

1999 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB6)

Received: **05/10/99**

Received By: **olsenje**

Wanted: **Soon**

Identical to LRB:

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

By/Representing: **Dan**

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

Drafter: **olsenje**

May Contact:

Alt. Drafters:

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

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Locking device for handguns

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>
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FE Sent For:

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Seen

SENATE SUBSTITUTE AMENDMENT,
TO 1999 SENATE BILL 6

S 0069/1

1 AN ACT ^{refer} ^{cat} to renumber 175.37 (1); to amend 175.37 (title) and 175.37 (2); and to
2 create 175.37 (1d), 175.37 (1m) and 175.37 (1s) (title) of the statutes; relating
3 to: the transfer of ~~firearms~~ ^{handguns} and providing a penalty.

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

4 SECTION 1. 175.37 (title) of the statutes is amended to read: ^{for handguns;}
5 175.37 (title) ~~Warning whenever Locking device and warning required~~
6 when transferring a firearm.

7 SECTION 2. 175.37 (1) of the statutes is renumbered 175.37 (1s).

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

9 175.37 (1d) DEFINITIONS. In this section:

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

9 (b) "Handgun" has the meaning given in s. 175.35 (1) (b).

(c)
 (b) "Locking device" means a device that is installed on or incorporated into the design of a ~~firearm~~ ^{handgun}, that is secured by a key or combination lock and that prevents discharge of the ~~firearm~~ ^{handgun} unless it is removed, unlocked or deactivated.

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

^(CS) 175.37 (1m) LOCKING DEVICE REQUIRED FOR CERTAIN SALES OR TRANSFERS OF

^{A HANDGUN} ~~FIREARM~~. (a) Except as provided in par. (b), when a firearms dealer sells or transfers any ~~firearm~~ ^{handgun}, the firearms dealer may not transfer possession of the ~~firearm~~ to another person unless the firearms dealer provides the person taking possession of the ~~firearm~~ ^{handgun} with a locking device that is appropriate for that ~~firearm~~. A locking device provided under this paragraph shall be constructed of durable material that is sufficiently strong to prevent the device from being easily disabled or removed from the ~~firearm~~ ^{handgun} without use of the key or combination for the lock.

(b) A firearms dealer may transfer possession of a ~~firearm~~ ^{handgun} to another person without providing a locking device that is appropriate for the ~~firearm~~ if any of the following applies:

1. The person taking possession of the ~~firearm~~ ^{handgun} is another firearms dealer.
2. The ~~firearm~~ ^{handgun} is classified as an antique by regulations of the U.S. department of the treasury and because of its design and manufacture cannot be fitted with an appropriate locking device.

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

SECTION 5. 175.37 (1s) (title) of the statutes is created to read:

175.37 (1s) (title) WARNING UPON TRANSFER OF FIREARM.

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

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

3 **SECTION 7. Initial applicability.**

(CS)
HANDGUN

4

(1) LOCKING DEVICE REQUIRED UPON TRANSFER OF ~~FIREARM~~. This act first applies

5

to the transfer of a handgun ~~firearm~~ that occurs on the effective date of this subsection.

6 **SECTION 8. Effective date.**

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

9 (END)