



## 1995 ASSEMBLY BILL 199

March 13, 1995 - Introduced by Representatives TRAVIS, LA FAVE, URBAN, MORRIS-TATUM, HANSON, R. YOUNG, BALDUS, R. POTTER, NOTESTEIN, BALDWIN, ZIEGELBAUER and BOYLE, cosponsored by Senators WINEKE, BURKE, ROSENZWEIG and RISSER. Referred to Committee on Criminal Justice and Corrections.

1     **AN ACT to repeal** 948.55 (1); **to amend** 968.20 (1m) (a) and 968.20 (1m) (b); and  
2           **to create** 968.20 (1m) (a) 1. and 968.20 (1m) (c) of the statutes; **relating to:**  
3           leaving or storing a loaded firearm within the reach or easy access of a child and  
4           prohibiting the return of certain seized firearms.

---

### *Analysis by the Legislative Reference Bureau*

Current law provides various penalties for recklessly storing or leaving a loaded firearm within the reach or easy access of a child who is younger than 14 years old. This bill broadens the coverage of that law to apply to leaving a loaded firearm within the reach or easy access of a child who is younger than 18 years old.

Under current law, there is a general procedure that describes the process and criteria for courts and police officers to use to determine ownership of property that has been seized by a police officer and to decide if, how and when to return the seized property. Current law also includes a specific provision stating that a seized firearm may be returned to the rightful owner of the firearm if the owner did not have prior knowledge of and did not consent to the crime that was committed with the firearm. This bill provides that if a seized firearm was loaded and recklessly stored or left within the reach or easy access of a child and if a child subsequently unlawfully used or possessed that firearm, the firearm may not be returned to the owner.

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:*

5           **SECTION 1.** 948.55 (1) of the statutes is repealed.

1           **SECTION 2.** 968.20 (1m) (a) of the statutes is amended to read:

2           968.20 (1m) (a) In this subsection, ~~“crime”~~;

3           2. “Crime” includes an act committed by a juvenile child or incompetent adult  
4 which would have been a crime if the act had been committed by a competent adult.

5           **SECTION 3.** 968.20 (1m) (a) 1. of the statutes is created to read:

6           968.20 (1m) (a) 1. “Child” has the meaning given in s. 948.01 (1).

7           **SECTION 4.** 968.20 (1m) (b) of the statutes is amended to read:

8           968.20 (1m) (b) If the seized property is a firearm or ammunition, the property  
9 shall not be returned to any person who committed a crime involving the use of the  
10 firearm or the ammunition. The Except as provided in par. (c), the property may be  
11 returned to the rightful owner under this section if the owner had no prior knowledge  
12 of and gave no consent to the commission of the crime. Property which may not be  
13 returned to an owner under this subsection shall be disposed of under subs. (3) and  
14 (4).

15           **SECTION 5.** 968.20 (1m) (c) of the statutes is created to read:

16           968.20 (1m) (c) If a seized firearm was stored or left in violation of s. 948.55 and,  
17 subsequent to that violation, a child unlawfully used or possessed that firearm, the  
18 firearm may not be returned to the owner.

19           **SECTION 6. Initial applicability.**

20           (1) The treatment of sections 968.20 (1m) (a), (b) and (c) of the statutes and the  
21 creation of section 968.20 (1m) (a) 1. of the statutes first apply to firearms seized on  
22 the effective date of this subsection.

23           (2) The treatment of section 948.55 (1) of the statutes first applies to offenses  
24 occurring on the effective date of this subsection.

25

(END)