



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-2912/5  
CMH:nwn:md

## 2009 ASSEMBLY BILL 914

March 30, 2010 – Introduced by Representatives STASKUNAS, PASCH, YOUNG, TURNER, SHILLING, FIELDS, RICHARDS, TOLES, PARISI, SINICKI, GRIGSBY, BERCEAU, SHERMAN, POPE-ROBERTS and KESSLER, cosponsored by Senators COGGS and RISSER. Referred to Committee on Corrections and the Courts.

1     **AN ACT to repeal** 175.35 (2k) (b) 2. b., 941.29 (2) and 941.29 (9); **to renumber**  
2     175.35 (2j); **to renumber and amend** 175.35 (2) (intro.), 175.35 (2) (a) to (d),  
3     175.35 (2g) (b), 175.35 (2i), 175.35 (2k) (b) 2. a., 175.35 (3) and 941.29 (1); **to**  
4     **amend** 20.455 (2) (gr), 175.35 (title) and (1) (ag), 175.35 (2g) (c) (intro.), 175.35  
5     (2g) (c) 4. c., 175.35 (2k) (ar) (intro.), 175.35 (2k) (ar) 2., 175.35 (2k) (b) (intro.),  
6     175.35 (2k) (c) 2. a., 175.35 (2k) (c) 2. b., 175.35 (2k) (g), 175.35 (2k) (h), 175.35  
7     (2k) (i), 175.35 (2t) (a), 175.35 (2t) (b), 175.35 (2t) (c), 938.341, 938.396 (2g) (d),  
8     938.396 (2g) (n), 941.29 (3), 941.29 (4), 941.29 (5) (intro.), 941.29 (5) (a), 941.29  
9     (8), 941.29 (10) (intro.), 971.17 (1g) and 973.176 (1); and **to create** 175.33,  
10     175.35 (1) (bm), 175.35 (2b), 175.35 (2c) (a) (intro.) and (b), 175.35 (2g) (b) 2.,  
11     175.35 (2j) (b), 175.35 (2k) (k), 175.35 (3) (a), 941.29 (1g), 941.29 (1m) (ag),  
12     941.29 (1m) (bg), 941.29 (1m) (br), 941.29 (1m) (cg), 941.29 (1m) (dg) and 941.29  
13     (11) of the statutes; **relating to:** sales and transfers of firearms, records from

**ASSEMBLY BILL 914**

1 sales of firearms, possession of firearms by persons convicted of violent offenses  
2 that are not felonies, and providing penalties.

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***Analysis by the Legislative Reference Bureau***

Current law provides that various conditions, including a background check of a prospective purchaser, must be met before a federally licensed firearms dealer may transfer a handgun after a sale. This bill prohibits the sale or transfer of any firearm unless one of the following applies: the sale or transfer is by a federally licensed firearms dealer; the sale or transfer is to or through a firearms dealer; the sale or transfer is one for which the waiting period for the purchase of a handgun under current law does not apply; the transfer is by gift, bequest, or inheritance to a family member; or the transfer is intended to be temporary and the purpose of the transfer is not illegal. In addition, this bill requires that, before any firearm that is not a handgun is transferred, the person receiving the firearm must provide identification to the firearms dealer and the firearms dealer must complete a notification form listing his or her name, his or her contact information, and information to identify the firearm and convey the information on the form to the Department of Justice.

Current law prohibits a person from possessing a firearm if he or she has been convicted of a felony. This bill prohibits a person from possessing a firearm also if he or she has been convicted of a “violent nonfelony offense” unless five years have passed since the conviction. A violent nonfelony offense includes misdemeanor battery, misdemeanor harassment, misdemeanor endangering safety by use of a dangerous weapon, and exposing genitals to a child; violations of a domestic abuse, child abuse, or harassment temporary restraining order or injunction; and misdemeanors for which the maximum term of imprisonment has been increased for use of a dangerous weapon when committing the misdemeanor.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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

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

3 **SECTION 1.** 20.455 (2) (gr) of the statutes is amended to read:

4 20.455 (2) (gr) *Handgun purchaser record ~~check~~ fee.* All moneys received as fee  
5 payments under s. 175.35 (2i) (a) to provide services under s. 175.35.

6 **SECTION 2.** 175.33 of the statutes is created to read:

**ASSEMBLY BILL 914**

1           **175.33 Transfer of firearms; license required. (1)** In this section:

2           (a) “Family member” means a spouse, parent, grandparent, sibling, child, or  
3 grandchild. The relationship may be by blood, marriage, or adoption.

