

**ASSEMBLY AMENDMENT 15,
TO 1999 ASSEMBLY BILL 465**

September 23, 1999 – Offered by Representative TRAVIS.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 85, line 4: after that line insert:

3 “**SECTION 218d.** 938.341 of the statutes is amended to read:

4 **938.341 Delinquency adjudication; restriction on firearm possession.**

5 Whenever a court adjudicates a juvenile delinquent for an act that if committed by
6 an adult in this state would be a felony or a serious misdemeanor, as defined in s.
7 941.29 (1d), the court shall inform the juvenile of the requirements and penalties
8 under s. 941.29.”.

9 **2.** Page 110, line 8: delete lines 8 to 10 and substitute:

10 “**SECTION 364b.** 941.29 (1) of the statutes is renumbered 941.29 (1m).

11 **SECTION 364d.** 941.29 (1d) of the statutes is created to read:

12 941.29 (1d) In this section, “serious misdemeanor” means an attempt to commit
13 a violation of s. 940.20 (2) or (2m) or a violation, or the solicitation, conspiracy or

1 attempt to commit a violation, of s. 940.19 (1), 940.195 (1), 940.285 (2) (b) 4., 940.295
2 (3) (b) 4., 940.32 (2), 940.42, 940.44, 941.20 (1), 941.23, 941.235 (1), 941.237 (2),
3 941.26 (4) (b), 941.38 (3), 946.41 (1), 947.013 (1r), 948.55 (2) or (3), 948.60 (2) (a),
4 948.605 (2) (a) or 948.61 (2) (a).

5 **SECTION 364h.** 941.29 (1m) (h), (i), (j), (k) and (L) of the statutes are created
6 to read:

7 941.29 **(1m)** (h) Convicted in this state on or after the effective date of this
8 paragraph [revisor inserts date], of a serious misdemeanor.

9 (i) Convicted elsewhere on or after the effective date of this paragraph
10 [revisor inserts date], of a crime that would be a serious misdemeanor if committed
11 in this state.

12 (j) Adjudicated delinquent on or after the effective date of this paragraph
13 [revisor inserts date], for an act that if committed by an adult in this state would be
14 a serious misdemeanor.

15 (k) Found not guilty by reason of mental disease or defect in this state on or
16 after the effective date of this paragraph [revisor inserts date], of a serious
17 misdemeanor.

18 (L) Found not guilty of or not responsible elsewhere on or after the effective
19 date of this paragraph [revisor inserts date], for a crime that would be a serious
20 misdemeanor in this state by reason of insanity or mental disease, defect or illness.

21 **SECTION 364k.** 941.29 (2) (intro.) of the statutes is amended to read:

22 941.29 **(2)** (intro.) A person specified in sub. ~~(1)~~ **(1m)** is guilty of a Class **E G**
23 felony if he or she possesses a firearm under any of the following circumstances:

24 **SECTION 364L.** 941.29 (2) (a) of the statutes is amended to read:

1 941.29 (2) (a) The person possesses a firearm subsequent to the conviction for
2 the felony or other crime, as specified in sub. ~~(1)~~ (1m) (a) or (b).

3 **SECTION 364m.** 941.29 (2) (b) of the statutes is amended to read:

4 941.29 (2) (b) The person possesses a firearm subsequent to the adjudication,
5 as specified in sub. ~~(1)~~ (1m) (bm).

6 **SECTION 364n.** 941.29 (2) (c) of the statutes is amended to read:

7 941.29 (2) (c) The person possesses a firearm subsequent to the finding of not
8 guilty or not responsible by reason of insanity or mental disease, defect or illness, as
9 specified in sub. ~~(1)~~ (1m) (c) or (d).

10 **SECTION 364p.** 941.29 (2) (d) of the statutes is amended to read:

11 941.29 (2) (d) The person possesses a firearm while subject to the court order,
12 as specified in sub. ~~(1)~~ (1m) (e) or (g).

13 **SECTION 364q.** 941.29 (2) (e) of the statutes is amended to read:

14 941.29 (2) (e) The person possesses a firearm while the injunction, as specified
15 in sub. ~~(1)~~ (1m) (f), is in effect.

16 **SECTION 364y.** 941.29 (2g) of the statutes is created to read:

17 941.29 (2g) A person specified in sub. (1m) is guilty of a Class B misdemeanor
18 if he or she possesses a firearm under any of the following circumstances:

19 (a) Subsequent to the conviction for the serious misdemeanor or other crime,
20 as specified in sub. (1m) (h) or (i).

21 (b) Subsequent to the adjudication, as specified in sub. (1m) (j).

22 (c) Subsequent to the finding of not guilty or not responsible by reason of
23 insanity or mental disease, defect or illness, as specified in sub. (1m) (k) or (L).”.

