

*1999 DRAFTING REQUEST***Bill**Received: **09/14/1999**Received By: **olsenje**Wanted: **Soon**

Identical to LRB:

For: **Mark Gundrum (608) 267-5158**By/Representing: **Don Dyke, Leg. Council**

This file may be shown to any legislator: NO

Drafter: **olsenje**

May Contact:

Alt. Drafters:

Subject: **Criminal Law - guns and weapons**Extra Copies: **MGD****Pre Topic:**

No specific pre topic given

**Topic:**

Providing false information during handgun background check

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	olsenje 09/14/1999	chanaman 09/14/1999	martykr 09/15/1999	_____	lrb-docadmin 09/15/1999		State
/1	olsenje 10/06/1999	ygeller 10/07/1999	jfrantze 10/07/1999	_____	lrb-docadmin 10/07/1999		State
/2	olsenje 10/08/1999	ygeller 10/11/1999	mclark 10/11/1999	_____	lrb-docadmin 10/11/1999	lrb_docadminState 10/11/1999	
/3	olsenje 12/20/1999	ygeller 12/21/1999	kfollet 12/21/1999	_____	lrb-docadmin 12/21/1999	lrb_docadminState 12/21/1999	
/4	olsenje	chanaman	haugeca	_____	lrb-docadmin	lrb_docadminState	

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/2	olsenje 10/08/1999	jgeller 10/11/1999	mclark 10/11/1999	_____	lrb-docadmin 10/11/1999	lrb_docadminState 10/11/1999	
/3	olsenje 12/20/1999	jgeller 12/21/1999	kfollet 12/21/1999	_____	lrb-docadmin 12/21/1999	lrb_docadminState 12/21/1999	

*cmh 1/4 12/23*  
*CH 12-23*  
*CF JF 11-25*

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/2	olsen j e 10/08/1999	jgeller 10/11/1999	mclark 10/11/1999	_____	lrb-docadmin 10/11/1999	lrb_docadminState 10/11/1999	

FE Sent For:

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**<END>**

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FE Sent For:		1/2 10/11 JG	10/11 MRC	MRC/JF 10/11			

<END>

Jacket "1/2"  
for Assembly  
JEO

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1 10/7/99 JG 10/7 Jmc  
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1?	olsenje	cmh /81 9/14	dm/15	JZ dm/15			
FE Sent For:							

