

1999 DRAFTING REQUEST

Bill

Received: **05/18/1999**

Received By: **olsenje**

Wanted: **As time permits**

Identical to LRB:

For: **Brian Burke (608) 266-8535**

By/Representing: **Debbie**

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:

Short-barreled 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>
/P1	olsenje 05/24/1999	jgeller 05/28/1999	martykr 06/01/1999	_____	lrb_docadmin 06/01/1999		S&L
/1	olsenje 10/12/1999	jgeller 10/14/1999	mclark 10/14/1999	_____ _____ _____	lrb_docadmin 10/14/1999	lrb_docadminS&L 11/05/1999 lrb_docadmin 11/30/1999	

FE Sent For:

<END>

Re-Sent

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/P1	olsenje 05/24/99	jgeller 05/28/99	martykr 06/1/99	_____	lrb_docadmin 06/1/99		S&L

FE Sent For:

1 10/14 Jg
MRC 10/14
MRC/JF 10/14
<END>

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Wanted: **As time permits**

Identical to LRB:

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By/Representing: **Debbie**

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

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1/?	olsenje	1/1 5/28 jlg	m/s	Mycy			

FE Sent For:

<END>

Submit "P" Draft

JEO

3090

Memorandum

To: Jefren Olsen
From: Senator Brian Burke
Date: 05/11/99
Re: Bill Drafting Request – regulation of handgun sales

Please redraft 1993 Assembly Bill 728, relating to short-barreled handguns and background checks (*see enclosed*).

In addition, some have called for the state to change the state form filled out by handgun buyers to include a question asking whether they are the actual buyer. Federal forms ask that question, but the state form does not, limiting straw purchaser prosecutions at the state level. *Does this require legislation or does the AG have the authority to modify the form without a legislative directive?*

If you have any questions/comments, please contact Deb from my office at 6-8535.

Thanks for your assistance.

1993 ASSEMBLY BILL 728

September 3, 1993 - Introduced by Representatives BOCK, KUNICKI, URBAN, BOYLE, TURNER, CARPENTER, KRUSICK, HANSON, BALDWIN, ROBSON, R. YOUNG and NOTESTEIN, cosponsored by Senator DARLING, BURKE, WINEKE. Referred to Committee on Criminal Justice and Public Safety.

1 AN ACT to amend 20.455 (2) (gr) and 175.35 (2g) (b); and to create 165.83
2 (2) (cm), 175.35 (1) (bn), 175.35 (2k) (b) 4 and 175.36 of the
3 statutes, relating to short-barreled handguns, background checks,
4 granting rule-making authority, making an appropriation and providing
5 a penalty.

Analysis by the Legislative Reference Bureau

Under current law, no federally licensed firearms dealer may transfer a handgun following a sale until various conditions are met relating to a waiting period and a criminal history record search (background check) of the prospective handgun owner by the department of justice (DOJ). Among the conditions is a requirement that the dealer may not transfer the handgun until 48 hours after the dealer receives confirmation from DOJ that DOJ has received the dealer's request for a background check.

This bill provides various restrictions on the sale or transfer of ownership of short-barreled handguns, which are handguns having a barrel length of less than 4 inches. The chief features of the bill include:

1. A person may not sell or transfer ownership of a short-barreled handgun unless he or she has a short-barreled handgun dealer's license or makes the sale or transfer through such a dealer. To obtain a short-barreled handgun dealer's license, a person must be a federally licensed firearms dealer, must have fingerprints on file with DOJ and must not be prohibited by law from possessing a firearm. The person must pay DOJ \$500 for the short-barreled handgun dealer's license, which is valid for 5 years. The dealer may renew the license for free for an additional 5 years.

2. A person may not buy or accept the transfer of ownership of a short-barreled handgun unless his or her fingerprints are on file with DOJ.

3. A person who intentionally violates any of the previously described provisions is subject to criminal penalties. Upon conviction, the person must be fined not less than \$500 nor more than \$10,000 and may be imprisoned for not more than 9 months.

4. The bill provides a procedure for persons to provide DOJ with fingerprints. A person may go to a local law enforcement agency, where

the agency takes the fingerprints. The agency may charge and retain a reasonable fee for this service. The person then sends the fingerprints and a \$10 fee to DOJ. DOJ keeps the fingerprints on file.

5. DOJ must promulgate rules regarding these new provisions.

For further information see the state and local 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. 20.455 (2) (gr) of the statutes is amended to read:

2 20.455 (2) (gr) (title) Handgun records and services. All moneys
3 received as fee payments under ~~s-~~ ss. 175.35 (2i) and 175.36 (6) to pro-
4 vide services and maintain records under ~~s-~~ ss. 175.35 and 175.36.

5 SECTION 2. 165.83 (2) (cm) of the statutes is created to read:

6 165.83 (2) (cm) Accept and file fingerprints that the department
7 receives under s. 175.36 (5).

8 SECTION 3. 175.35 (1) (bn) of the statutes is created to read:

9 175.35 (1) (bn) "Short-barreled handgun" has the meaning given in s.
10 175.36 (1) (d).

11 SECTION 4. 175.35 (2g) (b) of the statutes is amended to read:

12 175.35 (2g) (b) The department of justice shall promulgate rules
13 prescribing a notification form for use under sub. (2) requiring the
14 transferee to provide his or her name, date of birth, gender, and race and
15 ~~social security number~~ and other identification or information necessary
16 to permit an accurate criminal-history record search under par. (c) 3 and,
17 the required notification under par. (c) 4 and a check for compliance with
18 s. 175.36. The department of justice shall make the forms available at
19 locations throughout the state.

20 SECTION 5. 175.35 (2k) (b) 4 of the statutes is created to read:

21 175.35 (2k) (b) 4. Records pertaining to sales and transfers of
22 ownership of short-barreled handguns, in accordance with s. 175.36 (7).

1 SECTION 6. 175.36 of the statutes is created to read:

2 175.36 SALE OR TRANSFERS OF OWNERSHIP OF SHORT-BARRELED HANDGUNS.

