

12 **SECTION 53.** 813.123 (5m) (d) of the statutes is amended to read:

13 813.123 **(5m)** (d) If the respondent is a peace officer, an order issued under par.
14 (a) may not require the respondent to surrender a firearm or firearm ammunition
15 that he or she is required, as a condition of employment, to possess whether or not
16 he or she is on duty.

17 **SECTION 54.** 813.123 (8m) (a) of the statutes is amended to read:

18 813.123 **(8m)** (a) If an order prohibiting a respondent from possessing a firearm
19 or firearm ammunition is issued under sub. (5m), the clerk of the circuit court shall
20 notify the department of justice of the existence of the order prohibiting a respondent
21 from possessing a firearm or firearm ammunition and shall provide the department
22 of justice with information concerning the period during which the order is in effect
23 and information necessary to identify the respondent for purposes of responding to
24 a request under s. 165.63 or for purposes of a firearms restrictions record search
25 under s. 175.35 (2g) (c) or a background check under s. 175.60 (9g) (a).

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1 **SECTION 55.** 813.125 (4) (a) 2. (intro.) of the statutes is amended to read:

2 813.125 (4) (a) 2. (intro.) The petitioner serves upon the respondent a copy of
3 a restraining order obtained under sub. (3) and notice of the time for the hearing on
4 the issuance of the injunction under sub. (3) (c). The restraining order or notice of
5 hearing served under this subdivision shall inform the respondent that, if the judge
6 or circuit court commissioner issues an injunction, the judge or circuit court
7 commissioner may also order the respondent not to possess a firearm or firearm
8 ammunition while the injunction is in effect. The person who serves the respondent
9 with the order or notice shall also provide the respondent with all of the following
10 information:

11 **SECTION 56.** 813.125 (4) (a) 2. b. of the statutes is amended to read:

12 813.125 (4) (a) 2. b. An explanation of s. 813.1285, including the procedures for
13 surrendering a firearm and firearm ammunition and the circumstances listed under
14 s. 813.1285 under which a respondent must appear at a hearing to surrender
15 firearms and firearm ammunition.

16 **SECTION 57.** 813.125 (4) (a) 2. c. of the statutes is amended to read:

17 813.125 (4) (a) 2. c. A firearm and firearm ammunition possession form
18 developed under s. 813.1285 (5) (a), with instructions for completing and returning
19 the form.

20 **SECTION 58.** 813.125 (4m) (title) of the statutes is amended to read:

21 813.125 (4m) (title) RESTRICTION ON FIREARM AND FIREARM AMMUNITION
22 POSSESSION; SURRENDER OF FIREARMS AND FIREARM AMMUNITION.

23 **SECTION 59.** 813.125 (4m) (a) of the statutes is amended to read:

24 813.125 (4m) (a) If a judge or circuit court commissioner issues an injunction
25 under sub. (4) and the judge or circuit court commissioner determines, based on clear

ASSEMBLY BILL 948**SECTION 59**

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

5 **SECTION 60.** 813.125 (4m) (b) of the statutes is amended to read:

6 813.125 (4m) (b) An order prohibiting a respondent from possessing a firearm
7 or firearm ammunition issued under par. (a) remains in effect until the expiration
8 of the injunction issued under sub. (4).

9 **SECTION 61.** 813.125 (4m) (c) (intro.) of the statutes is amended to read:

10 813.125 (4m) (c) (intro.) An order issued under par. (a) that prohibits a
11 respondent from possessing a firearm or firearm ammunition shall do all of the
12 following:

13 **SECTION 62.** 813.125 (4m) (c) 2. of the statutes is amended to read:

14 813.125 (4m) (c) 2. Except as provided in par. (cg), require in writing the
15 respondent to surrender any firearms and firearm ammunition that he or she owns
16 or has in his or her possession to the sheriff of the county in which the action under
17 this section was commenced, to the sheriff of the county in which the respondent
18 resides or to another person designated by the respondent and approved by the judge
19 or circuit court commissioner, in accordance with s. 813.1285.

20 **SECTION 63.** 813.125 (4m) (cg) of the statutes is amended to read:

21 813.125 (4m) (cg) If the respondent is a peace officer, an order issued under par.
22 (a) may not require the respondent to surrender a firearm or firearm ammunition
23 that he or she is required, as a condition of employment, to possess whether or not
24 he or she is on duty.

25 **SECTION 64.** 813.125 (5) (am) of the statutes is amended to read:

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1 813.125 (5) (am) The petition shall inform the respondent that, if the judge or
2 circuit court commissioner issues an injunction, the judge or circuit court
3 commissioner may also order the respondent not to possess a firearm or firearm
4 ammunition while the injunction is in effect.

