

1993 Assembly Bill 215

Date of enactment: **December 10, 1993**
Date of publication*: **December 24, 1993**

1993 WISCONSIN ACT 90

AN ACT to amend 66.28 (4) and 968.20 (3) (b) of the statutes, relating to: use of seized firearms or ammunition.

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

SECTION 1. 66.28 (4) of the statutes is amended to read:

66.28 (4) A city, village, town or county may retain or dispose of any abandoned, unclaimed or seized firearm or ammunition only under s. 968.20.

SECTION 2. 968.20 (3) (b) of the statutes is amended to read:

968.20 (3) (b) Except as provided in par. (a) or sub. (1m) or (4), a city, village, town or county or other custodian of a seized firearm or ammunition, if the firearm or ammunition is not required for evidence or use in further investigation and has not been disposed of pursuant to a court order at the completion of a criminal action or proceeding, shall make reasonable efforts to notify all persons who have or may have an authorized rightful interest in the firearm or ammunition of the application requirements under sub. (1). If, within 30 days after the notice, an application under sub. (1) is not made and the seized

firearm or ammunition is not returned by the officer under sub. (2), the seized ~~firearm or ammunition shall be shipped to and become~~ city, village, town or county or other custodian may retain the firearm or ammunition and authorize its use by a law enforcement agency, except that a firearm used in the commission of a homicide or a handgun, as defined in s. 175.35 (1) (b), may not be retained. If the firearm or ammunition is not so retained, the city, village, town or county or other custodian shall ship it to the state crime laboratories and it is then the property of the state ~~crime~~ laboratories. A person designated by the department of justice may destroy any material for which the laboratories have no use or arrange for the exchange of material with other public agencies. In lieu of destruction, shoulder weapons for which the laboratory has no use shall be turned over to the department of natural resources for sale and distribution of proceeds under s. 29.06.

SECTION 3. Initial applicability. This act first applies to firearms or ammunition seized on the effective date of this SECTION.