

1999 ASSEMBLY BILL 257

March 30, 1999 – Introduced by Representatives BOCK, URBAN, POCAN, MILLER, CULLEN, TURNER, LA FAVE, BOYLE, RILEY and BERCEAU, cosponsored by Senators GEORGE, BURKE, DARLING and RISSER. Referred to Committee on Natural Resources.

1 **AN ACT to renumber and amend** 175.37 (1); **to amend** 175.37 (title) and 175.37
2 (2); and **to create** 175.37 (1d), 175.37 (1m) and 175.37 (1x) of the statutes;
3 **relating to:** the transfer of firearms and providing a penalty.

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. Current law also requires that upon the retail sale or transfer of any firearm, the person who is selling or transferring the firearm must provide a warning to the person buying or receiving the firearm about the possible criminal penalties that may be imposed if a person leaves a loaded firearm within the reach or easy access of a child. Any person who fails to provide this warning when selling or transferring a firearm may be fined not more than \$500 or imprisoned for not more than 30 days or both.

This bill prohibits a federally licensed firearms dealer from transferring a handgun to another person without also providing the person taking possession of the handgun with a locking device for the handgun, unless the person taking possession of the handgun is another firearms dealer, a governmental department or agency or a law enforcement officer who will be using the handgun for law enforcement purposes. The bill defines “locking device” as a device that is installed on or incorporated into the design of a firearm, that is secured by a means of a key or combination lock and that prevents discharge of the firearm unless it is removed, unlocked or deactivated. A person who violates the prohibition on transferring a

ASSEMBLY BILL 257

handgun without a locking device may be fined not more than \$500 or imprisoned for not more than 30 days or both.

The bill also expands the language that must be included in the warning required under current law when a firearm is sold or transferred. Under the bill, the warning must also state that the use of a locking device is only one aspect of responsible firearm storage, that firearms should be stored unloaded and locked in a place that is inaccessible to children and separate from ammunition for the firearm and that failure to lock and store a firearm properly may result in civil liability. The bill also provides that the warning does not have to be provided if the firearm is being sold or transferred to another firearms dealer, a governmental department or agency or a law enforcement officer who will be using the handgun for law enforcement purposes.

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

1 **SECTION 1.** 175.37 (title) of the statutes is amended to read:

2 **175.37** (title) ~~Warning whenever~~ Locking device required when
3 transferring a handgun; warning required when transferring a firearm.

4 **SECTION 2.** 175.37 (1) of the statutes is renumbered 175.37 (1s) and amended
5 to read:

6 **175.37 (1s)** WARNING UPON TRANSFER OF FIREARM. ~~Upon~~ Except as provided in
7 sub. (1x), upon the retail commercial sale or retail commercial transfer of any
8 firearm, the seller or transferor shall provide to the buyer or transferee the following
9 written warning in block letters not less than one-fourth inch in height: “THE USE
10 OF A LOCKING DEVICE OR SAFETY LOCK IS ONLY ONE ASPECT OF
11 RESPONSIBLE FIREARM STORAGE. FIREARMS SHOULD BE STORED
12 UNLOADED AND LOCKED IN A LOCATION THAT IS BOTH SEPARATE FROM
13 THEIR AMMUNITION AND INACCESSIBLE TO CHILDREN. FAILURE TO
14 LOCK AND STORE YOUR FIREARM PROPERLY MAY RESULT IN CIVIL
15 LIABILITY, AND IF YOU LEAVE A LOADED FIREARM WITHIN THE REACH OR

ASSEMBLY BILL 257

1 EASY ACCESS OF A CHILD YOU MAY BE FINED OR IMPRISONED OR BOTH
2 IF THE CHILD IMPROPERLY DISCHARGES, POSSESSES OR EXHIBITS THE
3 FIREARM.”

4 **SECTION 3.** 175.37 (1d) of the statutes is created to read:

5 175.37 **(1d)** DEFINITIONS. In this section:

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

7 (b) “Handgun” has the meaning given in s. 175.35 (1) (b).

8 (c) “Law enforcement officer” has the meaning given in s. 165.85 (2) (c).

9 (d) “Locking device” means a device that is installed on or incorporated into the
10 design of a firearm, that is secured by a key or combination lock and that prevents
11 discharge of the firearm unless it is removed, unlocked or deactivated.

12 **SECTION 4.** 175.37 (1m) of the statutes is created to read:

13 175.37 **(1m)** LOCKING DEVICE REQUIRED FOR CERTAIN SALES OR TRANSFERS OF
14 HANDGUNS. (a) Except as provided in sub. (1x), when a firearms dealer sells or
15 transfers any handgun, the firearms dealer may not transfer possession of the
16 handgun to another person unless the firearms dealer provides the person taking
17 possession of the handgun with a locking device for that handgun.

18 (b) Paragraph (a) does not prohibit a firearms dealer from charging the person
19 who is buying a handgun or the person to whom a handgun is being transferred for
20 the locking device in addition to the purchase price or any transfer fee charged for
21 the handgun.

22 **SECTION 5.** 175.37 (1x) of the statutes is created to read:

23 175.37 **(1x)** EXCEPTIONS. Subsections (1m) (a) and (1s) do not apply if the person
24 taking possession of the firearm is any of the following:

25 (a) Another firearms dealer.

ASSEMBLY BILL 257

SECTION 5

1 (b) A law enforcement officer who will be using the firearm for law enforcement
2 purposes.

3 (c) A department or agency of the United States, this state or a political
4 subdivision of this state.

5 **SECTION 6.** 175.37 (2) of the statutes is amended to read:

6 175.37 (2) PENALTY. Any person who violates sub. (1) this section may be fined
7 not more than \$500 or imprisoned for not more than 30 days or both.

8 **SECTION 7. Initial applicability.**

9 (1) This act applies to the transfer of a firearm that occurs on or after the
10 effective date of this subsection.

11 **SECTION 8. Effective date.**

12 (1) This act takes effect on the first day of the 4th month beginning after
13 publication.

14 (END)