5 **SECTION 65.** 813.125 (5r) (a) of the statutes is amended to read:

6 813.125 (5r) (a) If an order prohibiting a respondent from possessing a firearm
7 or firearm ammunition is issued under sub. (4m), the clerk of the circuit court shall
8 notify the department of justice of the existence of the order prohibiting a respondent
9 from possessing a firearm or firearm ammunition and shall provide the department
10 of justice with information concerning the period during which the order is in effect
11 and information necessary to identify the respondent for purposes of responding to
12 a request under s. 165.63 or for purposes of a firearms restrictions record search
13 under s. 175.35 (2g) (c) or a background check under s. 175.60 (9g) (a).

14 **SECTION 66.** 813.1285 (title) of the statutes is amended to read:

15 **813.1285 (title) Notice and process for firearm and firearm ammunition**
16 **surrender.**

17 **SECTION 67.** 813.1285 (1) (a) of the statutes is amended to read:

18 813.1285 (1) (a) “Firearm and firearm ammunition possession form” means the
19 form developed under sub. (5) (a).

20 **SECTION 68.** 813.1285 (1) (am) of the statutes is amended to read:

21 813.1285 (1) (am) “Injunction” means an injunction issued under s. 813.12 (4)
22 or 813.122 (5); an injunction issued under s. 813.123 if the court has required the
23 individual to surrender his or her firearms and firearm ammunition under s. 813.123
24 (5m); or an injunction issued under s. 813.125 if the court has required the individual

ASSEMBLY BILL 948**SECTION 68**

1 to surrender his or her firearms and firearm ammunition under s. 813.125 (4m).
2 “Injunction” includes an injunction that has been stayed under this section.

3 **SECTION 69.** 813.1285 (1) (c) of the statutes is amended to read:

4 813.1285 (1) (c) “Petition for the return of firearms and firearm ammunition”
5 means a petition developed under sub. (5) (b).

6 **SECTION 70.** 813.1285 (1g) (a) of the statutes is amended to read:

7 813.1285 (1g) (a) Order the respondent to surrender, within a period that is no
8 longer than 48 hours, any firearm and firearm ammunition that he or she owns or
9 possesses to the sheriff or, in the court’s discretion, to another person.

10 **SECTION 71.** 813.1285 (1g) (b) of the statutes is amended to read:

11 813.1285 (1g) (b) Order that the respondent may possess or transport a firearm
12 or firearm ammunition only for the purpose of complying with par. (a).

13 **SECTION 72.** 813.1285 (1g) (c) of the statutes is amended to read:

14 813.1285 (1g) (c) If the court stays an injunction, order the respondent subject
15 to a temporary restraining order during the stay of the injunction and extend the
16 temporary restraining order for a period of 48 hours for the purpose of firearm and
17 firearm ammunition surrender.

18 **SECTION 73.** 813.1285 (1g) (d) of the statutes is amended to read:

19 813.1285 (1g) (d) Inform the respondent when the injunction will take effect
20 and the penalty for possessing a firearm or firearm ammunition while the injunction
21 is in effect.

22 **SECTION 74.** 813.1285 (1g) (e) of the statutes is amended to read:

23 813.1285 (1g) (e) Instruct the respondent how to surrender any firearm and
24 firearm ammunition.

25 **SECTION 75.** 813.1285 (1g) (f) of the statutes is amended to read:

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1 813.1285 (1g) (f) If appropriate, order the respondent to attend a hearing to
2 surrender firearms and firearm ammunition.

3 **SECTION 76.** 813.1285 (2) (title) of the statutes is amended to read:

4 813.1285 (2) (title) FIREARM OR FIREARM AMMUNITION POSSESSION DETERMINATION.

5 **SECTION 77.** 813.1285 (2) (a) of the statutes is amended to read:

6 813.1285 (2) (a) If the respondent is present at the injunction hearing, the court
7 shall stay the injunction for a period not to exceed 48 hours and shall extend the
8 temporary restraining order for 48 hours for the purpose of firearm and firearm
9 ammunition surrender. The respondent shall provide the court a completed firearm
10 and firearm ammunition possession form. The court shall verify the information on
11 the firearm and firearm ammunition possession form and shall make an inquiry on
12 the record as to the contents of the firearm and firearm ammunition possession form.