<END>



3607

Rep. furnished by Don Dyke

175.35 (2e) violation

→ 2 yrs. felony

(2g) (b) Direct DOS

to include following language



to be supplied  
by Don Dyke

DATE: SEPTEMBER 9, 1999

CLIENT: LEGISLATURE

LIBRARY: LEXSEE

CITATION: 697 A.2d 916

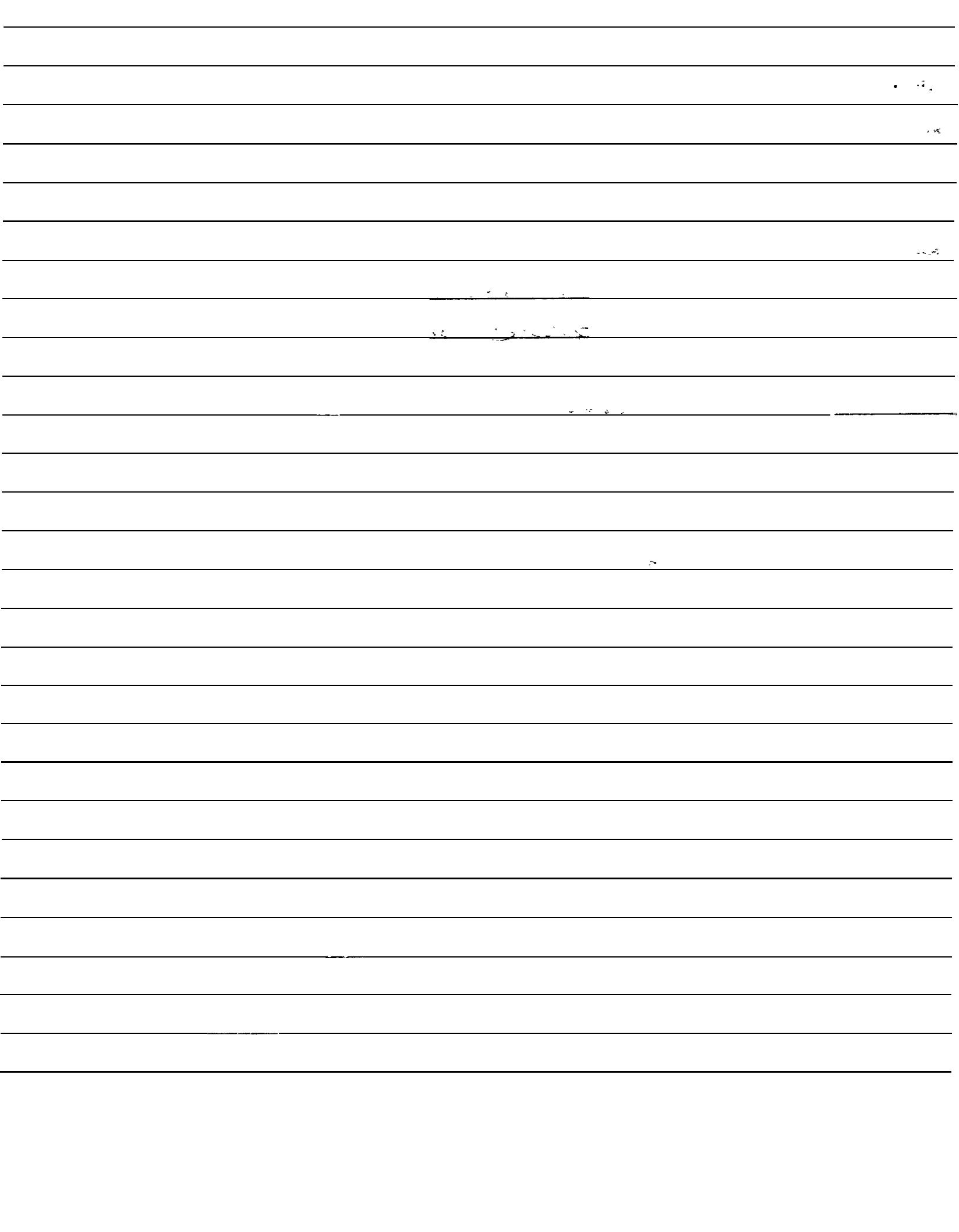
Jeffrey:

Rep. Gundrum would like  
to substitute for the circled  
language a statement based on the  
following:

"I am not purchasing this firearm with  
the intent of transferring it to a  
person who is presently prohibited  
from possessing a firearm under state  
or federal law."

Don Dyke

6-0292



**FIREARMS DEALER NOTIFICATION  
 (HANDGUN TRANSFERS)**

**Handgun Hotline 1-800-262-4867**

PLEASE USE INK - General Information and instructions on reverse side.

Dealer Identification Number (DIN)

**SECTION 1 TRANSFEREE (Buyer)**

1. Transferee (Buyer's) Legal Name (Last, First, MI)			2. Other Name(s) used now or at any time in the past (e.g., maiden/alias)			
3. Sex	4. Race	5. Date of Birth (Month/Day/Year)	6. Height	7. Weight	8. Hair	9. Eyes
10. Residence Address			11. City	12. state.	13. Zip	

**14. Transferee (Buyer) Certification - Buyer must answer statement with a "yes" or a "no" in the box at the right of the 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 <b>firearm</b> with the purpose or intent of reselling the firearm to any other person.	
I have never been convicted of a felony in this state or a crime elsewhere that would be a felony if committed in Wisconsin (a felony is defined as a crime punishable by one year or more in prison.)	
I have never been found not guilty of a felony in Wisconsin by reason of mental disease or defect.	
I have never been found not guilty of or not responsible for a crime elsewhere that would be a felony in this state by reason of insanity or mental disease, defect or illness.	
I am not subject to a court order under the Wisconsin Mental Health Act (Ch. 51) prohibiting me from possessing a handgun.	
I have never been adjudicated delinquent as a juvenile for an act committed on or after April 21, 1994, that if committed by an adult in Wisconsin would be a felony, or, if adjudicated delinquent, I have been exempted from the firearm prohibition by order of a court pursuant to s. 941.29(8).	
I am not subject to a court order under the harassment injunction law (sec. 813.125) prohibiting me from possessing a firearm.	
I am not subject to a domestic abuse injunction or domestic abuse tribal injunction (sec. 813.12) or a child abuse injunction (sec. 813.122). [Note: This statement applies to proceedings, which were commenced on or after April 1, 1996.]	