4           (b) “Firearms dealer” has the meaning given in s. 175.35 (1) (ar).

5           **(2)** No person may sell or transfer ownership of a firearm, or purchase or obtain  
6 ownership of a firearm, unless one of the following applies:

7           (a) The seller or transferor is a firearms dealer.

8           (b) The seller or transferor makes the sale or transfer to or through a firearms  
9 dealer and obtains a receipt under s. 175.35 (2j) (b).

10          (c) The sale or transfer of ownership of the firearm is one of the transfers listed  
11 under s. 175.35 (2t).

12          (d) The transferor is transferring ownership of the firearm to a family member  
13 by gift, bequest, or inheritance, the transferee is not prohibited from possessing a  
14 firearm under s. 941.29, and the transferee is at least 18 years of age.

15          (e) The transferor is transferring ownership of the firearm with the intent that  
16 the transfer be temporary, neither the transferor nor the transferee is prohibited  
17 from possessing a firearm under s. 941.29, and the purpose of the transfer is not  
18 prohibited by law.

19          **(3)** Any person who intentionally violates sub. (2) is guilty of a Class G felony.

20          **SECTION 3.** 175.35 (title) and (1) (ag) of the statutes are amended to read:

21          **175.35 (title) Waiting period for purchase of handguns and records for**  
22 **purchases of firearms.**

23          **(1)** (ag) “Criminal history record” includes information reported to the  
24 department under s. 938.396 (2g) (n) that indicates a person was adjudicated

**ASSEMBLY BILL 914****SECTION 3**

1 delinquent for an act that if committed by an adult in this state would be a felony or,  
2 if the adjudication occurred within the preceding 5 years, a violent nonfelony offense.

3 **SECTION 4.** 175.35 (1) (bm) of the statutes is created to read:

4 175.35 (1) (bm) “Violent nonfelony offense” has the meaning given in s. 941.29  
5 (1g).

6 **SECTION 5.** 175.35 (2) (intro.) of the statutes is renumbered 175.35 (2) and  
7 amended to read:

8 175.35 (2) When a firearms dealer sells a handgun firearm, he or she may not  
9 transfer possession of that handgun firearm to any other person until all of the  
10 ~~following have occurred:~~ requirements of sub. (2c) have been met.

11 **SECTION 6.** 175.35 (2) (a) to (d) of the statutes are renumbered 175.35 (2c) (a)  
12 1. to 4., and 175.35 (2c) (a) 2. and 3., as renumbered, are amended to read:

13 175.35 (2c) (a) 2. The transferee has completed the notification form described  
14 in sub. (2g) (b) 1.

15 3. The firearms dealer has conveyed the information from the completed  
16 notification form to the department of justice as required by rule under sub. (2g) (b)  
17 1. and requested a firearms restrictions record search.

18 **SECTION 7.** 175.35 (2b) of the statutes is created to read:

19 175.35 (2b) When a person sells a firearm or transfers ownership of a firearm  
20 through a firearms dealer, the person may not transfer possession of that firearm to  
21 any person other than the firearms dealer, and the firearms dealer may not transfer  
22 or authorize the transfer of possession of that firearm to any person, until all of the  
23 requirements of sub. (2c) have been met. This subsection does not apply if a person  
24 sells a firearm, or transfers ownership of a firearm, to a firearms dealer.

25 **SECTION 8.** 175.35 (2c) (a) (intro.) and (b) of the statutes are created to read:

**ASSEMBLY BILL 914**

1           175.35 **(2c)** (a) (intro.) All of the following must occur before a sale or transfer  
2 of a firearm that is a handgun occurs under sub. (2) or (2b):

3           (b) All of the following must occur before a sale or transfer of a firearm that is  
4 not a handgun occurs under sub. (2) or (2b):

5           1. The transferee has provided identification as required by rule under sub. (2g)  
6 (a).

7           2. The firearms dealer has completed the notification form described in sub.  
8 (2g) (b) 2. and conveyed the information from the completed notification form to the  
9 department of justice as required by rule under sub. (2g) (b) 2.