13 **SECTION 78.** 813.1285 (2) (b) of the statutes is amended to read:

14 813.1285 (2) (b) If the respondent is not present at the injunction hearing, the
15 court shall provide the petitioner with an opportunity to inform the court orally or
16 in writing whether he or she believes that the respondent possesses a firearm or
17 firearm ammunition. If the petitioner informs the court that the respondent
18 possesses a firearm or firearm ammunition, the court shall request the petitioner to
19 inform the court orally or in writing how much firearm ammunition and how many
20 firearms he or she believes the respondent possesses, the make and model of any
21 firearm he or she believes the respondent possesses, and the location of any firearm
22 or firearm ammunition he or she believes the respondent possesses.

23 **SECTION 79.** 813.1285 (2) (c) 1. of the statutes is amended to read:

24 813.1285 (2) (c) 1. If the firearm and firearm ammunition possession form
25 submitted to the court under par. (a) or (b) indicates the respondent does not possess

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1 a firearm or firearm ammunition, and the court, after an inquiry, is satisfied that the
2 respondent does not possess a firearm or firearm ammunition, the court shall file the
3 firearm and firearm ammunition possession form, lift the stay of the injunction, and
4 dismiss the temporary restraining order extended under par. (a).

5 **SECTION 80.** 813.1285 (2) (c) 2. of the statutes is amended to read:

6 813.1285 (2) (c) 2. If, under par. (a), the firearm and firearm ammunition
7 possession form submitted to the court indicates the respondent possesses a firearm
8 or firearm ammunition, and the respondent has not surrendered his or her firearm
9 and firearm ammunition as described under sub. (3) (a), the court shall continue to
10 stay the injunction as provided under par. (a) for a period not to exceed 48 hours, issue
11 a surrender and extend order, and schedule a hearing to surrender firearms and
12 firearm ammunition to occur within one week of the injunction hearing.

13 **SECTION 81.** 813.1285 (2) (c) 3. (intro.) of the statutes is amended to read:

14 813.1285 (2) (c) 3. (intro.) If, under par. (b), the petitioner indicates that the
15 respondent possesses a firearm or firearm ammunition or if the court is not satisfied
16 under subd. 1. that the respondent does not possess a firearm or firearm
17 ammunition, the court shall schedule a hearing to surrender firearms and firearm
18 ammunition to occur within one week of the injunction hearing. The court shall do
19 one of the following:

20 **SECTION 82.** 813.1285 (2) (c) 4. of the statutes is amended to read:

21 813.1285 (2) (c) 4. The court may schedule a hearing to surrender firearms and
22 firearm ammunition for any reason relevant to the surrender of firearms or firearm
23 ammunition.

24 **SECTION 83.** 813.1285 (3) (title) of the statutes is amended to read:

25 813.1285 (3) (title) SURRENDER OF FIREARMS AND FIREARM AMMUNITION.

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1 **SECTION 84.** 813.1285 (3) (a) (intro.) of the statutes is amended to read:

2 813.1285 (3) (a) (intro.) Unless the court has noted another reason that is
3 relevant to the surrender of firearms and firearm ammunition that would require the
4 hearing to surrender firearms and firearm ammunition to occur, the court shall
5 dismiss the hearing to surrender firearms and firearm ammunition scheduled under
6 sub. (2) (c) 2. or 3. if the respondent surrenders his or her firearm and firearm
7 ammunition in one of the following manners:

8 **SECTION 85.** 813.1285 (3) (a) 1. (intro.) of the statutes is amended to read:

9 813.1285 (3) (a) 1. (intro.) The respondent surrenders his or her firearm and
10 firearm ammunition to another person and all of the following apply:

11 **SECTION 86.** 813.1285 (3) (a) 1. a. of the statutes is amended to read:

12 813.1285 (3) (a) 1. a. The respondent and the person to whom the respondent
13 is surrendering his or her firearm and firearm ammunition appear at the injunction
14 hearing.

15 **SECTION 87.** 813.1285 (3) (a) 1. b. of the statutes is amended to read:

16 813.1285 (3) (a) 1. b. At the injunction hearing, the person testifies under oath
17 that the person has received the firearms and firearm ammunition listed on the
18 respondent's firearm and firearm ammunition possession form.

19 **SECTION 88.** 813.1285 (3) (a) 1. c. of the statutes is amended to read:

20 813.1285 (3) (a) 1. c. At the injunction hearing, the court determines that the
21 person is not prohibited from possessing a firearm or firearm ammunition.

22 **SECTION 89.** 813.1285 (3) (a) 1. d. of the statutes is amended to read:

23 813.1285 (3) (a) 1. d. The court informs the person to whom the firearm and
24 firearm ammunition is surrendered of the requirements and penalties under s.
25 941.29 (4).

ASSEMBLY BILL 948**SECTION 90**

1 **SECTION 90.** 813.1285 (3) (a) 1. e. of the statutes is amended to read:

2 813.1285 (3) (a) 1. e. The court, after considering all relevant factors and any
3 input from the petitioner, approves the surrender of the firearm and firearm
4 ammunition.