*If there statements cannot be truthfully answered "yes", the dealer may not transfer a firearm to the buyer unless the buyer has received a pardon for the crime or felony and has been expressly authorized to possess a firearm under 18 USC app. 1203 or has obtained relief from disabilities under 18 USC 925(c). If that is the case, the buyer must provide positive proof prior to obtaining the firearm.*

15. I certify under and in accordance with s. 175.35(2e) of the WI Statutes that all statements on this form are true. I understand that if I knowingly make a false statement, I am subject to penalties of up to a \$10,000 fine and up to 9 months imprisonment under s. 175.35(3) of the WI Statutes. **WARNING: TRANSFER TO MINORS, FELONS AND PROHIBITED PERSONS.** It is illegal for anyone to provide or assist in providing any firearm to a minor, except under certain conditions as set forth in the Wisconsin statutes, and under any circumstances to provide or assist in providing any firearm to a convicted felon or any other person prohibited by law from possessing a firearm under s. 941.29. Criminal prosecution may result in imprisonment for up to 5 years and a \$10,000 fine.

Buyer's Signature & Telephone Number	Date
--------------------------------------	------

**SECTION 2 FIREARMS DEALER (Seller)**

16. Type of Photo Identification (Required) Driver's License # _____ Wisconsin Identification Card# _____ Other (Please Specify) _____	17. Firearms Dealer Business Name and Address
---	---

18. Dealer Clerk's Signature	Date
------------------------------	------

**PLEASE CALL THE HANDGUN HOTLINE (1-800-262-4867) AND RECORD THE FOLLOWING INFORMATION**

19. Name of Caller	20. Date	21. Time of Call AM PM	22. Hotline Operator Number
23. Call Confirmation Number	24. Transfer Approval Number	25. Nonapproval Number	

**DO NOT TRANSFER FIREARM UNTIL A TRANSFER APPROVAL NUMBER IS RECEIVED AND RECORD THE FOLLOWING INFORMATION**

26. Date of Transfer	27. Time of Transfer AM PM	28. Transferred by
----------------------	-------------------------------	--------------------

## GENERAL INFORMATION

- 1) Dealer and buyers must conform to federal requirements in addition to completion of this form.
- 2) Completion of this form is required in accordance with s. 175.35(2g) of the Wisconsin Statutes and with Chapter Jus. 10, Wisconsin Administrative Code. If the buyer cannot read or write, the form must be completed by a person other than the dealer **after** a careful consultation with the buyer. **After** the form is completed, the dealer **shall** question the buyer to ensure that the form is truthfully and fully completed. The buyer's mark shall be obtained **in** the "Buyer's Signature" block and be witnessed by the individual that helped to complete the form.
- 3) The Wisconsin Department of Justice (DOJ) must accomplish a mandatory firearms restrictions record search to ensure that a person may lawfully possess a handgun under s. 941.29 of the Wisconsin Statutes.

Section 941.29 prohibits possession of a firearm if a person has been:

- Convicted of a felony in Wisconsin
- Convicted of a crime elsewhere that would be a felony if committed in Wisconsin
- Found not guilty of a felony in Wisconsin by reason of mental disease or defect
- Found not guilty of or not responsible for a crime elsewhere that would be a felony in Wisconsin by reason of insanity or mental disease, defect or illness
- Adjudicated delinquent for an act committed on or after April 21, 1994, that if committed by an adult in Wisconsin would be a felony
- Committed for treatment under s. 5 1.20(13)(a) and ordered not to possess a firearm under s. 5 1.20(13)(cv)
- Subject to a court order under the harassment injunction law (sec. 813.125) prohibiting the possession of a firearm
- Subject to a domestic abuse injunction or domestic abuse tribal injunction (sec. 813.12) or a child abuse injunction (sec. 813.122) prohibiting the possession of a firearm. [Note: This statement applies to proceedings which were commenced on or after April 1, 1996.]