3 (1) In this section:

4 (a) "Department" means the department of justice.

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

6 (c) "Local law enforcement agency" means a governmental unit of one
7 or more persons employed full time by a political subdivision of the state
8 for the purpose of preventing and detecting crime and enforcing state laws
9 or local ordinances, employes of which unit are authorized to make arrests
10 for crimes while acting within the scope of their authority.

11 (d) "Short-barreled handgun" means a handgun that has a barrel length
12 of less than 4 inches, measured as follows:

13 1. For a revolver, the barrel length is measured from the end of the
14 muzzle to the forcing cone.

15 2. For a handgun other than a revolver, the barrel length is measured
16 from the end of the barrel to the face of the closed breechblock or closed
17 bolt.

18 (2) No person may sell or transfer ownership of a short-barreled
19 handgun unless he or she has a short-barreled handgun dealer's license or
20 he or she makes the sale or transfer through a person who has a
21 short-barreled handgun dealer's license.

22 (3) (a) Any person who has a license described under s. 175.35 (1)
23 (a), who has a fingerprint record at the department and who is not pro-
24 hibited from possessing a firearm under s. 941.29 may obtain a
25 short-barreled handgun dealer's license. The department shall require the
26 person to provide information to show that the person meets the require-
27 ments of this paragraph. If the department determines that the person is
28 eligible and the person pays the department a \$500 license fee, the

1 department shall issue the person a short-barreled handgun dealer's
2 license. The short-barreled dealer's license is valid for 5 years.

3 (b) At the end of the 5-year period under par. (a), a person may
4 renew a short-barreled handgun dealer's license for an additional 5-year
5 period without a fee in the manner prescribed by the department by rule.
6 If a person seeks to be licensed after this additional 5-year period, he
7 or she must comply with par. (a).

8 (c) A short-barreled dealer's license is void for any period of time
9 when the licensee does not hold a license described under s. 175.35 (1)
10 (a).

11 (4) No person may buy or accept the transfer of ownership of a
12 short-barreled handgun unless he or she has a fingerprint record at the
13 department.

14 (5) If a person wants to obtain a short-barreled handgun dealer's
15 license or buy or accept the transfer of ownership of a short-barreled
16 handgun but the department does not have his or her fingerprint record,
17 the person may provide the record under this subsection. The person shall
18 go to any local law enforcement agency, which shall obtain the person's
19 fingerprints according to the fingerprint system of identification estab-
20 lished by the director of the federal bureau of investigation. The agency
21 may charge the person a reasonable fee to be retained by the agency. The
22 person shall send the fingerprints and a \$10 fee to the department. The
23 department shall accept and file the fingerprints under s. 165.83 (2)
24 (cm).

25 (6) The state treasurer shall credit all fees collected under sub.
26 (3) (a) and the department's share of the fees collected under sub. (5) to
27 the appropriation account under s. 20.455 (2) (gr).

10-28. S. Received from Assembly, Senate amendments 2, 3, 4, 5, 6 and 8 concurred in, Senate amendment 7 amended and concurred in as amended, Assembly amendment 1 to Senate amendment 7 adopted 559

10-28. S. Rules suspended and taken up 559

10-28. S. Assembly amendment 1 to Senate amendment 7 concurred in 559

10-28. S. Ordered immediately messaged 559

10-28. A. Received from senate: assembly amendment 1 to senate amendment 7 concurred in 484

11- 9. A. Report correctly enrolled 494

12-15. A. Report approved by the Governor on 12-10-93 517

1993 Wisconsin Act 95. Published 12-24-93.

Assembly Bill 727

AN ACT to amend 20.455 (2) (gr); and to create 175.35 (2g) (bn) and 175.36 of the statutes, relating to voluntary reporting of firearm information to the department of justice, granting rule-making authority, making an appropriation and providing a penalty. (FE)

1993

9- 3. A. Introduced by Representatives Travis, Turner, Lehman, Notestein, L. Young, Urban, Carpenter, Krusick, Boyle, La Fave, Plombon and R. Young, cosponsored by Senators Wineke and Burke.

9- 3. A. Read first time and referred to committee on Criminal Justice and Public Safety 311

9-16. A. Public hearing held.

10-18. A. Fiscal estimate received.

1994

3-31. A. Failed to pass pursuant to Senate Joint Resolution 1 947

Assembly Bill 728

1993

AN ACT to amend 20.455 (2) (gr) and 175.35 (2g) (b); and to create 165.83 (2) (cm), 175.35 (1) (bn), 175.35 (2k) (b) 4 and 175.36 of the statutes, relating to short-barreled handguns, background checks, granting rule-making authority, making an appropriation and providing a penalty. (FE)

1993

9- 3. A. Introduced by Representatives Bock, Kunicki, Urban, Boyle, Turner, Carpenter, Krusick, Hanson, Baldwin, Robson, R. Young and Notestein, cosponsored by Senator Darling, Burke, Wineke.

9- 3. A. Read first time and referred to committee on Criminal Justice and Public Safety 311

9-16. A. Public hearing held.

9-29. A. Fiscal estimate received.

1994

3-31. A. Failed to pass pursuant to Senate Joint Resolution 1 947

Assembly Bill 729

AN ACT to repeal 972.08 (3) of the statutes, relating to refusal or failure of witness to testify before a grand jury.

1993

9- 3. A. Introduced by Representatives Huber, Kunicki, Carpenter, Plombon, Lehman, Krusick, Musser, Roberts, Ryba, Green, Turner, L. Young, Boyle, Hasenohrl, Stower, La Fave, Schneiders and Hanson, cosponsored by Senators Burke, Breske and Plewa, by request of Attorney General James Doyle

9- 3. A. Read first time and referred to committee on Criminal Justice and Public Safety 311

9-16. A. Public hearing held.

9-27. A. Fiscal estimate received.

9-30. A. Executive session held.