5 **SECTION 91.** 813.1285 (3) (a) 2. of the statutes is amended to read:

6 813.1285 (3) (a) 2. The respondent surrenders his or her firearm and firearm
7 ammunition to a sheriff no later than 48 hours after the injunction hearing ordering
8 the respondent to surrender his or her firearm and firearm ammunition and provides
9 a copy of the receipt to the clerk of courts as provided in sub. (6) (b).

10 **SECTION 92.** 813.1285 (3) (a) 3. (intro) of the statutes is amended to read:

11 813.1285 (3) (a) 3. (intro.) The respondent surrenders his or her firearm and
12 firearm ammunition to a sheriff as provided under subd. 2., and a person who
13 appeared at the injunction hearing takes possession of the firearm and firearm
14 ammunition from the sheriff, if all of the following apply:

15 **SECTION 93.** 813.1285 (3) (a) 3. b. of the statutes is amended to read:

16 813.1285 (3) (a) 3. b. The sheriff determines that the person is not prohibited
17 from possessing a firearm or firearm ammunition.

18 **SECTION 94.** 813.1285 (4) (title) of the statutes is amended to read:

19 813.1285 (4) (title) HEARING TO SURRENDER FIREARMS AND FIREARM AMMUNITION.

20 **SECTION 95.** 813.1285 (4) (a) of the statutes is amended to read:

21 813.1285 (4) (a) Unless the court dismisses the hearing to surrender firearms
22 and firearm ammunition, a respondent for whom a hearing to surrender firearms
23 and firearm ammunition has been scheduled must attend the hearing. If the
24 respondent fails to attend the hearing to surrender firearms and firearm
25 ammunition, the court shall issue an arrest warrant for the respondent.

ASSEMBLY BILL 948**SECTION 96**

1 **SECTION 96.** 813.1285 (4) (b) (intro.) of the statutes is amended to read:

2 813.1285 (4) (b) (intro.) At the hearing to surrender firearms and firearm
3 ammunition, the court shall stay the injunction for a period not to exceed 48 hours,
4 shall extend the temporary restraining order for 48 hours, shall ensure that the
5 respondent has completed a firearm and firearm ammunition possession form and
6 verify the information provided on the firearm and firearm ammunition possession
7 form if the information was not already verified under sub. (2) (a), shall make an
8 inquiry on the record as to the contents of the firearm and firearm ammunition
9 possession form, and shall do one of the following:

10 **SECTION 97.** 813.1285 (4) (b) 1. (intro.) of the statutes is amended to read:

11 813.1285 (4) (b) 1. (intro.) If the respondent wants to surrender his or her
12 firearms and firearm ammunition to a person who is not the sheriff and who appears
13 at the hearing to surrender firearms and firearm ammunition, and if the court, after
14 considering all relevant factors and input from the petitioner, approves the
15 surrender and informs the person to whom the firearms and firearm ammunition are
16 surrendered of the requirements and penalties under s. 941.29 (4), order the
17 respondent to surrender his or her firearms and firearm ammunition in one of the
18 following ways:

19 **SECTION 98.** 813.1285 (4) (b) 1. a. of the statutes is amended to read:

20 813.1285 (4) (b) 1. a. To the person, after the person testifies under oath that
21 he or she has received the firearms and firearm ammunition listed on the
22 respondent's firearm and firearm ammunition possession form and after the court
23 determines that the person is not prohibited from possessing a firearm or firearm
24 ammunition.

25 **SECTION 99.** 813.1285 (4) (b) 1. b. of the statutes is amended to read:

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1 813.1285 (4) (b) 1. b. To the sheriff, who shall transfer the firearms and firearm
2 ammunition to the person after determining that the person is not prohibited from
3 possessing a firearm or firearm ammunition.

4 **SECTION 100.** 813.1285 (4) (b) 1m. of the statutes is amended to read:

5 813.1285 (4) (b) 1m. If the respondent claims to have surrendered his or her
6 firearms and firearm ammunition to the sheriff in accordance with sub. (6), verify
7 that the respondent has surrendered all such firearms and firearm ammunition, lift
8 the stay of the injunction, and dismiss the temporary restraining order.