## INSTRUCTIONS

### SECTION 1 Transferee (Buyer's Section)

- 4) Complete blocks 1 through 15 by legibly printing the required information in ink.
- 5) Use M (Male) or F (Female). Height should be entered as feet and inches (e.g., 6'4"). Authorized abbreviations for the remaining categories are:

<u>RACE</u>	<u>HAIR COLOR</u>	<u>EYE COLOR</u>		
W White	BRO Brown	RED Red	BLU Blue	HAZ Hazel
B Black	BLK Black	SDY Sandy	BRO Brown	PNK Pink
I American Indian or Alaskan Native	BLN Blond	WI White	GRY Gray	XXX Other
	GRY Gray	XXX Other	GRN Green	

- 6) Give the form to the dealer.
- 7) Furnish reliable identification that includes a photograph. A motor vehicle operator's license or state issued identification card are examples of reliable identification.

### SECTION 2 Firearms Dealer (Seller's Section)

- 8) Complete all required information in ink
- 9) The **Dealer** Identification Number (DIN) block in upper right hand corner of the form **is mandatory**.
- 10) Check transferee's photo identification and complete block 16.
- 11) A stamp may be used for block 17.
- 12) Dealer Clerk's Signature and Date of block 18.
- 13) Call the Handgun Hotline (1-800-262-4867) and provide the hotline operator with the form number printed in red and your Dealer Identification Number (DIN), both located in the upper right hand corner of the form and the information concerning the buyer.
- 14) Complete blocks 19 through 23. (The 48 hour waiting period begins when the Call **Confirmation** Number is issued.)
- 15) When the felony check is completed, record the Transfer Approval Number in block 24 or Nonapproval Number in block 25.
- 16) If a Nonapproval Number is issued, **provide the** buyer with his or her copy of the form and mail the "CIB" copy to the address provided below **within 24 hours**.
- 17) If a Transfer Approval Number is issued, complete blocks 26 through 28 at the time of the **firearm** transfer, provide the buyer with his or her copy of the form and mail the "CIB" copy to the address below **within 24 hours after transfer of the firearm**.

Crime Information Bureau  
Attn: Handgun Hotline  
Post Office Box 2718  
Madison, Wisconsin X3701-2718



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-3607/P1

JEO:.....

CMH

D-Note  
By Tues  
9/21

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1  
2

*reg cat*  
AN ACT . . . relating to: providing information to a firearms dealer when  
purchasing a 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 two years. The bill does not change the current minimum and maximum fine that may be imposed for providing false information.

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 the following statement: "I am not purchasing this firearm with the purpose or intent

of transferring it to a person who is presently prohibited from possessing a firearm under state or federal law.”

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) <sup>✓</sup>(b) of the statutes is amended to read:

2           175.35 (2g) (b) The department of justice shall promulgate rules prescribing  
3 a notification form for use under sub. (2) ~~requiring~~. The form shall require the  
4 transferee to provide his or her name, date of birth, gender, race and social security  
5 number and other identification necessary to permit an accurate firearms  
6 restrictions record search under par. (c) 3. and the required notification under par.  
7 (c) 4. The form shall also require the transferee to give a “yes” or “no” answer to the  
8 following statement: “I am not purchasing this firearm with the nurnose or intent  
9 of transferring it to a nerson who is nresentlv nrohibited from possessing a firearm  
10 under state or federal law.” The department ofjustice shall make the forms available  
11 at locations throughout the state.

History: 1975 c. 167; 1991 a. 11; 1993 a. 16, 195,196; 1995 a. 71, 77, 159, 306. ✓

12           **SECTION 2.** 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)~~, <sup>✓</sup>(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.

History: 1975 c. 167; 1991 a. 11; 1993 a. 16, 195,196; 1995 a. 71,77, 159,306.

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





**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3607/P1dn

JEO:.....

*Cony*

✓  
Should the draft include a short delayed effective date for the changes to s. 175.35 (2g) (b), stats., so that DOJ has time to update its forms?

Jefren E. Olsen  
Legislative Attorney  
Phone: (608) 26643906  
E-mail: Jefren.Olsen@legis.state.wi.us

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3607/P1dn  
JEO:cmh:km

September 15, 1999

Should the draft include a short delayed effective date for the changes to s. 175.35 (2g) (b), stats., so that DOJ has time to update its forms?

Jefren E. Olsen  
Legislative Attorney  
Phone: (608) 2664906  
E-mail: [Jefren.Olsen@legis.state.wi.us](mailto:Jefren.Olsen@legis.state.wi.us)

~~question~~

No other language re: purpose of  
purchase of firearm

Except check fed form —  
need "actual purchaser" lang.