10- 7. A. Report passage recommended by committee on Criminal Justice and Public Safety, Ayes 13, Noes 0 354

10- 7. A. Referred to committee on Rules 354

10- 7. A. Placed on calendar 10-12 by committee on Rules.

10-12. A. Read a second time 378

10-12. A. Ordered to a third reading 378

10-12. A. Rules suspended 378

10-12. A. Read a third time and passed 378

10-12. A. Ordered immediately messaged 378

10-14. S. Received from Assembly 470

10-14. S. Read first time and referred to committee on Judiciary and Insurance 472

10-19. S. Withdrawn from committee on Judiciary and Insurance and referred to joint committee on Finance 487

1994

3-30. S. Failed to concur in pursuant to Senate Joint Resolution 1 957

Assembly Bill 730

AN ACT to renumber 441.115; to renumber and amend 441.07 (2), 448.02 (6) and 455.09 (3); to amend 457.25 (4) and 978.07 (1) (d); and to create 441.07 (1d), 441.07 (1h), 441.07 (2) (b), 441.075, 441.115 (2), 448.02 (3g), 448.02 (3r), 448.02 (6) (b), 448.03 (2) (m), 448.35, 455.02 (4), 455.085, 455.09 (1g), 455.09 (1r), 455.09 (3) (b), 457.02 (3m), 457.035, 457.26 (3), 457.26 (4), 457.26 (5) and 940.22 (3) (c) of the statutes, relating to disciplinary proceedings against certain therapists convicted of sexual exploitation. (FE)

1993

9- 3. A. Introduced by Representative Bell.

9- 3. A. Read first time and referred to committee on Judiciary 312

9-14. A. Public hearing held.

9-27. A. Fiscal estimate received.

1994

3-31. A. Failed to pass pursuant to Senate Joint Resolution 1 947

Assembly Bill 731

AN ACT to repeal 11.30 (2) (e); to amend 11.10 (4); and to create 11.30 (2) (hs) of the statutes, relating to identification of candidates and personal campaign committees and prohibition of the formation of subcommittees by candidates and personal campaign committees.

1993

9- 3. A. Introduced by Representatives Huber, Deininger, Baldwin, Duff, Turner, Jensen, Bock, Freese, Plombon, Vrakas, Baumgart, Nass, Ziegelbauer, Brandmuehl, Hasenohrl, Goetsch, Wilder, Lehman, R. Young, Ward, Cullen, Underheim, Riley, Albert, Baldus, Schneiders, Kiusman, Dobyns, Ainsworth, Walker, Seratti and Otte, cosponsored by Senators Huelsman, Moen, Schultz, Burke, Lorman, Rosenzweig and Moore.

9- 3. A. Read first time and referred to committee on Elections, Constitutional Law and Corrections 312

9-23. A. Public hearing held.

9-27. A. Fiscal estimate received.

10- 7. A. Executive session held.

10-13. A. Report passage recommended by committee on Elections, Constitutional Law and Corrections, Ayes 9, Noes 0 383

10-13. A. Referred to committee on Rules 383

1994

3-31. A. Failed to pass pursuant to Senate Joint Resolution 1 947

Assembly Bill 732

AN ACT to repeal and recreate 166.20 (5) (a) 4 of the statutes, relating to requiring additional types of facilities to complete toxic chemical release forms and submit them to the department of natural resources. (FE)

1993

9- 9. A. Introduced by Representatives Black, Stower, Baldwin, R. Young, Notestein, Riley, Morris-Tatum, Robson, Boyle, Lorge and Potter, cosponsored by



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-3090/P1

JEO:.....

D. Kote

JG

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

gen cat

- 1 AN ACT ...; relating to: short-barreled handguns, handgun purchaser
- 2 background checks, granting rule-making authority, making an appropriation
- 3 and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, no federally licensed firearms dealer may transfer a handgun following a sale until various requirements are met. These requirements include a firearms restrictions record search (background check) of the prospective handgun owner by the department of justice (DOJ) and a waiting period of 48 hours that begins running when DOJ gives the dealer confirmation that it has received the dealer's request for a background check.

This bill provides various restrictions on the sale or transfer of ownership of short-barreled handguns, which are handguns having a barrel length of less than 4 inches. The chief provisions of the bill include the following:

- 1. The bill prohibits a person from selling or transferring ownership of a short-barreled handgun unless he or she has a short-barreled handgun dealer's license or he or she makes the sale or transfer through such a dealer.
- 2. The bill establishes criteria and a procedure for obtaining a short-barreled handgun dealer's license. To obtain such a license under the bill, a person must be a federally licensed firearms dealer, must have fingerprints on file with DOJ and must not be prohibited by law from possessing a firearm. The person must pay DOJ a fee of \$500 for the license. The license is valid for five years and may be renewed for free for an additional five years.
- 3. The bill prohibits a person from buying or accepting the transfer of ownership of a short-barreled handgun unless his or her fingerprints are on file with

DOJ. If a federally licensed firearms dealer is selling a short-barreled handgun, he or she may not transfer the handgun until DOJ has determined, as part of the background check of the buyer, that the buyer's fingerprints are on file with DOJ.

4. The bill provides that a person who intentionally violates any of the previously described provisions is subject to criminal penalties. Upon conviction, the person must be fined not less than \$500 nor more than \$10,000 and may be imprisoned for not more than nine months.

5. The bill establishes a procedure for persons to provide DOJ with fingerprints. Under the bill, a person may go to a local law enforcement agency, which must take the person's fingerprints. The agency may charge and retain a reasonable fee for this service. The person then sends the fingerprints and a \$10 fee to DOJ, which keeps the fingerprints on file.

6. Finally, the bill requires DOJ to promulgate rules regarding the provisions of the bill.

For further information see the *state and local* 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.** 20.455 (2) (gr) of the statutes is amended to read:

2 20.455 (2) (gr) *Handgun purchaser record check.* All moneys received as fee
3 payments under s. ss. 175.35 (2i) and 175.36 (3)(a) and (5)(b) to provide services and
4 maintain records under s. ss. 175.35 and 175.36.