9 **SECTION 101.** 813.1285 (4) (b) 2. (intro.) of the statutes is amended to read:

10 813.1285 (4) (b) 2. (intro.) Order the respondent to surrender any firearm and
11 firearm ammunition that the court finds the respondent owns or possesses to a
12 sheriff in accordance with sub. (6). If the respondent has not provided to the court,
13 within 48 hours of the hearing to surrender firearms and firearm ammunition, a
14 receipt as specified in sub. (6) (b) that shows surrender of all of the firearms and
15 firearm ammunition that were subject to the order, the court shall presume the
16 respondent is violating the order and the injunction and may do any of the following:

17 **SECTION 102.** 813.1285 (4) (b) 2. b. of the statutes is amended to read:

18 813.1285 (4) (b) 2. b. Schedule another hearing to surrender firearms and
19 firearm ammunition.

20 **SECTION 103.** 813.1285 (4) (b) 3. a. of the statutes is amended to read:

21 813.1285 (4) (b) 3. a. If, under subd. 1. b. or 2., the court orders the respondent
22 to surrender his or her firearms and firearm ammunition to the sheriff, the court
23 shall issue a surrender and extend order.

24 **SECTION 104.** 813.1285 (4) (b) 3. b. of the statutes is amended to read:

ASSEMBLY BILL 948**SECTION 104**

1 813.1285 (4) (b) 3. b. If, under subd. 1. a., the court orders the respondent to
2 surrender his or her firearms and firearm ammunition to a person who is not the
3 sheriff, the court shall lift any stay of the injunction and dismiss the temporary
4 restraining order.

5 **SECTION 105.** 813.1285 (4) (b) 4. of the statutes is amended to read:

6 813.1285 (4) (b) 4. If the firearm and firearm ammunition possession form
7 indicates that the respondent does not possess a firearm and firearm ammunition,
8 and the court, after an inquiry, is satisfied that the respondent does not possess a
9 firearm or firearm ammunition, the court shall file the firearm and firearm
10 ammunition possession form, lift any stay of the injunction, and dismiss the
11 temporary restraining order.

12 **SECTION 106.** 813.1285 (5) (title) of the statutes is amended to read:

13 813.1285 (5) (title) FIREARM AND FIREARM AMMUNITION POSSESSION FORM AND
14 PETITION FOR THE RETURN OF FIREARMS AND FIREARM AMMUNITION.

15 **SECTION 107.** 813.1285 (5) (a) (intro.) of the statutes is amended to read:

16 813.1285 (5) (a) (intro.) The director of state courts shall develop a firearm and
17 firearm ammunition possession form. Any false information provided on the form
18 by the respondent may be subject to a penalty of false swearing under s. 946.32. The
19 director of state courts shall ensure that the firearm and firearm ammunition
20 possession form does all of the following:

21 **SECTION 108.** 813.1285 (5) (a) 3. of the statutes is amended to read:

22 813.1285 (5) (a) 3. Requires the respondent to indicate whether he or she owns
23 or possesses any firearm or firearm ammunition or has owned or possessed any
24 firearm or firearm ammunition in the 6 months immediately preceding the issuance
25 of the injunction, and, if the answer is yes, to list the quantity of firearm ammunition

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SECTION 108

1 and the quantity and make and model of each firearm and to note whether the
2 firearm or firearm ammunition was sold or surrendered and whether he or she has
3 a receipt for the ~~firearm~~ sale or surrender.

4 **SECTION 109.** 813.1285 (5) (b) of the statutes is amended to read:

5 813.1285 (5) (b) The director of state courts shall develop a petition for the
6 return of firearms and firearm ammunition in substantially the following form:

7 STATE OF WISCONSIN

8 IN CIRCUIT COURT FOR COUNTY

9 Petition to Return Firearm(s) and Firearm Ammunition

10 In re the Return of Firearms and Firearm Ammunition to (name of person
11 required to surrender firearms or firearm ammunition in an injunction action)

12 Requesting person's information: date of birth, sex, race, height, weight, hair
13 color, eye color, address, and phone number.

14 Under oath I state that:

15 1. The court issued an injunction against me on (date of injunction). The
16 injunction was issued based on a:

17 Domestic Abuse petition.

18 Child Abuse petition.

19 Harassment petition.

20 Adult-at-risk petition.

21 2. The court ordered me to surrender any firearms and firearm ammunition I
22 owned or had in my possession to:

23 the sheriff of this county.

24 the sheriff of the county in which I resided, which is (name of county).

25 to the following person (whether directly or indirectly through a sheriff):

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1 name:

2 address:

3 3. I surrendered the following firearms and firearm ammunition as provided
4 in item 2 and have attached a receipt from the sheriff or from the 3rd person (if the
5 person did not provide a receipt, attach a description of the firearm(s) and firearm
6 ammunition):

7 4. The injunction has (been vacated) (expired and has not been extended).

8 5. I (have) (have not) been convicted of a misdemeanor crime of domestic
9 violence.

10 6. I (have) (have not) been convicted of a felony.