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-3607/F1

JEO:cmh:km

Thursday 10/7

D-Note

g  
r.m.f.  
+jlg

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Regen

1 **AN ACT to renumber and amend 175.35 (3); to amend 175.35 (2g) (b); and to**  
2 **create 175.35 (3) (b) of the statutes; relating to:** providing information to a  
3 firearms dealer when purchasing a 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 two years. The bill does not change the current minimum and maximum fine that may be imposed for providing false information.

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 the

ANALYSIS  
INSERT

following statement: "I am not purchasing this firearm with the purpose or intent of transferring it to a person who is presently prohibited from possessing a firearm under state or federal law."

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 amended to read:

2 175.35 (2g) (b) The department of justice shall promulgate rules prescribing  
3 a notification form for use under sub. (2) ~~requiring~~. The form shall require the  
4 transferee to provide his or her name, date of birth, gender, race and social security  
5 number and other identification necessary to permit an accurate firearms  
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7 (c) 4. The form shall also require the transferee to give a "yes" or "no" answer to the  
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INS  
2-10

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16 not more than 9 months.

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



**ANALYSIS INSERT:**

Under the bill, the notification form may not require the transferee to give a “yes” or “no” answer to any other statement relating to whether the transferee is purchasing the firearm at the request of or on behalf of another person or whether the transferee is purchasing the firearm with the purpose or intent of reselling the firearm to any other person.

2 **INSERT 2-10:**

3 ~~NO~~ The form may not require the transferee to give a “yes” or “no” answer to any other  
4 statement relating to whether the transferee is purchasing the firearm at the request  
5 of or on behalf of another person or whether the transferee is purchasing the firearm  
6 with the purpose or intent of reselling the firearm to any other person. ✓



**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3607/1dn

JEO:.....

↑  
JEO

This draft allows DOJ's form to retain the language referring to whether the transferee is the "actual purchaser" of the firearm because that is virtually identical to the question on the federal form (question 9.a. of form ATF F 4473 (5300.9) asks "Are you the actual buyer of the firearm...?"). Okay?

**Jefren E. Olsen**  
Legislative Attorney  
Phone: (608) 266-8906  
E-mail: [Jefren.Olsen@legis.state.wi.us](mailto:Jefren.Olsen@legis.state.wi.us)

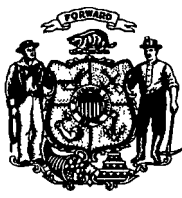
**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3607/1dn  
JEO:jlg:jf

October 7, 1999

This draft allows DOJ's form to retain the language referring to whether the transferee is the "actual purchaser" of the firearm because that is virtually identical to the question on the federal form (question 9.a. of form ATF F 4473 (5300.9) asks "Are you the actual buyer of the firearm...?"). Okay?

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State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-3607/1  
JEO:cmh&jlg:jf

Monday 10/11 a.m.

**1999 BILL**

2  
r.m.r.

Reger

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3 firearms dealer when purchasing a 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 ~~two~~ years. The bill does not change the current minimum and maximum fine that may be imposed for providing false information.

✓  
five

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 the

BILL

*the actual purchaser of the firearm, whether the transferee is*

following statement: "I am not purchasing this firearm with the purpose or intent of transferring it to a person who is presently prohibited from possessing a firearm under state or federal law."

no

Under the bill, the notification form may not require the transferee to give a "yes" or "no" answer to any other statement relating to whether the transferee is purchasing the firearm at the request of or on behalf of another person or whether the transferee is purchasing the 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:**

SECTION 1. 175.35 (2g) (b) of the statutes is amended to read:

175.35 (2g) (b) The department of justice shall promulgate rules prescribing a notification form for use under sub. (2) ~~requiring~~. The form shall require the transferee to provide his or her name, date of birth, gender, race and social security number and other identification necessary to permit an accurate firearms restrictions record search under par. (c) 3. and the required notification under par. (c) 4. The form shall also require the transferee to give a "yes" or "no" answer to the following statement: "I am not purchasing this firearm with the purpose or intent of transferring it to a person who is presently prohibited from possessing a firearm under state or federal law." The form may not require the transferee to give a "yes" or "no" answer to any other statement relating to whether the transferee is purchasing the firearm at the request of or on behalf of another person or whether the transferee is purchasing the firearm with the purpose or intent of reselling the firearm to any other person. The department of justice shall make the forms prescribed under this paragraph available at locations throughout the state.