History: 1971 c. 125; 1973 c. 90, 336; 1975 c. 39 s. 732 (1); 1975 c. 224; 1977 c. 29, 418; 1979 c. 34 ss. 286m, 290, 523 to 526; 1979 c. 189, 219, 355; 1981 c. 20, 169; 1983 a. 27 ss. 427 to 430, 1800; 1983 a. 199, 523; 1985 a. 29, 120; 1987 a. 27, 326, 399; 1989 a. 31, 122, 336; 1991 a. 11, 39, 269; 1993 a. 16, 98, 193, 460, 496; 1995 a. 27 ss. 1014h to 1029, 9126 (19), 9130 (4); 1995 a. 227; 1997 a. 27, 237.

5 **SECTION 2.** 165.83 (2) (bm) of the statutes is created to read:

6 165.83 (2) (bm) Accept and file fingerprints that the department receives under
7 s. 175.36 (5) (b).

8 **SECTION 3.** 175.35 (1) (bn) of the statutes is created to read:

9 175.35 (1) (bn) "Short-barreled handgun" has the meaning given in s. 175.36
10 (1) (d).

11 **SECTION 4.** 175.35 (2) (c) of the statutes is amended to read:

1 175.35 (2) (c) The firearms dealer has conveyed the information from the
2 completed notification form to the department of justice as required by rule under
3 sub. (2g) (b) and requested a firearms restrictions record search and, if the transfer
4 involves a short-barreled handgun, a check for whether the transferee has complied
5 with s. 175.36 (4). ✓

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

6 **SECTION 5.** 175.35 (2) (d) of the statutes is amended to read:

7 175.35 (2) (d) Forty-eight hours, subject to extension under sub. (2g) (c) 4. c.,
8 have elapsed from the time that the firearms dealer has received a confirmation
9 number ~~regarding the firearms restrictions record search~~ under sub. (2g) (c) 2. ✓
10 the department of justice and the firearms dealer has not been notified that the
11 transfer would be in violation of s. 941.29 or, in the case of the transfer of a
12 short-barreled handgun, s. 175.36 (4). ✓

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

13 **SECTION 6.** 175.35 (2g) (b) of the statutes is amended to read:

14 175.35 (2g) (b) The department of justice shall promulgate rules prescribing
15 a notification form for use under sub. (2) requiring the transferee to provide his or
16 her name, date of birth, gender, and race ~~and social security number~~ and other
17 identification or information necessary to permit an accurate firearms restrictions
18 record search under par. (c) 3. ~~and~~, the required notification under par. (c) 4. and, if
19 the transfer involves a short-barreled handgun, the fingerprint record check under
20 par. (c) 3m. ✓ and required notification under par. (c) 5. ✓ The department of justice shall
21 make the forms available at locations throughout the state.

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

22 **SECTION 7.** 175.35 (2g) (c) (intro.) of the statutes is amended to read:

23 175.35 (2g) (c) (intro.) The department of justice shall promulgate rules for
24 firearms restrictions record searches and, for applicable transfers, fingerprint record

1 checks regarding transferees under sub. (2), including procedures for all of the
2 following:

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

3 **SECTION 8.** 175.35 (2g) (c) 3m. of the statutes is created to read:

4 175.35 (2g) (c) 3m. The department to conduct a check for a fingerprint record
5 of the transferee, if the transfer involves a short-barreled handgun.

6 **SECTION 9.** 175.35 (2g) (c) 5. of the statutes is created to read:

7 175.35 (2g) (c) 5. The department to notify the dealer, either during the initial
8 telephone call or as soon thereafter as practicable, of the results of the fingerprint
9 record check of the transferee of a short-barreled handgun. If the fingerprint record
10 check indicates that the transferee has not complied with s. 175.36 (4), the
11 department shall provide the firearms dealer with a unique nonapproval number.
12 If the search indicates that the transferee has complied with s. 175.36 (4), the
13 department shall provide the firearms dealer with a unique approval number.

14 **SECTION 10.** 175.35 (2k) (b) 4. of the statutes is created to read:

15 175.35 (2k) (b) 4. Records pertaining to sales and transfers of ownership of
16 short-barreled handguns, in accordance with s. 175.36 (6).

17 **SECTION 11.** 175.35 (2k) (gm) of the statutes is created to read:

18 175.35 (2k) (gm) If a search conducted under sub. (2g) indicates that the
19 transferee of a short-barreled handgun has not complied with s. 175.36 (4), the
20 attorney general or his or her designee may disclose to a law enforcement agency that
21 the transferee has attempted to obtain a short-barreled handgun.

22 **SECTION 12.** 175.35 (2L) of the statutes is amended to read:

23 175.35 (2L) The department of justice shall promulgate rules providing for the
24 review of nonapprovals under sub. (2g) (c) 4. a. and 5. Any person who is denied the

1 right to purchase a handgun because the firearms dealer received a nonapproval
2 number under sub. (2g) (c) 4. a. and 5. ✓ may request a firearms restrictions record
3 search review under those rules. If the person disagrees with the results of that
4 review, the person may file an appeal under rules promulgated by the department.

5 History: 1975 c. 167; 1991 a. 11; 1993 a. 16, 195, 196; 1997 a. 71, 77, 159, 306.

5 **SECTION 13.** 175.36 of the statutes is created to read:

6 **175.36 Sale or transfer of short-barreled handguns.** (1) In this section:

7 (a) "Department" means the department of justice.

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

9 (c) "Local law enforcement agency" means a governmental unit of one or more
10 persons employed full time ✓ by a political subdivision of the state for the purpose of
11 preventing and detecting crime and enforcing state laws or local ordinances,
12 employes of which unit are authorized to make arrests for crimes while acting within
13 the scope of their authority.

14 (d) "Short-barreled handgun" means a handgun that has a barrel length of less
15 than 4 ✓ inches, measured as follows:

16 1. For a revolver, the barrel length is measured from the end of the muzzle to
17 the forcing cone.