11 7. I am not prohibited from possessing a firearm or firearm ammunition under
12 any state or federal law or by the order of any federal court or state court, other than
13 an order from which a judge or family court commissioner is competent to grant
14 relief.

15 I request that the court enter an order directing that the person named under
16 item 2 return to me those firearms and firearm ammunition that were surrendered
17 under the order of the court.

18 Subscribed and sworn to before me on (date)

19 (Signature of person requesting return of firearms and firearm ammunition)

20 (Signature of notary public, state of Wisconsin)

21 My commission expires on (date)

22 Dated this day of, (year)

23 Distribution:

24 1. Court - original 2. Petitioner in injunction action 3. Person to whom
25 firearm(s) and firearm ammunition were surrendered

ASSEMBLY BILL 948**SECTION 110**

1 **SECTION 110.** 813.1285 (6) (title) of the statutes is amended to read:

2 813.1285 (6) (title) SURRENDER OF FIREARM AND FIREARM AMMUNITION TO SHERIFF.

3 **SECTION 111.** 813.1285 (6) (a) of the statutes is amended to read:

4 813.1285 (6) (a) When a respondent surrenders a firearm or firearm
5 ammunition under sub. (3) (a) 2. or (4) (b) 2. to a sheriff, the sheriff who is receiving
6 the firearm or firearm ammunition shall prepare a receipt for each firearm and any
7 firearm ammunition surrendered to him or her. The receipt shall include the date
8 on which the firearm or firearm ammunition was surrendered and the manufacturer,
9 model, and serial number of the firearm surrendered to the sheriff and shall be
10 signed by the respondent and by the sheriff to whom the firearm or firearm
11 ammunition is surrendered.

12 **SECTION 112.** 813.1285 (6) (b) of the statutes is amended to read:

13 813.1285 (6) (b) The sheriff shall keep the original of a receipt prepared under
14 par. (a) and shall provide 2 copies of the receipt to the respondent. The respondent
15 shall provide one copy of the receipt to the clerk of courts within 48 hours of the order
16 to surrender firearms and firearm ammunition. When the firearm and firearm
17 ammunition covered by the receipt is returned to the respondent under sub. (7), the
18 sheriff shall surrender to the respondent the original receipt and all of his or her
19 copies of the receipt.

20 **SECTION 113.** 813.1285 (6) (c) of the statutes is amended to read:

21 813.1285 (6) (c) A receipt prepared under par. (a) is conclusive proof that the
22 respondent owns the firearm or firearm ammunition for purposes of returning the
23 firearm and firearm ammunition covered by the receipt to the respondent under sub.
24 (7).

25 **SECTION 114.** 813.1285 (6) (e) 1. of the statutes is amended to read:

ASSEMBLY BILL 948**SECTION 114**

1 813.1285 (6) (e) 1. A sheriff may store a firearm and firearm ammunition
2 surrendered to him or her under sub. (3) (a) 2. or (4) (b) 2. in a warehouse that is
3 operated by a public warehouse keeper licensed under ch. 99. If a sheriff stores a
4 firearm and firearm ammunition at a warehouse under this subdivision, the
5 respondent shall pay the costs charged by the warehouse for storing that firearm and
6 firearm ammunition.

7 **SECTION 115.** 813.1285 (6) (e) 2. of the statutes is amended to read:

8 813.1285 (6) (e) 2. If an injunction expires and is not extended, or an injunction
9 is vacated, a sheriff may charge the respondent for any costs incurred 30 days after
10 the injunction expires for storage of the firearm and firearm ammunition
11 surrendered to the sheriff due to that injunction. A sheriff may dispose of a firearm
12 and firearm ammunition surrendered to the sheriff due to that injunction 12 months
13 after the injunction expires or is vacated and, if the sheriff disposes of the firearm
14 and firearm ammunition, the sheriff may charge the respondent for the costs of
15 disposal.

16 **SECTION 116.** 813.1285 (7) (title) of the statutes is amended to read:

17 813.1285 (7) (title) RETURN OF FIREARM AND FIREARM AMMUNITION.

18 **SECTION 117.** 813.1285 (7) (a) (intro.) of the statutes is amended to read:

19 813.1285 (7) (a) (intro.) A firearm or firearm ammunition surrendered under
20 this section may not be returned to the respondent until the respondent completes
21 a petition for the return of firearms or firearm ammunition and a judge or circuit
22 court commissioner determines all of the following:

23 **SECTION 118.** 813.1285 (7) (a) 2. of the statutes is amended to read:

24 813.1285 (7) (a) 2. That the person is not prohibited from possessing a firearm
25 or firearm ammunition under any state or federal law or by the order of any federal

ASSEMBLY BILL 948**SECTION 118**

1 court or state court, other than an order from which the judge or circuit court
2 commissioner is competent to grant relief. The court or commissioner shall use the
3 information provided under s. 165.63 to aid in making the determination under this
4 subdivision.

