



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0708/1
CMH:cjs

2023 ASSEMBLY BILL 762

December 6, 2023 - Introduced by Representatives SUBECK, EMERSON, CONLEY, J. ANDERSON, CONSIDINE, ANDRACA, BARE, JACOBSON, JOERS, OHNSTAD, PALMERI, RATCLIFF, SHELTON, SINICKI, SNODGRASS, STUBBS and HAYWOOD, cosponsored by Senators LARSON, TAYLOR, HESSELBEIN, L. JOHNSON and SPREITZER. Referred to Committee on Criminal Justice and Public Safety.

1 **AN ACT to amend** 941.29 (1g) (a), 941.291 (1) (b) and 973.123 (1); and **to create**
2 941.29 (3m) of the statutes; **relating to:** storage of a firearm in a house in which
3 a resident is prohibited from possessing a firearm and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill requires a person to store any firearm he or she possesses in a securely locked box or container or other secure locked location or with a trigger lock engaged if the person resides with a person who is prohibited from possessing a firearm under state law. A person who violates this requirement is guilty of a Class A misdemeanor for a first offense and a Class I felony for a repeat offense. State law currently prohibits the following persons from possessing a firearm: persons who have been convicted of a felony; persons found not guilty of a felony by reason of mental disease or defect; persons who are subject to certain injunctions such as a domestic abuse or child abuse injunction or, in certain cases, a harassment or an individuals-at-risk injunction; and persons who have been involuntarily committed for mental health treatment and ordered not to possess 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:

ASSEMBLY BILL 762**SECTION 1**

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

2 941.29 (1g) (a) “Violent felony” means any felony under s. 943.23 (1m), 1999
3 stats., or s. 943.23 (1r), 1999 stats., ~~this section sub. (1m)~~, or s. 940.01, 940.02, 940.03,
4 940.05, 940.06, 940.08, 940.09, 940.10, 940.19, 940.195, 940.198, 940.20, 940.201,
5 940.203, 940.204, 940.21, 940.225, 940.23, 940.235, 940.285 (2), 940.29, 940.295 (3),
6 940.30, 940.302, 940.305, 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20, 941.26,
7 941.28, 941.2905, 941.292, 941.30, 941.327 (2) (b) 3. or 4., 943.02, 943.04, 943.06,
8 943.10 (2), 943.23 (1g), 943.32, 943.87, 946.43, 948.02 (1) or (2), 948.025, 948.03,
9 948.04, 948.05, 948.051, 948.06, 948.07, 948.08, 948.085, or 948.30.

10 **SECTION 2.** 941.29 (3m) of the statutes is created to read:

11 941.29 (3m) (a) A person who resides with a person who is prohibited under
12 sub. (1m) from possessing a firearm shall, when not carrying the firearm, store any
13 firearm he or she possesses in a securely locked box or container or in a locked
14 location that a reasonable person would believe to be secure or ensure that a trigger
15 lock is engaged on the firearm.

16 (b) A person who violates par. (a) is guilty of the following:

- 17 1. For a first violation, a Class A misdemeanor.
18 2. For a 2nd or subsequent violation, a Class I felony.

19 **SECTION 3.** 941.291 (1) (b) of the statutes is amended to read:

20 941.291 (1) (b) “Violent felony” means any felony, or the solicitation, conspiracy,
21 or attempt to commit any felony, under s. 943.23 (1m) or (1r), 1999 stats., or s. 940.01,
22 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19, 940.195, 940.198,
23 940.20, 940.201, 940.203, 940.204, 940.21, 940.225, 940.23, 940.285 (2), 940.29,
24 940.295 (3), 940.30, 940.305, 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20, 941.26,
25 941.28, 941.29 (1m), 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.04,

ASSEMBLY BILL 762

1 943.06, 943.10 (2), 943.23 (1g), 943.32, 943.81, 943.82, 943.83, 943.85, 943.86,
2 943.87, 943.88, 943.89, 943.90, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03,
3 948.04, 948.05, 948.06, 948.07, 948.08, 948.085, or 948.30; or, if the victim is a
4 financial institution, as defined in s. 943.80 (2), a felony, or the solicitation,
5 conspiracy, or attempt to commit a felony under s. 943.84 (1) or (2).

6 **SECTION 4.** 973.123 (1) of the statutes is amended to read:

7 973.123 (1) In this section, “violent felony” means any felony under s. 943.23
8 (1m), 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 940.01, 940.02, 940.03, 940.05,
9 940.06, 940.08, 940.09, 940.10, 940.19, 940.195, 940.198, 940.20, 940.201, 940.203,
10 940.204, 940.21, 940.225, 940.23, 940.235, 940.285 (2), 940.29, 940.295 (3), 940.30,
11 940.302, 940.305, 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20, 941.26, 941.28,
12 941.29 (1m), 941.292, 941.30, 941.327 (2) (b) 3. or 4., 943.02, 943.04, 943.06, 943.10
13 (2), 943.23 (1g), 943.32, 943.87, 946.43, 948.02 (1) or (2), 948.025, 948.03, 948.04,
14 948.05, 948.051, 948.06, 948.07, 948.08, 948.085, or 948.30.

15 (END)