11

SECTION 2. 175.35 (3) of the statutes is renumbered 175.35 (3) (a) and amended to read:

✓ the actual purchaser of the firearm, whether the transferee is



Jeffrey Olson

question

14. Transferee (Buyer) Certification - **Buyer must answer with a "yes" or a "no" in the box at the right of the statement or question.**

1) I have never been adjudicated delinquent as a juvenile for an act committed on or after April 21, 1994, that if committed by an adult in Wisconsin would be a felony, or, if adjudicated delinquent, I have been exempted from the firearm prohibition by order of a court pursuant to s. 941.29 (8).

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

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

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

5) Are you subject to a court order under the Wisconsin Mental Health Act (Ch. 51) prohibiting you from possessing a handgun?

8) ~~Are you subject to a court order under the harassment injunction law (sec. 8 13,125) prohibiting you from possessing a firearm?~~

9) Are you subject to a domestic abuse injunction or domestic abuse tribal injunction (sec. 8 13.12) or a child abuse injunction (sec. 8 13.122)? note: This question applies to proceedings which were commenced on or after April 1, 1996.]

1) Are you purchasing this firearm with the purpose or intent of transferring it to a person who is presently prohibited from possessing a firearm under state or federal law?

"No," you may leave this box blank

A Jeffrey - 6-8906  
Fax (608) 264-8522

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

7) If you have been adjudicated as a juvenile for an act committed on or after April 21, 1994, that if committed by an adult in Wisconsin would be a felony, have you been exempted from the firearm prohibition by order of a court pursuant to s. 941.29(8)? (If you answered the previous question

By Webs 12/27  
D-Note

3  
r.m.r.

1999 BILL

regenerate

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

~~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 the~~

✓  
ANAL IS  
INSERT

**BILL**

~~following statement: "I am not purchasing this firearm with the purpose or intent of transferring it to a person who is presently prohibited from possessing a firearm under state or federal law." Under the bill, the notification form may not require the transferee to give a "yes" or "no" answer to any other statement relating to whether the transferee is the actual purchaser of the firearms, whether the transferee is purchasing the firearm at the request of or on behalf of another person or whether the transferee is purchasing the 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:*

INS  
2-1  
①

SECTION 1. 175.35 (2g) (b) of the statutes is amended to read:

2 175.35 (2g) (b) The department of justice shall promulgate rules prescribing  
3 a notification form for use under sub. (2) requiring. The form shall require the  
4 transferee to provide his or her name, date of birth, gender, race and social security  
5 number and other identification necessary to permit an accurate firearms  
6 restrictions record search under par. (c) 3. and the required notification under par.  
7 (c) 4. The form shall also require the transferee to give a "yes" or "no" answer to the  
8 following statement: "I am not purchasing this firearm with the purpose or intent  
9 of transferring it to a person who is presently prohibited from possessing a firearm  
10 under state or federal law." The form may not require the transferee to give a "yes"  
11 or "no" answer to any other statement relating to whether the transferee is the actual  
12 purchaser of the firearm, whether the transferee is purchasing the firearm at the  
13 request of or on behalf of another person or whether the transferee is purchasing the  
14 firearm with the purpose or intent of reselling the firearm to any other person. The  
15 department of justice shall make the forms prescribed under this paragraph  
16 available at locations throughout the state.





1           **ANALYSIS INSERT:**

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.

2           **INSERT 2-1:**

3           SECTION 1. 175.35 (2g) (b) <sup>✓</sup> of the statutes is renumbered 175.35 (2g) (b) (intro.)  
4 and amended to read:

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

14           **(bm)** The department of justice shall make the forms prescribed under par.<sup>✓</sup> (b)  
15 available at locations throughout the state.

History: 1975 c. 167; 1991 a. 11; 1993 a. 16, 195, 196; 1995 a. 71, 77, 159, 306. <sup>✓</sup>

16           SECTION 2. 175.36 (2g) (b) 1. to 9. of the statutes are created to read:

1 175.36 (2g) (b) 1. Are you purchasing this firearm with the purpose or intent  
2 of transferring it to a person who is presently prohibited from possessing a firearm  
3 under state or federal law?

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

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

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

12 5. Are you subject to a court order under the Wisconsin Mental Health Act (ch.  
13 51, stats.) that prohibits you from possessing a handgun?