10           **SECTION 9.** 175.35 (2g) (b) of the statutes is renumbered 175.35 (2g) (b) (intro.)  
11 and amended to read:

12           175.35 **(2g)** (b) (intro.) The department of justice shall promulgate rules  
13 prescribing ~~a notification form~~ forms for use under sub. ~~(2) requiring the (2c) (a) 2.~~  
14 and (b) 2. The department shall make the forms available at locations throughout  
15 the state. The form shall do all of the following:

16           1. If sub. (2c) (a) describes the sale or transfer, require the transferee to provide  
17 his or her name, date of birth, gender, and race ~~and social security number~~ and other  
18 identification necessary to permit an accurate firearms restrictions record search  
19 under par. (c) 3. and the required notification under par. (c) 4. ~~The department of~~  
20 justice shall make the forms available at locations throughout the state.

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

22           175.35 **(2g)** (b) 2. If sub. (2c) (b) describes the sale or transfer, require the  
23 firearms dealer to provide his or her name and contact information and information  
24 that identifies the firearm that was sold or transferred.

25           **SECTION 11.** 175.35 (2g) (c) (intro.) of the statutes is amended to read:

**ASSEMBLY BILL 914****SECTION 11**

1           175.35 **(2g)** (c) (intro.) The department of justice shall promulgate rules for  
2 firearms restrictions record searches regarding transferees under ~~sub. subs. (2) and~~  
3 (2b), including procedures for all of the following:

4           **SECTION 12.** 175.35 (2g) (c) 4. c. of the statutes is amended to read:

5           175.35 **(2g)** (c) 4. c. If the search indicates a felony charge or a violent nonfelony  
6 offense charge without a recorded disposition, the deadline under sub. ~~(2) (d)~~ (2c) (a)  
7 4. is extended to the end of the 3rd complete working day commencing after the day  
8 on which the finding is made. The department shall notify the firearms dealer of the  
9 extension as soon as practicable. During the extended period, the department shall  
10 make every reasonable effort to determine the disposition of the charge and notify  
11 the firearms dealer of the results as soon as practicable.

12           **SECTION 13.** 175.35 (2i) of the statutes, as affected by 2009 Wisconsin Act 28,  
13 is renumbered 175.35 (2i) (a) and amended to read:

14           175.35 **(2i)** (a) The department shall charge a firearms dealer a \$13 fee for each  
15 firearms restrictions record search that the firearms dealer requests under sub. ~~(2)~~  
16 ~~(e)~~ (2c) (a) 3.

17           (b) The firearms dealer may collect the fee under par. (a) from the transferee  
18 or, if the transfer is made under sub. (2b), from the transferor.

19           (c) The department may refuse to conduct firearms restrictions record searches  
20 for any firearms dealer who fails to pay any fee under ~~this subsection~~ par. (a) within  
21 30 days after billing by the department.

22           **SECTION 14.** 175.35 (2j) of the statutes is renumbered 175.35 (2j) (a).

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

24           175.35 **(2j)** (b) If a person sells a firearm or transfers ownership of a firearm  
25 through a firearms dealer under sub. (2b), or sells a firearm or transfers ownership

**ASSEMBLY BILL 914**

1 of a firearm to a firearms dealer, the firearms dealer shall provide the person a  
2 written receipt documenting the dealer's participation in the sale or transfer.

3 **SECTION 16.** 175.35 (2k) (ar) (intro.) of the statutes is amended to read:

4 175.35 **(2k)** (ar) (intro.) Except as provided in pars. (b) to ~~(j)~~ (k) and as necessary  
5 to administer this section, the department of justice shall do all of the following:

6 **SECTION 17.** 175.35 (2k) (ar) 2. of the statutes is amended to read:

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

15 **SECTION 18.** 175.35 (2k) (b) (intro.) of the statutes is amended to read:

16 175.35 **(2k)** (b) (intro.) ~~Notwithstanding par. (ar), the~~ The department of justice  
17 may maintain all of the following:

18 **SECTION 19.** 175.35 (2k) (b) 2. a. of the statutes is renumbered 175.35 (2k) (b)  
19 2. and amended to read:

20 175.35 **(2k)** (b) 2. ~~Except as provided in subd. 2. b., a~~ A log of dates of requests  
21 for firearms restrictions record searches under sub. (2g) together with confirmation  
22 numbers, unique approval and nonapproval numbers and firearms dealer  
23 identification numbers corresponding to those dates.

24 **SECTION 20.** 175.35 (2k) (b) 2. b. of the statutes is repealed.