24 **3.** Page 110, line 11: after that line insert:

1 “**SECTION 365c.** 941.29 (5) (intro.) of the statutes is amended to read:

2 941.29 **(5)** (intro.) This section does not apply to any person specified in sub.
3 ~~(1)~~ (1m) who:

4 **SECTION 365g.** 941.29 (5) (a) of the statutes is amended to read:

5 941.29 **(5)** (a) Has received a pardon with respect to the crime or felony specified
6 in sub. ~~(1)~~ and has been (1m), unless the pardon expressly authorized to ~~provides that~~
7 the person may not possess a firearm under ~~18 USC app. 1203~~; or

8 **SECTION 365n.** 941.29 (8) of the statutes is amended to read:

9 941.29 **(8)** This section does not apply to any person specified in sub. ~~(1)~~ (1m)
10 ~~(bm)~~ (j) if a court subsequently determines that the person is not likely to act in
11 a manner dangerous to public safety. In any action or proceeding regarding this
12 determination, the person has the burden of proving by a preponderance of the
13 evidence that he or she is not likely to act in a manner dangerous to public safety.

14 **SECTION 365r.** 941.29 (9) of the statutes is amended to read:

15 941.29 **(9)** This section does not apply to a person specified in sub. ~~(1)~~ (1m) (e)
16 if the prohibition under s. 51.20 (13) (cv) 1. has been canceled under s. 51.20 (13) (cv)
17 2. or (16) (gm).

18 **SECTION 365w.** 941.29 (10) (intro.) of the statutes is amended to read:

19 941.29 **(10)** (intro.) The prohibition against firearm possession under this
20 section does not apply to a person specified in sub. ~~(1)~~ (1m) (f) if the person satisfies
21 any of the following:”.

22 **4.** Page 178, line 4: after that line insert:

23 “**SECTION 735f.** 971.17 (1g) of the statutes is amended to read:

1 971.17 **(1g)** If the defendant under sub. (1) is found not guilty of a felony by
2 reason of mental disease or defect or not guilty of a serious misdemeanor, as defined
3 in s. 941.29 (1d), by reason of mental disease or defect, the court shall inform the
4 defendant of the requirements and penalties under s. 941.29.”.

5 **5.** Page 188, line 16: after that line insert:

6 “**SECTION 760e.** 973.033 of the statutes is amended to read:

7 **973.033 Sentencing; restriction on firearm possession.** Whenever a
8 court imposes a sentence or places a defendant on probation regarding a felony
9 conviction or a conviction for a serious misdemeanor, as defined in s. 941.29 (1d), the
10 court shall inform the defendant of the requirements and penalties under s. 941.29.”.

11 **6.** Page 194, line 13: delete “941.29 (2m),”.

12 **7.** Page 196, line 16: delete “941.29 (2) (intro.),”.

13 **8.** Page 199, line 8: after that line insert:

14 “(2g) RESTRICTIONS ON FIREARMS POSSESSION.

15 (a) *Penalty for unlawful possession.* The treatment of section 941.29 (1), (1d),
16 (1m) (h), (i), (j), (k) and (L), (2) (intro.), (a), (b), (c), (d) and (e), (2g), (2m), (5) (intro.),
17 (8), (9) and (10) (intro.) of the statutes first applies to offenses committed on the
18 effective date of this paragraph.

19 (b) *Pardons.* The treatment of section 941.29 (5) (a) of the statutes first applies
20 to pardons granted on the effective date of this paragraph.

21 (c) *Information provided upon adjudication of delinquency.* The treatment of
22 section 938.341 of the statutes first applies to adjudications of delinquency that occur
23 on the effective date of this paragraph.

1 (d) *Information at commitment proceedings.* The treatment of section 971.17
2 (1g) of the statutes first applies to commitment proceedings under section 971.17 of
3 the statutes that occur on the effective date of this paragraph.

4 (e) *Information at sentencing.* The treatment of section 973.033 of the statutes
5 first applies to sentencing proceedings that occur on the effective date of this
6 paragraph.”.

7 **9.** Page 204, line 17: after that line insert:

8 “(2m) RESTRICTIONS ON FIREARM POSSESSION. The treatment of sections 938.341,
9 941.29 (1), (1d), (1m) (h), (i), (j), (k) and (L), (2) (intro.), (a), (b), (c), (d) and (e), (2g),
10 (2m), (5) (intro.) and (a), (8), (9) and (10) (intro.), 971.17 (1g) and 973.033 of the
11 statutes and SECTION 773 (2g) of this act take effect on December 31, 1999, or the day
12 after publication, whichever is later.”.

13 (END)