



1997 SENATE JOINT RESOLUTION 5

January 15, 1997 - Introduced by Senators BRESKE, WINEKE, MOEN, DRZEWIECKI, WIRCH, PLACHE, CLAUSING, RUDE, DECKER, GROBSCHMIDT, ZIEN, C. POTTER, BUETTNER and A. LASEE, cosponsored by Representatives ZUKOWSKI, GROTHMAN, HUEBSCH, WOOD, OURADA, RYBA, SERATTI, LINTON, SPRINGER, BAUMGART, ZIEGELBAUER, MUSSER, KAUFERT, FREESE, GREEN, HANDRICK, HASENOHRL, GRONEMUS, WALKER, HARS DORF, KREUSER, OTTE and KREIBICH. Referred to Committee on Judiciary, Campaign Finance Reform and Consumer Affairs.

- 1 **To create** section 25 of article I of the constitution; **relating to:** the right to keep and
2 bear arms (2nd consideration).

Analysis by the Legislative Reference Bureau

This proposed constitutional amendment, to be given 2nd consideration by the 1997 legislature for submittal to the voters in April 1997, was first considered by the 1995 legislature (1995 Assembly Joint Resolution 53, which became 1995 Enrolled Joint Resolution 27).

EXPLANATION OF PROPOSAL

This proposed constitutional amendment creates a new section of article I of the state constitution. Article I contains the state constitution's declaration of rights. The new section of article I created by this proposed constitutional amendment declares that: "The people have the right to keep and bear arms for security, defense, hunting, recreation or any other lawful purpose."

Currently, the state constitution does not guarantee a right to keep and bear arms.

PROCEDURE FOR 2ND CONSIDERATION

When a proposed constitutional amendment is before the current legislature on 2nd consideration, any change in the text approved by the preceding legislature causes the proposed constitutional amendment to revert to first consideration status so that 2nd consideration approval would have to be given by the next legislature before the proposal could be submitted to the people for ratification [see joint rule 57 (2)].

The decision whether to approve a proposed constitutional amendment on 2nd consideration is up to the legislature. If the legislature approves a proposed

constitutional amendment on 2nd consideration, it must also set the date for submitting the proposed constitutional amendment to the people for ratification and must determine the question or questions to be printed on the ballot.

1997 SPRING ELECTION

Because of the time required for publication of election notices and distribution of election supplies, the elections board estimates that this joint resolution would have to pass both houses no later than February 18, 1997, to be placed on the ballot for the April 1, 1997, spring election.

1 Whereas, the 1995 legislature in regular session considered a proposed
2 amendment to the constitution (1995 Assembly Joint Resolution 53, which became
3 1995 Enrolled Joint Resolution 27) and agreed to it by a majority of the members
4 elected to each of the 2 houses, which amendment reads as follows:

5 **SECTION 1.** Section 25 of article I of the constitution is created to
6 read:

7 [Article I] Section 25. The people have the right to keep and bear
8 arms for security, defense, hunting, recreation or any other lawful
9 purpose.

10 **SECTION 2.** Numbering of new section. The new section "25" of
11 article I of the constitution created in this joint resolution shall be
12 designated by the next higher open whole section number in that article
13 if, prior to or simultaneously with the ratification by the people of the
14 amendment proposed in this joint resolution, any other ratified
15 amendment has created a "section 25" of article I of the constitution of this
16 state. If several joint resolutions simultaneously create a section 25 of
17 article I, the chief of the legislative reference bureau shall determine the
18 sequence and the numbering.

19 *Now, therefore, be it resolved by the senate, the assembly concurring,*
20 *That* the foregoing proposed amendment to the constitution is agreed to by the 1997
21 legislature; and, be it further

22 *Resolved, That* the foregoing proposed amendment to the constitution be
23 submitted to a vote of the people at the election to be held on the first Tuesday of April,
24 1997; and, be it further

