



2023 ASSEMBLY BILL 58

February 23, 2023 - Introduced by Representatives MICHALSKI, DUCHOW, ALLEN, ARMSTRONG, BEHNKE, DITTRICH, DONOVAN, GUNDRUM, MAXEY, MURPHY, O'CONNOR and RETTINGER, cosponsored by Senators JAMES, FEYEN, NASS, STROEBEL and WANGGAARD. Referred to Committee on Criminal Justice and Public Safety.

1 **AN ACT** *to create* 941.29 (4g) of the statutes; **relating to:** mandatory minimum
2 sentence for felons who illegally possess a firearm and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits a person who has been convicted of a felony from possessing a firearm. A person who violates the prohibition is guilty of a Class G felony, which is punishable by a maximum term of confinement in prison of five years followed by a maximum term of extended supervision of five years. Current law has no mandatory minimum term of confinement in prison for this crime.

This bill imposes a five-year mandatory minimum term of confinement in prison for a felon who is convicted of illegal possession of a firearm.

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.

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

3 **SECTION 1.** 941.29 (4g) of the statutes is created to read:
4 941.29 (4g) If a person is convicted of a violation of sub. (1m) (a) or (b), the court
5 shall impose a bifurcated sentence under s. 973.01. The term of confinement in

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1 prison portion of the bifurcated sentence shall be at least 5 years. Otherwise the
2 penalties for the crime apply, subject to any applicable penalty enhancement. The
3 court may not place the person on probation.

4 **SECTION 2. Initial applicability.**

5 (1) This act first applies to violations of s. 941.29 (1m) (a) or (b) that occur on
6 the effective date of this subsection.

7 (END)