25 **SECTION 21.** 175.35 (2k) (c) 2. a. of the statutes is amended to read:

**ASSEMBLY BILL 914****SECTION 21**

1           175.35 (2k) (c) 2. a. A statement that the Wisconsin law enforcement agency  
2 is conducting an investigation of a crime in which a handgun firearm was used or was  
3 attempted to be used or was unlawfully possessed.

4           **SECTION 22.** 175.35 (2k) (c) 2. b. of the statutes is amended to read:

5           175.35 (2k) (c) 2. b. A statement by a division commander or higher authority  
6 within the Wisconsin law enforcement agency that he or she has a reasonable  
7 suspicion that the person who is the subject of the information request has obtained  
8 or is attempting to obtain a handgun firearm.

9           **SECTION 23.** 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 under s. 941.29, the attorney  
12 general or his or her designee may disclose to a law enforcement agency that the  
13 transferee has attempted to obtain a handgun firearm.

14           **SECTION 24.** 175.35 (2k) (h) of the statutes is amended to read:

15           175.35 (2k) (h) If a search conducted under sub. (2g) indicates a felony charge  
16 or violent nonfelony offense charge without a recorded disposition and the attorney  
17 general or his or her designee has reasonable grounds to believe the transferee may  
18 pose a danger to himself, herself or another, the attorney general or his or her  
19 designee may disclose to a law enforcement agency that the transferee has obtained  
20 or has attempted to obtain a handgun firearm.

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

22           175.35 (2k) (i) The department of justice may not charge a fee for any services  
23 that the department provides under pars. (c) to (j) (k).

24           **SECTION 26.** 175.35 (2k) (k) of the statutes is created to read:



**ASSEMBLY BILL 914**

1           175.35 **(2k)** (k) The department may provide access to records kept under this  
2 section to a person engaged in research if the department has approved the research  
3 and the researcher agrees that the information will be used only for the purposes for  
4 which it was provided, the information will not be released to anyone not connected  
5 with the research, and the research will not involve revealing information that may  
6 serve to identify the individuals involved. The department shall also impose  
7 whatever additional safeguards are needed to prevent unwarranted disclosure of  
8 information from the records.

9           **SECTION 27.** 175.35 (2t) (a) of the statutes is amended to read:

10           175.35 **(2t)** (a) Transfers of any ~~handgun~~ firearm classified as an antique by  
11 regulations of the U.S. department of the treasury.

12           **SECTION 28.** 175.35 (2t) (b) of the statutes is amended to read:

13           175.35 **(2t)** (b) Transfers of any ~~handgun~~ firearm between firearms dealers or  
14 between wholesalers and dealers.

15           **SECTION 29.** 175.35 (2t) (c) of the statutes is amended to read:

16           175.35 **(2t)** (c) Transfers of any ~~handgun~~ firearm to law enforcement or armed  
17 services agencies.

18           **SECTION 30.** 175.35 (3) of the statutes is renumbered 175.35 (3) (b) and  
19 amended to read:

20           175.35 **(3)** (b) Any person who intentionally violates sub. ~~(2)~~, (2e), (2f) or (2j)  
21 shall be fined not less than \$500 nor more than \$10,000 and may be imprisoned for  
22 not more than 9 months.

23           **SECTION 31.** 175.35 (3) (a) of the statutes is created to read:

24           175.35 **(3)** (a) Any person who intentionally violates sub. (2) or (2b) is guilty of  
25 a Class G felony.

**ASSEMBLY BILL 914****SECTION 32**

1           **SECTION 32.** 938.341 of the statutes is amended to read:

2           **938.341 Delinquency adjudication; restriction on firearm possession.**

3 Whenever a court adjudicates a juvenile delinquent for an act that if committed by  
4 an adult in this state would be a felony or a violent nonfelony offense, as defined in  
5 s. 941.29 (1g), the court shall inform the juvenile of the requirements and penalties  
6 under s. 941.29.

7           **SECTION 33.** 938.396 (2g) (d) of the statutes is amended to read:

8           938.396 (2g) (d) *Bail; impeachment; firearm possession.* Upon request of a  
9 court of criminal jurisdiction or a district attorney to review court records for the  
10 purpose of setting bail under ch. 969, impeaching a witness under s. 906.09, or  
11 investigating and determining whether a person has possessed a firearm in violation  
12 of s. 941.29 (2) or body armor in violation of s. 941.291 (2) or upon request of a court  
13 of civil jurisdiction or the attorney for a party to a proceeding in that court to review  
14 court records for the purpose of impeaching a witness under s. 906.09, the court  
15 assigned to exercise jurisdiction under this chapter and ch. 48 shall open for  
16 inspection by authorized representatives of the requester the records of the court  
17 relating to any juvenile who has been the subject of a proceeding under this chapter.

