

1999 DRAFTING REQUEST

Bill

Received: **10/5/98**

Received By: **olsenje**

Wanted: **As time permits**

Identical to LRB:

For: **Gary George (608) 266-2500**

By/Representing: **Karena**

This file may be shown to any legislator: **NO**

Drafter: **olsenje**

May Contact:

Alt. Drafters:

Subject: **Criminal Law - guns and weapons**

Extra Copies:

Topic:

Locking devices for firearms

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>
/?	olsenje 10/5/98	gilfokm 10/23/98		_____			
/1			lpaasch 10/23/98	_____	lrb_docadmin 10/23/98	lrb_docadmin 12/22/98	

FE Sent For:

Not Needed

<END>

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1/?	olsenje		10-23 L.R.	10-23 L.R. JS			

FE Sent For:

<END>

0436

State of Wisconsin



GARY R. GEORGE
SENATOR

DATE: September 16, 1998

TO: Legislative Reference Bureau
-Pamela J. Kahler, Esq.
-Jefren E. Olsen, Esq. ✓
-Marc E. Shovers, Esq.
-Madelon J. Lief, Esq.
-Pamela J. Kahler, Esq.
-Paul E. Nilsen, Esq.

FROM: Karena Bierman

RE: Drafting Requests

Attached please find a Senate Bill which Senator George would like to have re-drafted for the upcoming Session. At this time there are no content changes required to the previous drafts. Please let me know if further information is necessary.

Thank you for your attention to this request.



State of Wisconsin
1997 - 1998 LEGISLATURE

LRB-3469/1
JEO:kaf:jf

1997 SENATE BILL 256

July 3, 1997 - Introduced by Senator GEORGE, cosponsored by Representatives L. YOUNG, R. YOUNG, BOYLE, NOTESTEIN, RILEY, BOCK and URBAN. Referred to Committee on Judiciary, Campaign Finance Reform and Consumer Affairs.

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) and 175.37 (1m) of the statutes; relating to: the**
3 **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 firearm to someone other than another firearms dealer without also providing the person taking possession of the firearm with a locking device for the firearm. 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 firearm without a locking device may be fined not more than \$500 or imprisoned for not more than 30 days or both.

SENATE BILL 256

1 (a) "Firearms dealer" means any person engaged in the business of importing,
2 manufacturing or dealing in firearms and having a license as an importer,
3 manufacturer or dealer issued by the U.S. department of the treasury.

4 (b) "Locking device" means a device that is installed on or incorporated into the
5 design of a firearm, that is secured by a key or combination lock and that prevents
6 discharge of the firearm unless it is removed, unlocked or deactivated.

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

8 175.37 (1m) LOCKING DEVICE REQUIRED FOR CERTAIN SALES OR TRANSFERS OF
9 FIREARM. (a) Except as provided in par. (b), when a firearms dealer sells or transfers
10 any firearm, the firearms dealer may not transfer possession of the firearm to
11 another person unless the firearms dealer provides the person taking possession of
12 the firearm with a locking device for that firearm.

13 (b) Paragraph (a) does not apply if the person taking possession of the firearm
14 is another firearms dealer.

15 (c) Paragraph (a) does not prohibit a firearms dealer from charging the person
16 who is buying a firearm or the person to whom a firearm is being transferred for the
17 locking device in addition to the purchase price charged for the firearm.

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

19 175.37 (2) (title) PENALTY. Any person who violates ~~sub. (1)~~ this section may be
20 fined not more than \$500 or imprisoned for not more than 30 days or both.

21 **SECTION 6. Initial applicability.**

22 (1) LOCKING DEVICE REQUIRED UPON TRANSFER OF FIREARM. This act applies to the
23 transfer of a firearm that occurs on or after the effective date of this subsection.

24 **SECTION 7. Effective date.**

D. Note

JEO: ~~PK~~
PK:

~~1997~~ SENATE BILL ~~258~~

1999

0436/1

July 3, 1997 Introduced by Senator GEORGE, cosponsored by Representatives L. YOUNG, R. YOUNG, BOYLE, NOTESTEIN, RILEY, BOCK and URBAN. Referred to Committee on Judiciary, Campaign Finance Reform and Consumer Affairs.

re-enact

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- 2
- 3

AN ACT *to renumber and amend* 175.37 (1); *to amend* 175.37 (title) and 175.37 (2); and *to create* 175.37 (1d) and 175.37 (1m) of the statutes; 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 firearm to someone other than another firearms dealer without also providing the person taking possession of the firearm with a locking device for the firearm. 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 firearm without a locking device may be fined not more than \$500 or imprisoned for not more than 30 days or both.

SENATE BILL 256

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 and that firearms should be stored unloaded and locked in a place that is inaccessible to children and separate from ammunition for the firearm.