14 6. Are you subject to a court order under the harassment injunction law (s.  
15 813.125, stats.) that prohibits you from possessing a firearm?

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

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

22 9. If you answered "yes" to question number 8, have you been exempted from  
23 the firearm possession prohibition by order of a court pursuant to §341.29 (8), stats.?

24 If you answered "no" to question number 8, leave the space next to this question  
25 blank.

← auto ref A

← auto ref A

↑ auto ref A

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3607/3dn

JEO:xi...

*JEO*

I put the questions relating to juvenile adjudications last because that may help make for an easier summary to the transferee about the effect of answering all or some of the questions “yes” or “no”. Okay?

I standardized the statutory references and added “stats.” for greater clarity. Should they perhaps include the phrase “of the statutes” or something similar instead?

Question 4 is awkward, but I wasn’t able to find a very satisfactory way to improve it.

In questions 5 and 6, I changed “prohibiting you” to “that prohibits you” because I think that formulation reads a little bit better. Okay?

Please let me know if you have any questions or further changes.

*Senior*

Jefren E. Olsen  
Legislative Attorney  
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**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3607/3dn  
JEO:jlg:kjf

December 21, 1999

I put the questions relating to juvenile adjudications last because that may help make for an easier summary to the transferee about the effect of answering all or some of the questions "yes" or "no". Okay?

I standardized the statutory references and added "stats." for greater clarity. Should they perhaps include the phrase "of the statutes" or something similar instead?

Question 4 is awkward, but I wasn't able to find a very satisfactory way to improve it.

In questions 5 and 6, I changed "prohibiting you" to "that prohibits you" because I think that formulation reads a little bit better. Okay?

Please let me know if you have any questions or further changes.

Jefren E. Olsen  
Senior Legislative Attorney  
Phone: (608) 266-8906  
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Today

1999 ASSEMBLY BILL

4  
P.M.P.

repeal

1

AN ACT *to renumber and amend* 175.35 (2g) (b) and 175.35 (3); and *to create*  
2 175.35 (3) (b) and 175.36 (2g) (b) 1. to 9. of the statutes; **relating to:** providing  
3 information to a firearms dealer when purchasing a handgun and providing a  
4 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

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.

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:

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

ANALYSIS  
INSERT

INSERT RENUMBERED  
SECTION 4  
(from pp. 3-4)

**ASSEMBLY BILL**

INS  
3-1

1 **SECTION 2.** 175.35 (3) of the statutes is renumbered 175.35 (3) (a) and amended  
2 to read:

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

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

7 175.35 (3) (b) Any person who intentionally violates sub. (2<sup>e</sup>) shall be fined not  
8 less than \$500 nor more than \$10,000 and may be imprisoned for not more than 5  
9 years.

move  
to  
pg.  
2,  
l. 13

10 **SECTION 4.** 175.36 (2g) (b) 1. to 9. of the statutes are created to read:

11 175.36 (2g) (b) 1. Are you purchasing this firearm with the purpose or intent  
12 of transferring it to a person who is presently prohibited from possessing a firearm  
13 under state or federal law?

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

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

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

22 5. Are you subject to a court order under the Wisconsin Mental Health Act (ch.  
23 51, stats.) that prohibits you from possessing a handgun?

24 6. Are you subject to a court order under the harassment injunction law (s.  
25 813.125, stats.) that prohibits you from possessing a firearm?



**ASSEMBLY BILL****SECTION 4**

1 7. Are you subject to a domestic abuse injunction or domestic abuse tribal  
2 injunction (s. 813.12, stats.) or a child abuse injunction (s. 813.122, stats.)? NOTE:

3 This question<sup>21</sup> applies to proceedings that were commenced on or after April 1, 1996.

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

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

11 **SECTION 5. Initial applicability.**

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

14 (END)

1

**ANALYSIS INSERT:**

no! 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."

2

**INSERT 3-1:**

3

**SECTION 1.** 175.35 (2g) (bd) of the statutes is created to read:

4

175.35 (2g) (bd) The form prescribed under par. (b) may not require the

5

transferee to give a "yes" or "no" answer to any question or statement that is the same

6

as or substantially similar to the following statement: "I am the actual purchaser

7

of this firearm. I am not purchasing the firearm at the request of any other person

8

or on behalf of any other person I am not purchasing this firearm with the purpose

9

or intent of reselling the firearm to any other person."