18           **SECTION 34.** 938.396 (2g) (n) of the statutes is amended to read:

19           938.396 (2g) (n) *Firearms restriction record search.* If a juvenile is adjudged  
20 delinquent for an act that would be a felony or a violent nonfelony offense, as defined  
21 in s. 941.29 (1g), if committed by an adult, the court clerk shall notify the department  
22 of justice of that fact. No other information from the juvenile's court records may be  
23 disclosed to the department of justice except by order of the court. The department  
24 of justice may disclose any information provided under this subsection only as part  
25 of a firearms restrictions record search under s. 175.35 (2g) (c).

**ASSEMBLY BILL 914**

1           **SECTION 35.** 941.29 (1) of the statutes is renumbered 941.29 (1m) and amended  
2 to read:

3           941.29 (1m) A person is ~~subject to the requirements and penalties of this~~  
4 ~~section if he or she has been~~ who possesses a firearm is guilty of a Class G felony if  
5 any of the following apply:

6           (a) ~~Convicted~~ The person has been convicted of a felony in this state.

7           (b) ~~Convicted~~ The person has been convicted of a crime elsewhere that would  
8 be a felony if committed in this state.

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

12           (c) ~~Found~~ The person has been found not guilty of a felony in this state by reason  
13 of mental disease or defect.

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

17           (e) ~~Committed~~ The person has been committed for treatment under s. 51.20 (13)  
18 (a) and ~~ordered~~ is subject to an order not to possess a firearm under s. 51.20 (13) (cv).

19           (f) ~~Enjoined under~~ The person is subject to an injunction issued under s. 813.12  
20 or 813.122 or ~~under~~ a tribal injunction, as defined in s. 813.12 (1) (e), issued by a court  
21 established by any federally recognized Wisconsin Indian tribe or band, except the  
22 Menominee Indian tribe of Wisconsin, that includes notice to the respondent that he  
23 or she is subject to the requirements and penalties under s. 941.29 and that has been  
24 filed under s. 806.247 (3).

**ASSEMBLY BILL 914****SECTION 35**

1 (g) ~~Ordered~~ The person is subject to an order not to possess a firearm under s.  
2 813.125 (4m).

3 **SECTION 36.** 941.29 (1g) of the statutes is created to read:

4 941.29 (1g) “Violent nonfelony offense” means any of the following:

5 (a) A misdemeanor violation of s. 940.19, 940.195, 940.225, 940.42, 940.44,  
6 941.20, 941.237, 941.38, 941.39, 947.013, 948.10, 948.55, or 948.60.

7 (b) A violation of a temporary restraining order or injunction issued under s.  
8 813.12 (3) or (4), 813.122 (4) or (5), or 813.125 (3) or (4).

9 (c) Any misdemeanor crime for which the maximum term of imprisonment has  
10 been increased under s. 939.63.

11 **SECTION 37.** 941.29 (1m) (ag) of the statutes is created to read:

12 941.29 (1m) (ag) The person has been convicted on or after the effective date  
13 of this paragraph .... [LRB inserts date], of a violent nonfelony offense.

14 **SECTION 38.** 941.29 (1m) (bg) of the statutes is created to read:

15 941.29 (1m) (bg) The person has been convicted elsewhere on or after the  
16 effective date of this paragraph .... [LRB inserts date], of a crime that would be a  
17 violent nonfelony offense if committed in this state.

18 **SECTION 39.** 941.29 (1m) (br) of the statutes is created to read:

19 941.29 (1m) (br) The person has been adjudicated delinquent on or after the  
20 effective date of this paragraph .... [LRB inserts date], for an act that if committed  
21 by an adult in this state would be a violent nonfelony offense.

22 **SECTION 40.** 941.29 (1m) (cg) of the statutes is created to read:

23 941.29 (1m) (cg) On or after the effective date of this paragraph .... [LRB inserts  
24 date], the person has been found not guilty by reason of mental disease or defect of  
25 a violent nonfelony offense in this state.