18 2. For a handgun other than a revolver, the barrel length is measured from the
19 end of the barrel to the face of the closed breechblock or closed bolt.

20 (2) No person may sell or transfer ownership of a short-barreled handgun
21 unless he or she has a short-barreled handgun dealer's license or he or she makes
22 the sale or transfer through a person who has a short-barreled handgun dealer's
23 license.

1 (3) (a) Any person who has a license described under s. 175.35 (1) (ar), who has
2 a fingerprint record at the department and who is not prohibited from possessing a
3 firearm under s. 941.29 may obtain a short-barreled handgun dealer's license. The
4 department shall require the person to provide information to show that the person
5 meets the requirements of this paragraph. If the department determines that the
6 person is eligible and the person pays the department a \$500 license fee, the
7 department shall issue the person a short-barreled handgun dealer's license. A
8 short-barreled dealer's license issued under this paragraph is valid for 5 years.

9 (b) At the end of the 5-year period under par. (a), a person may renew a
10 short-barreled handgun dealer's license for an additional 5-year period by applying
11 for renewal in the manner prescribed by the department by rule. The department
12 may not require a person to pay a fee for renewing a license under this paragraph.
13 If a person seeks to be licensed after the additional 5-year period provided under this
14 paragraph, he or she must comply with par. (a).

15 (c) A short-barreled dealer's license is void for any period of time when the
16 licensee does not hold a license described under s. 175.35 (1) (ar).

17 (4) No person may buy or accept the transfer of ownership of a short-barreled
18 handgun unless he or she has a fingerprint record at the department.

19 (5) If a person wants to obtain a short-barreled handgun dealer's license or to
20 buy or accept the transfer of ownership of a short-barreled handgun but the
21 department does not have his or her fingerprint record, the person may provide a
22 fingerprint record by doing all of the following:

23 (a) The person shall go to any local law enforcement agency and request that
24 the agency obtain his or her fingerprints. Upon a request made by a person under
25 this paragraph, a local law enforcement agency shall obtain the person's fingerprints

1 according to the fingerprint system of identification established by the director of the
2 federal bureau of investigation. The agency may charge the person a reasonable fee
3 to be retained by the agency.

4 (b) The person shall send the fingerprints and a \$10 fee to the department. The
5 department shall accept and file the fingerprints under s. 165.83 (2) (bm).

6 (6) The department shall maintain records regarding the information that it
7 receives under this section and that it receives under s. 175.35 pertaining to
8 transfers of short-barreled handguns. Except as provided in s. 175.35 (2k) (c) to (h)
9 and (j) and except as necessary to administer this section, the department shall deny
10 access to any record kept under this subsection.

11 (7) The seller and the buyer or the transferor and the transferee do not have
12 to comply with this section regarding the sale or transfer of ownership of a
13 short-barreled handgun if the sale or transfer of ownership meets any of the criteria
14 under s. 175.35 (2t).

15 (8) Any person who intentionally violates sub. (2) or (4) shall be fined not less
16 than \$500 nor more than \$10,000 and may be imprisoned for not more than 9 months.

17 (9) The department shall promulgate rules to administer this section.

18 **SECTION 14. Initial applicability.**

19 (1) This act first applies to sales or transfers of ownership of short-barreled
20 handguns that occur on the effective date of this subsection.

21 **SECTION 15. Effective date.**

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

24 (END)

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

LRB-3090/P1dn

JEO:.....

Jlg

This draft is based on 1993 Assembly Bill 728. I made a number of changes to the provisions in order to clarify how the new requirements interact with the existing background check and to take account of changes in s. 175.35, stats., that have been enacted since the 1993 session. Accordingly, you should review the entire draft carefully to make sure that it does what you want it to do.

Let me know if you have any questions or changes.

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

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

LRB-3090/P1dn
JEO:jlg:km

June 1, 1999

This draft is based on 1993 Assembly Bill 728. I made a number of changes to the provisions in order to clarify how the new requirements interact with the existing background check and to take account of changes in s. 175.35, stats., that have been enacted since the 1993 session. Accordingly, you should review the entire draft carefully to make sure that it does what you want it to do.

Let me know if you have any questions or changes.

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

Olsen, Jefren

From: Richard, JoAnna M.
Sent: Wednesday, September 15, 1999 12:21 PM
To: Olsen, Jefren
Cc: Sybell, Debra
Subject: FW: Handgun definition

Jefren,

I thought this might be helpful to you for a definition of handgun that may address the TEC-9 issue.

Thanks.

JoAnna

-----Original Message-----

From: Korte, Roy R.
Sent: Wednesday, September 15, 1999 10:51 AM
To: Richard, JoAnna M.
Subject: FW: Handgun definition

Attached are some e-mails with the firearms expert at the milwaukee crime lab.

As you can see, there already is an existing definition of a handgun in chapter 175 which can be used for the proposed new legislation. However, to be accurate the definition should be changed to the following:

"Handgun" means any weapon designed or redesigned, or made or remade, and intended to be fired while held in one hand and to use the energy of an explosive or other form of combustion to expel a projectile through a smooth or rifled bore.

Additions are underlined.

Any questions please call me.

Roy Korte
Assistant Attorney General
608-267-1339
korterr@doj.state.wi.us

-----Original Message-----

From: Lutz, Monty C.
Sent: Tuesday, September 14, 1999 4:20 PM
To: Korte, Roy R.
Subject: RE: Handgun definition

I believe that the first one is my preference i.e. explosion or other form of combustion.
The reasoning behind not using explosion alone is due to the fact that gunpowder has been commonly recognized as a propellant and is not governed by the rules of explosives for shipping, storage etc. There is considerable difference between explosions such as TNT, Dynamite, C-4, Det Cord etc. There are true explosives. Gun powder is a propellant and due to combustion differs with compressed air and CO2 etc.

Thanks again, and hope this unconfuses things.

