

1999 ASSEMBLY BILL 664

January 19, 2000 – Introduced by Representatives GUNDRUM, GUNDERSON, JENSEN, STONE, CARPENTER, PETTIS, VRAKAS, SCHOOFF, KESTELL, LADWIG, WALKER, RHOADES, HUEBSCH, OLSEN, KREIBICH, AINSWORTH, NASS, HUNDERTMARK, SPILLNER, PORTER, ALBERS, WARD, SYKORA, KAUFERT and URBAN, cosponsored by Senators DRZEWIECKI, DARLING and SCHULTZ. Referred to Committee on Judiciary and Personal Privacy.

1 **AN ACT to renumber and amend** 175.35 (2g) (b) and 175.35 (3); and **to create**
2 175.35 (2g) (b) 1. to 9., 175.35 (2g) (bd) and 175.35 (3) (b) of the statutes;
3 **relating to:** providing information to a firearms dealer when purchasing a
4 handgun and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a federally licensed firearms dealer may not transfer a handgun to a person following a sale until the person has provided identification to the firearms dealer and has completed a notification form prescribed by the department of justice (DOJ) that requires the person to provide his or her name, date of birth, gender, race and social security number and other identifying information. The firearms dealer must then convey the information from the completed notification form to DOJ so that DOJ can conduct a background check to determine whether the person is prohibited from possessing a firearm. A person completing the notification form must provide truthful information on the form. If a person intentionally provides false information, he or she must be fined not less than \$500 nor more than \$10,000 and may be imprisoned for not more than nine months.

This bill increases the maximum period of imprisonment that may be imposed on a person who intentionally violates the requirement to provide truthful information on the notification form. Under the bill, a person who intentionally provides false information on the notification form may be imprisoned for not more than five years. The bill does not change the current minimum and maximum fine that may be imposed for providing false information.

ASSEMBLY BILL 664

The bill also provides that the notification form prescribed by DOJ must require the person completing the notification form to give a “yes” or “no” answer to several questions, including all of the following: 1) a question asking whether the person is purchasing the firearm with the purpose or intent of transferring it to a person who is prohibited from possessing a firearm under state or federal law; 2) questions asking whether the person has been convicted of a felony, found not guilty of or not responsible for a felony by reason of mental disease or defect or adjudicated delinquent for a felony; and 3) questions asking whether the person is subject to certain court orders that prohibit the person from possessing a firearm. Under the bill, the notification form may not require the person to answer questions other than those specified in the bill. In addition, the questions must appear on the notification form exactly as they appear in the bill.

Finally, the bill provides that the form may not require the person to answer any question or statement that is the same as or substantially similar to the following statement: “I am the actual purchaser of this firearm. I am not purchasing the firearm at the request of any other person or on behalf of any other person. I am not purchasing this firearm with the purpose or intent of reselling the firearm to any other person.”

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 175.35 (2g) (b) of the statutes is renumbered 175.35 (2g) (b) (intro.)
2 and amended to read:
3 175.35 **(2g)** (b) (intro.) The department of justice shall promulgate rules
4 prescribing a notification form for use under sub. (2) requiring. The form shall
5 require the transferee to provide his or her name, date of birth, gender, race and
6 social security number and other identification necessary to permit an accurate
7 firearms restrictions record search under par. (c) 3. and the required notification
8 under par. (c) 4. The form shall also include a section that, using exactly the wording
9 specified, asks the transferee all of the following questions and only the following
10 questions and that requires the transferee to give a “yes” or “no” answer to each
11 question in a space next to the question on the form:

ASSEMBLY BILL 664

1 **(bm)** The department of justice shall make the forms prescribed under par. (b)
2 available at locations throughout the state.

3 **SECTION 2.** 175.35 (2g) (b) 1. to 9. of the statutes are created to read:

4 175.35 **(2g)** (b) 1. Are you purchasing this firearm with the purpose or intent
5 of transferring it to a person who is presently prohibited from possessing a firearm
6 under state or federal law?

7 2. Have you ever been convicted of a felony in this state or a crime elsewhere
8 that would be a felony if committed in Wisconsin? (A felony is defined as a crime
9 punishable by one year or more in prison.)

10 3. Have you ever been found not guilty of a felony in Wisconsin by reason of
11 mental disease or defect?

12 4. Have you ever been found not guilty of or not responsible for a crime
13 elsewhere that would be a felony if committed in Wisconsin by reason of insanity or
14 mental disease, defect or illness?

15 5. Are you subject to a court order under the Wisconsin Mental Health Act (ch.
16 51, stats.) that prohibits you from possessing a handgun?

17 6. Are you subject to a court order under the harassment injunction law (s.
18 813.125, stats.) that prohibits you from possessing a firearm?

19 7. Are you subject to a domestic abuse injunction or domestic abuse tribal
20 injunction (s. 813.12, stats.) or a child abuse injunction (s. 813.122, stats.)? NOTE:
21 This question applies to proceedings that were commenced on or after April 1, 1996.

22 8. Have you ever been adjudicated delinquent as a juvenile for an act committed
23 on or after April 21, 1994, that if committed by an adult in Wisconsin would be a
24 felony?

ASSEMBLY BILL 664

SECTION 2

1 9. If you answered “yes” to question number 8, have you been exempted from
 2 the firearm possession prohibition by order of a court pursuant to s. 941.29 (8), stats.?
 3 If you answered “no” to question number 8, leave the space next to this question
 4 blank.

5 **SECTION 3.** 175.35 (2g) (bd) of the statutes is created to read:

6 175.35 **(2g)** (bd) The form prescribed under par. (b) may not require the
 7 transferee to give a “yes” or “no” answer to any question or statement that is the same
 8 as or substantially similar to the following statement: “I am the actual purchaser
 9 of this firearm. I am not purchasing the firearm at the request of any other person
 10 or on behalf of any other person. I am not purchasing this firearm with the purpose
 11 or intent of reselling the firearm to any other person.”

12 **SECTION 4.** 175.35 (3) of the statutes is renumbered 175.35 (3) (a) and amended
 13 to read:

14 175.35 **(3)** (a) Any person who intentionally violates sub. (2), ~~(2e)~~, (2f) or (2j)
 15 shall be fined not less than \$500 nor more than \$10,000 and may be imprisoned for
 16 not more than 9 months.

17 **SECTION 5.** 175.35 (3) (b) of the statutes is created to read:

18 175.35 **(3)** (b) Any person who intentionally violates sub. (2e) shall be fined not
 19 less than \$500 nor more than \$10,000 and may be imprisoned for not more than 5
 20 years.

21 **SECTION 6. Initial applicability.**

22 (1) The treatment of section 175.35 (3) (b) of the statutes first applies to offenses
 23 committed on the effective date of this subsection.

24 **(END)**