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 and warning required**
3 **when transferring a firearm.**

4 SECTION 2. 175.37 (1) of the statutes is renumbered 175.35⁽⁷⁾ (1s) and amended
5 to read:

6 175.35⁽⁷⁾ (1s) ~~WARNING UPON TRANSFER OF FIREARM.~~ WARNING UPON TRANSFER OF FIREARM. Upon the retail
7 commercial sale or retail commercial transfer of any firearm, the seller or transferor
8 shall provide to the buyer or transferee the following written warning in block letters
9 not less than one-fourth inch in height: "THE USE OF A LOCKING DEVICE OR
10 SAFETY LOCK IS ONLY ONE ASPECT OF RESPONSIBLE FIREARM STORAGE.
11 FIREARMS SHOULD BE STORED UNLOADED AND LOCKED IN A LOCATION
12 THAT IS BOTH SEPARATE FROM THEIR AMMUNITION AND INACCESSIBLE
13 TO CHILDREN. IF YOU LEAVE A LOADED FIREARM WITHIN THE REACH OR
14 EASY ACCESS OF A CHILD YOU MAY BE FINED OR IMPRISONED OR BOTH
15 IF THE CHILD IMPROPERLY DISCHARGES, POSSESSES OR EXHIBITS THE
16 FIREARM."

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

18 175.37 (1d) DEFINITIONS. In this section:

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1 (a) "Firearms dealer" means any person engaged in the business of importing,
2 manufacturing or dealing in firearms and having a license as an importer,
3 manufacturer or dealer issued by the U.S. department of the treasury.

4 (b) "Locking device" means a device that is installed on or incorporated into the
5 design of a firearm, that is secured by a key or combination lock and that prevents
6 discharge of the firearm unless it is removed, unlocked or deactivated.

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

8 175.37 (1m) LOCKING DEVICE REQUIRED FOR CERTAIN SALES OR TRANSFERS OF
9 FIREARM. (a) Except as provided in par. (b), when a firearms dealer sells or transfers
10 any firearm, the firearms dealer may not transfer possession of the firearm to
11 another person unless the firearms dealer provides the person taking possession of
12 the firearm with a locking device for that firearm.

13 (b) Paragraph (a) does not apply if the person taking possession of the firearm
14 is another firearms dealer.

15 (c) Paragraph (a) does not prohibit a firearms dealer from charging the person
16 who is buying a firearm or the person to whom a firearm is being transferred for the
17 locking device in addition to the purchase price charged for the firearm.

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

from w/stat

19 175.37 (2) ~~W/STAT~~ PENALTY. Any person who violates sub. (1) this section may be
20 fined not more than \$500 or imprisoned for not more than 30 days or both.

21 SECTION 6. Initial applicability.

22 (1) LOCKING DEVICE REQUIRED UPON TRANSFER OF FIREARM. This act ^{first} applies to the
23 transfer of a firearm that occurs on ~~1/1/98~~ the effective date of this subsection.

24 SECTION 7. Effective date.

A firearms dealer may transfer possession of a firearm to another person without providing a locking device for the firearm

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3469/1dn

JEO:ljfj

PK

Tuesday, June 10, 1997

0436/1 dn

is a redraft of 1997 Senate Bill 256, which was in turn

This ~~draft~~ ^{B.} is based on S. 428, ~~which was~~ ^{a bill} introduced in the U.S. Senate on March 12, 1997.

The draft defines "locking device" based on the definition in S. 428. Also, like S. 428 ^{B.} the draft provides an exemption for transfers between firearms dealers and also provides for a delayed effective date. In addition, the draft amends the warning already required under s. 175.37 (1), stats., to include language in S. 428 that is not currently required under s. 175.37, stats. ^{B.}

Finally, note that this draft uses the existing penalty in s. 175.37 (2), stats. ~~Is that~~ ^{B.} your intent or do you want to provide for a different penalty?

Jefren E. Olsen
Legislative Attorney
266-8906

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

LRB-0436/1dn
JEO:pk:lp

October 23, 1998

This is a redraft of 1997 Senate Bill 256, which was in turn based on S.B. 428, a bill introduced in the U.S. Senate on March 12, 1997.

The draft defines "locking device" based on the definition in S.B. 428. Also, like S.B. 428 the draft provides an exemption for transfers between firearms dealers and also provides for a delayed effective date. In addition, the draft amends the warning already required under s. 175.37 (1), stats., to include language in S.B. 428 that is not currently required under s. 175.37, stats.

Finally, note that this draft uses the existing penalty in s. 175.37 (2), stats.

Jefren E. Olsen
Legislative Attorney
266-8906

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 10/23/98

To: Senator George

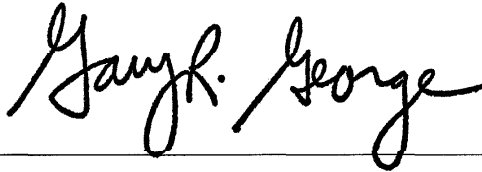
Relating to LRB drafting number: LRB-0436

Topic

Locking devices for firearms

Subject(s)

Criminal Law - guns and weapons



1. **JACKET** the draft for introduction _____
in the **Senate** or the **Assembly** _____ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT**. See the changes indicated or attached _____.
A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction N/A _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Jefren E. Olsen, Legislative Attorney
Telephone: (608) 266-8906