-----Original Message-----

From: Korte, Roy R.
Sent: Tuesday, September 14, 1999 2:13 PM
To: Lutz, Monty C.
Subject: RE: Handgun definition

How about this? Additions are underlined and deletions in parentheses.

"Handgun" means any weapon designed or redesigned, or made or remade, and intended to be fired while held in one hand and to use the energy of an explosive or other form of combustion to expel a projectile through a smooth or rifled bore.

(I borrowed the added language from california law which uses "force of any explosion or other form of combustion")

OR:

"Handgun" means any weapon ~~designed~~ or redesigned, or made or remade, and intended to be fired while held in one hand and to use the energy of (an explosive) a burning propellant to expel a projectile through a smooth or rifled bore.

OR

"Handgun" means any (weapon) firearm designed or redesigned, or made or remade, and intended to be fired while held in one hand (and to use the energy of an explosive to expel a projectile through a smooth or rifled bore).

It appears to me that specifying firearm (defined as a device acting by force of gunpowder) would render the other language (regarding energy of an explosive) redundant? Most states seem to follow that approach.

You have a preference? Is one somehow better than the others? Sorry to bother you with such a minor issue but if we want to change it in any way we might as well get it right.

-----Original Message-----

From: Lutz, Monty C.
Sent: Tuesday, September 14, 1999 7:32 AM
To: Korte, Roy R.
Subject: RE: Handgun definition

Fine except the term "Explosive" should probably be changed to burning propellant. The only explosive in a firing cartridge is the primer.

-----Original Message-----

From: Korte, Roy R.
Sent: Monday, September 13, 1999 11:05 AM
To: Lutz, Monty C.; Templin, Reg H.
Subject: Handgun definition

The following is the definition of a handgun in 175.35. Is this definition adequate/sufficient or could it be improved? There is some proposed legislation regarding handguns and I just want to know if this definition is OK.

175.35 Waiting period for purchase of handguns.

"Handgun" means any weapon designed or redesigned, or made or remade, and intended to be fired while held in one hand and to use the energy of an explosive to expel a projectile through a smooth or rifled bore.

Roy Korte
Assistant Attorney General
608-267-1339
korterr@doj.state.wi.us



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-3090/P1

JEO:jlg:km

S. Note

Sean

F.M.R.

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

regenerate

1 AN ACT *to amend* 20.455 (2) (gr), 175.35 (2) (c), 175.35 (2) (d), 175.35 (2g) (b),
 2 175.35 (2g) (c) (intro.) and 175.35 (2L); and *to create* 165.83 (2) (bm), 175.35
 3 (1) (bn), 175.35 (2g) (c) 3m., 175.35 (2g) (c) 5, 175.35 (2k) (b) 4., 175.35 (2k) (gm)
 4 and 175.36 of the statutes; *relating to: the sale and purchase of short-barreled* handguns, handgun
 5 purchaser background checks, granting rule-making authority, making an
 6 appropriation and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, no federally licensed firearms dealer may transfer a handgun following a sale until various requirements are met. These requirements include a firearms restrictions record search (background check) of the prospective handgun owner by the department of justice (DOJ) and a waiting period of 48 hours that begins running when DOJ gives the dealer confirmation that it has received the dealer's request for a background check. *additional* ✓

This bill provides various restrictions on the sale or transfer of ownership of ~~short-barreled~~ handguns, ~~which are handguns having a barrel length of less than 4 inches.~~ The chief provisions of the bill include the following:

1. The bill prohibits a person from selling or transferring ownership of a ~~short-barreled~~ handgun unless he or she has a ~~short-barreled~~ handgun dealer's license or he or she makes the sale or transfer through such a dealer.

2. The bill establishes criteria and a procedure for obtaining a ~~short-barreled~~ handgun dealer's license. To obtain such a license under the bill, a person must be

→
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→

a federally licensed firearms dealer, must have fingerprints on file with DOJ and must not be prohibited by law from possessing a firearm. The person must pay DOJ a fee of \$500 for the license. The license is valid for five years and may be renewed for free for an additional five years.



3. The bill prohibits a person from buying or accepting the transfer of ownership of a ~~short-barreled~~ handgun unless his or her fingerprints are on file with DOJ. If a federally licensed firearms dealer is selling a ~~short-barreled~~ handgun, he or she may not transfer the handgun until DOJ has determined, as part of the background check of the buyer, that the buyer's fingerprints are on file with DOJ.

4. The bill provides that a person who intentionally violates any of the previously described provisions is subject to criminal penalties. Upon conviction, the person must be fined not less than \$500 nor more than \$10,000 and may be imprisoned for not more than nine months.

5. The bill establishes a procedure for persons to provide DOJ with fingerprints. Under the bill, a person may go to a local law enforcement agency, which must take the person's fingerprints. The agency may charge and retain a reasonable fee for this service. The person then sends the fingerprints and a \$10 fee to DOJ, which keeps the fingerprints on file.

6. Finally, the bill requires DOJ to promulgate rules regarding the provisions of the bill.

For further information see the *state and local* 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. 20.455 (2) (gr) of the statutes is amended to read:

2 20.455 (2) (gr) *Handgun purchaser record check.* All moneys received as fee
3 payments under s. ss. 175.35 (1m) (b) 2. and and 175.36 (3) (a) and (b) (4) to provide services and
4 maintain records under s. ss. 175.35 and 175.36.

5 SECTION 2. 165.83 (2) (bm) of the statutes is created to read:

6 165.83 (2) (bm) Accept and file fingerprints that the department receives under
7 ss. 175.35 (1m) (b) 2. and
8 175.36 (5) (b). e (4)

INS
2-8

9 SECTION 3. 175.35 (1) (bn) of the statutes is created to read:

10 175.35 (1) (bn) "Short-barreled handgun" has the meaning given in s. 175.36
(1) (d).