5 **SECTION 119.** 813.1285 (7) (b) of the statutes is amended to read:

6 813.1285 (7) (b) If a respondent surrenders a firearm or firearm ammunition
7 under this section that is owned by a person other than the respondent, the person
8 who owns the firearm or firearm ammunition may apply for its return to the circuit
9 court for the county in which the person to whom the firearm or firearm ammunition
10 was surrendered is located. The court shall order such notice as it considers
11 adequate to be given to all persons who have or may have an interest in the firearm
12 or firearm ammunition and shall hold a hearing to hear all claims to its true
13 ownership. If the right to possession is proved to the court's satisfaction, it shall
14 order the firearm or firearm ammunition returned. If the court returns a firearm or
15 firearm ammunition under this paragraph, the court shall inform the person to
16 whom the firearm or firearm ammunition is returned of the requirements and
17 penalties under s. 941.29 (4).

18 **SECTION 120.** 938.341 (title) of the statutes is amended to read:

19 **938.341 (title) Delinquency adjudication; restriction on firearm and**
20 **firearm ammunition possession.**

21 **SECTION 121.** 941.29 (title) of the statutes is amended to read:

22 **941.29 (title) Possession of a firearm or firearm ammunition.**

23 **SECTION 122.** 941.29 (2m) of the statutes is created to read:

24 941.29 (2m) A person who possesses firearm ammunition is guilty of a Class
25 I felony if any of the following applies:

ASSEMBLY BILL 948**SECTION 122**

1 (a) The person has been convicted of a felony in this state.

2 (b) The person has been convicted of a crime elsewhere that would be a felony
3 if committed in this state.

4 (bm) The person has been adjudicated delinquent for an act committed on or
5 after April 21, 1994, that if committed by an adult in this state would be a felony.

6 (c) The person has been found not guilty of a felony in this state by reason of
7 mental disease or defect.

8 (d) The person has been found not guilty of or not responsible for a crime
9 elsewhere that would be a felony in this state by reason of insanity or mental disease,
10 defect or illness.

11 (e) The person has been committed for treatment under s. 51.20 (13) (a) and is
12 subject to an order not to possess firearm ammunition under s. 51.20 (13) (cv) 1., 2007
13 stats.

14 (em) The person is subject to an order not to possess firearm ammunition under
15 s. 51.20 (13) (cv) 1., 51.45 (13) (i) 1., 54.10 (3) (f) 1., or 55.12 (10) (a).

16 (f) The person is subject to an injunction issued under s. 813.12 or 813.122 or
17 under a tribal injunction, as defined in s. 813.12 (1) (e), issued by a court established
18 by any federally recognized Wisconsin Indian tribe or band, except the Menominee
19 Indian tribe of Wisconsin, that includes notice to the respondent that he or she is
20 subject to the requirements and penalties under this section and that has been filed
21 under s. 806.247 (3).

22 (g) The person is subject to an order not to possess firearm ammunition under
23 s. 813.123 (5m) or 813.125 (4m).

24 **SECTION 123.** 941.29 (3) of the statutes, as affected by 2015 Wisconsin Act 109,
25 is renumbered 941.29 (3) (a).

ASSEMBLY BILL 948**SECTION 124**

1 **SECTION 124.** 941.29 (3) (b) of the statutes is created to read:

2 941.29 (3) (b) Any firearm ammunition involved in an offense under this
3 section is subject to s. 968.20 (3).

4 **SECTION 125.** 941.29 (4) of the statutes, as affected by 2015 Wisconsin Act 109,
5 is renumbered 941.29 (4) (a).

6 **SECTION 126.** 941.29 (4) (b) of the statutes is created to read:

7 941.29 (4) (b) A person is concerned with the commission of a crime, as specified
8 in s. 939.05 (2) (b), in violation of this section if he or she knowingly furnishes a person
9 with firearm ammunition in violation of this section.