**ASSEMBLY BILL 914**

1           **SECTION 41.** 941.29 (1m) (dg) of the statutes is created to read:

2           941.29 **(1m)** (dg) On or after the effective date of this paragraph ... [LRB  
3 inserts date], the person has been found not guilty of, or not responsible for, by reason  
4 of insanity or mental disease, defect, or illness, a crime elsewhere that would be a  
5 violent nonfelony offense in this state.

6           **SECTION 42.** 941.29 (2) of the statutes is repealed.

7           **SECTION 43.** 941.29 (3) of the statutes is amended to read:

8           941.29 **(3)** Any firearm involved in an offense under sub. ~~(2)~~ this section is  
9 subject to s. 968.20 (3).

10          **SECTION 44.** 941.29 (4) of the statutes is amended to read:

11          941.29 **(4)** A person is concerned with the commission of a crime, as specified  
12 in s. 939.05 (2) (b), in violation of this section if he or she knowingly furnishes a person  
13 with a firearm in violation of sub. ~~(2)~~ this section.

14          **SECTION 45.** 941.29 (5) (intro.) of the statutes is amended to read:

15          941.29 **(5)** (intro.) This section does not apply to any person specified in sub.  
16 ~~(1)~~ (1m) who:

17          **SECTION 46.** 941.29 (5) (a) of the statutes is amended to read:

18          941.29 **(5)** (a) Has received a pardon with respect to the crime or felony specified  
19 in sub. ~~(1)~~ (1m) and has been expressly authorized to possess a firearm under 18 USC  
20 app. 1203; or

21          **SECTION 47.** 941.29 (8) of the statutes is amended to read:

22          941.29 **(8)** This section does not apply to any person specified in sub. ~~(1)~~ (1m)  
23 (bm) if a court subsequently determines that the person is not likely to act in a  
24 manner dangerous to public safety. In any action or proceeding regarding this

**ASSEMBLY BILL 914****SECTION 47**

1 determination, the person has the burden of proving by a preponderance of the  
2 evidence that he or she is not likely to act in a manner dangerous to public safety.

3 **SECTION 48.** 941.29 (9) of the statutes is repealed.

4 **SECTION 49.** 941.29 (10) (intro.) of the statutes is amended to read:

5 941.29 (10) (intro.) The prohibition against firearm possession under this  
6 section does not apply to a person specified in sub. (1) (1m) (f) if the person satisfies  
7 any of the following:

8 **SECTION 50.** 941.29 (11) of the statutes is created to read:

9 941.29 (11) Subsection (1m) (ag), (bg), (br), (cg), and (dg) does not apply if the  
10 conviction, adjudication, or finding occurred more than 5 years before the date on  
11 which the person possesses the firearm.

12 **SECTION 51.** 971.17 (1g) of the statutes is amended to read:

13 971.17 (1g) If the defendant under sub. (1) is found not guilty of a felony or a  
14 violent nonfelony offense, as defined in s. 941.29 (1g), by reason of mental disease or  
15 defect, the court shall inform the defendant of the requirements and penalties under  
16 s. 941.29.

17 **SECTION 52.** 973.176 (1) of the statutes is amended to read:

18 973.176 (1) FIREARM POSSESSION. Whenever a court imposes a sentence or  
19 places a defendant on probation regarding a ~~felony conviction~~ for a felony or for a  
20 violent nonfelony offense, as defined in s. 941.29 (1g), the court shall inform the  
21 defendant of the requirements and penalties under s. 941.29.

22 **SECTION 53. Initial applicability.**

23 (1) The treatment of sections 175.33 and 175.35 (2) (intro.) and (a) to (d), (2b),  
24 (2c) (a) (intro.) and (b), (2g) (c) (intro.) and 4. c., (2i), and (2k) (ar) 2. and (h) of the  
25 statutes, the renumbering of section 175.35 (2j) of the statutes, the renumbering and

**ASSEMBLY BILL 914**

1 amendment of section 175.35 (2g) (b) and (3) of the statutes, and the creation of  
2 section 175.35 (2g) (b) 2., (2j) (b), and (3) (a) of the statutes first apply to sales or  
3 transfers of ownership of firearms that occur on the effective date of this subsection.

4 (2) The treatment of sections 938.341, 938.396 (2g) (n), 971.17 (1g), and 973.176  
5 (1) of the statutes first applies to delinquency adjudications, findings of not guilty by  
6 reason of mental disease or defect, and convictions occurring on the effective date of  
7 this subsection.

8 **SECTION 54. Effective date.**

9 (1) This act takes effect on the first day of the 7th month beginning after  
10 publication.

11 (END)