1 SECTION 4. 175.35 (2) (c) of the statutes is amended to read:

2 175.35 (2) (c) The firearms dealer has conveyed the information from the
3 completed notification form to the department of justice as required by rule under
4 sub. (2g) (b) and requested a firearms restrictions record search and ~~the transfer~~
5 ~~involves a short-barreled handgun~~, a check for whether the transferee has complied
6 with ~~175.36(4)~~ Sub. (1m) (a) ✓

7 SECTION 5. 175.35 (2) (d) of the statutes is amended to read:

8 175.35 (2) (d) Forty-eight hours, subject to extension under sub. (2g) (c) 4. c.,
9 have elapsed from the time that the firearms dealer has received a confirmation
10 number regarding the firearms restrictions record search under sub. (2g) (c) 2. from
11 the department of justice and the firearms dealer has not been notified that the
12 transfer would be in violation of Sub. (1m) (a) or ~~s. 941.29 or in the case of the transfer of a~~
13 ~~short-barreled handgun, s. 175.36(4)~~ ← plain period stays

14 SECTION 6. 175.35 (2g) (b) of the statutes is amended to read:

15 175.35 (2g) (b) The department of justice shall promulgate rules prescribing
16 a notification form for use under sub. (2) requiring the transferee to provide his or
17 her name, date of birth, gender, and race and social security number and other
18 identification or information necessary to permit an accurate firearms restrictions
19 record search under par. (c) 3. and, the required notification under par. (c) 4. ~~and~~
20 ~~the department involves a short-barreled handgun~~, ^{scored comma stays} the fingerprint record check under
21 par. (c) 3m. and ^{the} required notification under par. (c) 5. The department of justice shall
22 make the forms available at locations throughout the state.

23 SECTION 7. 175.35 (2g) (c) (intro.) of the statutes is amended to read:

24 175.35 (2g) (c) (intro.) The department of justice shall promulgate rules for
25 firearms restrictions record searches and ~~for applicable transfers~~, fingerprint record

1 checks regarding transferees under sub. (2), including procedures for all of the
2 following:

3 SECTION 8. 175.35 (2g) (c) 3m. of the statutes is created to read:

4 175.35 (2g) (c) 3m. The department to conduct a check for a fingerprint record
5 of the transferee ~~if the transfer involves a short-barreled handgun.~~ ^{period stays}

6 SECTION 9. 175.35 (2g) (c) 5. of the statutes is created to read:

7 175.35 (2g) (c) 5. The department to notify the dealer, either during the initial
8 telephone call or as soon thereafter as practicable, of the results of the fingerprint
9 record check of the transferee ~~of a short-barreled handgun.~~ ^{period stays}

10 If the fingerprint record ^{Sub. (1m) (a)}
11 check indicates that the transferee has not complied with ~~s. 175.36 (2)~~ the
12 department shall provide the firearms dealer with a unique nonapproval number.

13 If the search indicates that the transferee has complied with ~~s. 175.36 (1)~~ the
14 department shall provide the firearms dealer with a unique approval number.

INS
4-14

15 SECTION 10. 175.35 (2k) (b) 4. of the statutes is created to read:
16 175.35 (2k) (b) 4. Records pertaining to sales and transfers of ownership of
17 short-barreled handguns, in accordance with s. 175.36 (6).

18 SECTION 11. 175.35 (2k) (gm) of the statutes is created to read:

19 175.35 (2k) (gm) If a ^{fingerprint record check} search conducted under sub. (2g) indicates that the
20 transferee ~~of a short-barreled handgun~~ has not complied with ~~s. 175.36 (1)~~ ^{Sub. (1m) (a)} the
21 attorney general or his or her designee may disclose to a law enforcement agency that

INS
4-21

22 the transferee has attempted to obtain a ~~short-barreled handgun.~~ ^{in violation of Sub. (1m) (a)}

23 SECTION 12. 175.35 (2L) of the statutes is amended to read:

24 175.35 (2L) The department of justice shall promulgate rules providing for the
25 review of nonapprovals under sub. (2g) (c) 4. a. and 5. Any person who is denied the
right to purchase a handgun because the firearms dealer received a nonapproval

5

or a fingerprint record check review

1 number under sub. (2g) (c) 4. a. and 5. may request a firearms restrictions record
2 search review under those rules. If the person disagrees with the results of that
3 review, the person may file an appeal under rules promulgated by the department.

INS
5-3

4 SECTION 13. 175.36 of the statutes is created to read:

6 ; license required

5 175.36 Sale or transfer of ~~short-barreled~~ handguns. (1) In this section:

6 (a) "Department" means the department of justice.

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

8 (c) "Local law enforcement agency" means a governmental unit of one or more
9 persons employed full time by a political subdivision of the state for the purpose of
10 preventing and detecting crime and enforcing state laws or local ordinances,
11 employes of which unit are authorized to make arrests for crimes while acting within
12 the scope of their authority.

13 (d) "Short-barreled handgun" means a handgun that has a barrel length of less
14 than 4 inches, measured as follows:

15 1. For a revolver, the barrel length is measured from the end of the muzzle to
16 the forcing cone.

17 2. For a handgun other than a revolver, the barrel length is measured from the
18 end of the barrel to the face of the closed breechblock or closed bolt.

19 (a) (2) No person may sell or transfer ownership of a ~~short-barreled~~ handgun
20 unless he or she has a ~~short-barreled~~ handgun dealer's license or he or she makes
21 the sale or transfer through a person who has a ~~short-barreled~~ handgun dealer's
22 license.

Except as provided in par. (b), no

23 (3) (a) Any person who has a license described under s. 175.35 (1) (ar), who has
24 a fingerprint record at the department and who is not prohibited from possessing a
25 firearm under s. 941.29 may obtain a ~~short-barreled~~ handgun dealer's license. The

INS
from
p. 7,
ll. 8-11

1 department shall require the person to provide information to show that the person
2 meets the requirements of this paragraph. If the department determines that the
3 person is eligible and the person pays the department a \$500 license fee, the
4 department shall issue the person a ~~short-barreled~~ handgun dealer's license. A
5 ~~short-barreled~~ ^{handgun} dealer's license issued under this paragraph is valid for 5 years.