10 **SECTION 127.** 941.29 (4m) (a) (intro.) of the statutes, as created by 2015
11 Wisconsin Act 109, is amended to read:

12 941.29 (4m) (a) (intro.) The court shall impose, on a person convicted under
13 sub. (1m), a bifurcated sentence under s. 973.01 and the confinement portion of the
14 bifurcated sentence imposed on the person shall be not less than 3 years if all of the
15 following are true:

16 **SECTION 128.** 941.29 (5) (intro.) of the statutes, as affected by 2015 Wisconsin
17 Act 109, is amended to read:

18 941.29 (5) (intro.) This section does not apply to any person specified in sub.
19 (1m) or (2m) who:

20 **SECTION 129.** 941.29 (5) (a) of the statutes, as affected by 2015 Wisconsin Act
21 109, is amended to read:

22 941.29 (5) (a) Has received a pardon with respect to the crime or felony specified
23 in sub. (1m), (2m), or (4m) and has been expressly authorized to possess a firearm
24 or firearm ammunition under 18 USC app. 1203; or

25 **SECTION 130.** 941.29 (6) of the statutes is amended to read:

ASSEMBLY BILL 948**SECTION 130**

1 941.29 (6) The prohibition against ~~firearm~~ possession of a firearm or of firearm
2 ammunition under this section does not apply to any correctional officer employed
3 before May 1, 1982, who is required to possess a firearm or firearm ammunition as
4 a condition of employment. This exemption applies if the officer is eligible to possess
5 a firearm or firearm ammunition under any federal law and applies while the officer
6 is acting in an official capacity.

7 **SECTION 131.** 941.29 (8) of the statutes, as affected by 2015 Wisconsin Act 109,
8 is amended to read:

9 941.29 (8) This section does not apply to any person specified in sub. (1m) (bm)
10 or (2m) (bm) if a court subsequently determines that the person is not likely to act
11 in a manner dangerous to public safety. In any action or proceeding regarding this
12 determination, the person has the burden of proving by a preponderance of the
13 evidence that he or she is not likely to act in a manner dangerous to public safety.

14 **SECTION 132.** 941.29 (9) (b) of the statutes, as affected by 2015 Wisconsin Act
15 109, is amended to read:

16 941.29 (9) (b) This section does not apply to a person specified in sub. (1m) (em)
17 or (2m) (em) if the order under s. 51.20 (13) (cv) 1. is canceled under s. 51.20 (13) (cv)
18 1m. c., if the order under s. 51.45 (13) (i) 1. is canceled under s. 51.45 (13) (i) 2. c., if
19 the order under s. 54.10 (3) (f) 1. is canceled under s. 54.10 (3) (f) 2. c., or if the order
20 under s. 55.12 (10) (a) is canceled under s. 55.12 (10) (b) 3.

21 **SECTION 133.** 941.29 (10) (intro.) of the statutes, as affected by 2015 Wisconsin
22 Act 109, is amended to read:

23 941.29 (10) (intro.) The prohibition against ~~firearm~~ possession of a firearm or
24 of firearm ammunition under this section does not apply to a person specified in sub.
25 (1m) (f) or (2m) (f) if the person satisfies any of the following:

ASSEMBLY BILL 948**SECTION 134**

1 **SECTION 134.** 941.29 (10) (a) of the statutes is amended to read:

2 941.29 (10) (a) The person is a peace officer and the person possesses a firearm
3 or firearm ammunition while in the line of duty or, if required to do so as a condition
4 of employment, while off duty. Notwithstanding s. 939.22 (22), for purposes of this
5 paragraph, peace officer does not include a commission warden who is not a
6 state-certified commission warden.

7 **SECTION 135.** 941.29 (10) (b) of the statutes is amended to read:

8 941.29 (10) (b) The person is a member of the U.S. armed forces or national
9 guard and the person possesses a firearm or firearm ammunition while in the line
10 of duty.

11 **SECTION 136.** 968.20 (1r) (b) of the statutes is amended to read:

12 968.20 (1r) (b) If the seized property is a firearm or is firearm ammunition
13 ordered seized under s. 51.20 (13) (cv) 1., the court that issued that order shall order
14 the firearm and firearm ammunition returned if the order under s. 51.20 (13) (cv) 1.
15 is canceled under s. 51.20 (13) (cv) 1m. c.

16 **SECTION 137.** 968.20 (1r) (c) of the statutes is amended to read:

17 968.20 (1r) (c) If the seized property is a firearm or is firearm ammunition
18 ordered seized under s. 51.45 (13) (i) 1., the court that issued that order shall order
19 the firearm and firearm ammunition returned if the order under s. 51.45 (13) (i) 1.
20 is canceled under s. 51.45 (13) (i) 2. c.

21 **SECTION 138.** 968.20 (1r) (d) of the statutes is amended to read:

22 968.20 (1r) (d) If the seized property is a firearm or is firearm ammunition
23 ordered seized under s. 54.10 (3) (f) 1., the court that issued that order shall order
24 the firearm and firearm ammunition returned if the order under s. 54.10 (3) (f) 1. is
25 canceled under s. 54.10 (3) (f) 2. c.