6 (b) At the end of the 5-year period under par. (a), a person may renew a
7 ~~short-barreled~~ handgun dealer's license for an additional 5-year period by applying
8 for renewal in the manner prescribed by the department by rule. The department
9 may not require a person to pay a fee for renewing a license under this paragraph.
10 If a person seeks to be licensed after the additional 5-year period provided under this
11 paragraph, he or she must comply with par. (a).

12 (c) A ~~short-barreled~~ ^{handgun} dealer's license is void for any period of time when the
13 licensee does not hold a license described under s. 175.35 (1) (ar).

14 ~~(4) No person may buy or accept the transfer of ownership of a short-barreled~~
15 ~~handgun unless he or she has a fingerprint record at the department.~~

16 ⁽³⁾ ⁽⁴⁾ (5) If a person wants to obtain a ~~short-barreled~~ handgun dealer's license ~~or to~~
17 ~~buy or accept the transfer of ownership of a short-barreled handgun~~ but the ^{under sub. (3) (a)} ✓
18 ~~department~~ ^{person} does not have his ^a or her ^{at the department} fingerprint record, the person may provide a
19 fingerprint record by doing all of the following:

20 (a) The person shall go to any local law enforcement agency and request that
21 the agency obtain his or her fingerprints. Upon a request made by a person under
22 this paragraph, a local law enforcement agency shall obtain the person's fingerprints
23 according to the fingerprint system of identification established by the director of the
24 federal bureau of investigation. The agency may charge the person a reasonable fee
25 to be retained by the agency.

1 (b) The person shall send the fingerprints and a \$10 fee to the department. The
2 department shall accept and file the fingerprints under s. 165.83 (2) (bm).

3 ^(B) ⁽⁵⁾ (6) The department shall maintain records regarding the information that it
4 receives under this section ~~and that it receives under s. 175.35 pertaining to~~
5 ~~transfers of short-barreled handguns.~~ Except as provided in s. 175.35(2)(c) ^{period, stays} (b)
6 and (d) and except as necessary to administer this section, the department shall deny
7 access to any record kept under this subsection.

Move
to
p-5,
after
line 22

8 ^(b) ~~(b)~~ The seller and the buyer or the transferor and the transferee do not have
9 ^{letter} to comply with ^{per. (a)} ~~this section regarding the sale or transfer of ownership of a~~
10 ~~short-barreled handgun~~ if the sale or transfer of ownership ^{of a handgun} meets any of the criteria
11 under s. 175.35 (2t).

12 ^(B) ⁽⁶⁾ (8) Any person who intentionally violates sub. (2) ~~(b)(1)~~ shall be fined not less
13 than \$500 nor more than \$10,000 and may be imprisoned for not more than 9 months.

14 ^(B) ⁽⁷⁾ (9) The department shall promulgate rules to administer this section.

15 **SECTION 14. Initial applicability.**

16 (1) This act first applies to sales or transfers of ownership of ~~short-barreled~~
17 handguns that occur on the effective date of this subsection.

18 **SECTION 15. Effective date.**

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

21 (END)

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3090/lins
JEO:.....

1 **INSERT 2-8:**

2 **SECTION 1.** 175.35 (title) of the statutes is amended to read:

3 **175.35 (title) Waiting period for purchase of handguns; background**
4 **and fingerprint check of handgun purchasers.**

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

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

6 175.35 (1) (b) "Handgun" means any weapon designed or redesigned, or made
7 or remade, and intended to be fired while held in one hand and to use the energy of
8 an explosive explosion or other form of combustion to expel a projectile through a
9 smooth or rifled bore.

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

10 **SECTION 3.** 175.35 (1m) of the statutes is created to read:

11 175.35 (1m) (a) No person may buy or accept the transfer of ownership of a
12 handgun unless he or she has a fingerprint record at the department of justice.

13 (b) If a person wants to accept the transfer of ownership of a handgun but the
14 person does not have a fingerprint record at the department, the person may provide
15 a fingerprint record to the department by doing all of the following:

16 1. The person shall go to any local law enforcement agency and request that the
17 agency obtain his or her fingerprints. Upon a request made by a person under this
18 paragraph, a local law enforcement agency shall obtain the person's fingerprints
19 according to the fingerprint system of identification established by the director of the
20 federal bureau of investigation. The agency may charge the person a reasonable fee
21 to be retained by the agency.

22 2. The person shall send the fingerprints and a \$10 fee to the department. The
23 department shall accept and file the fingerprints under s. 165.83 (2) (bm).

INSERT 4-14:

SECTION 4. 175.35 (2j) ^X of the statutes is amended to read:

175.35 (2j) A firearms dealer shall maintain the original record of all completed notification forms and a record of all confirmation numbers and corresponding approval or nonapproval numbers that he or she receives regarding firearms restrictions record searches and fingerprint record checks [✓] under sub. (2g). The firearms dealer shall mail the duplicate copy of each completed notification form to the department of justice.

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

SECTION 5. 175.35 (2k) (ar) 3. [✓] of the statutes is created to read:

175.35 (2k) (ar) 3. Check each duplicate notification form received under sub. (2j) [✓] against the information recorded by the department regarding the corresponding request for a fingerprint record check under sub. (2g) [✓]. If the department previously provided a unique approval number regarding the request and nothing in the duplicate completed notification form indicates that the transferee has not complied with sub. (1m) (a), the department shall destroy all records regarding that fingerprint record check within 30 days after receiving the duplicate form.

SECTION 6. 175.35 (2k) (b) 2. a. [✓] of the statutes is amended to read:

175.35 (2k) (b) 2. a. Except as provided in subd. 2. b., a log of dates of requests for firearms restrictions record searches and fingerprint record checks [✓] under sub. (2g) together with confirmation numbers, unique approval and nonapproval numbers and firearms dealer identification numbers corresponding to those dates.

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

SECTION 7. 175.35 (2k) (g) of the statutes is amended to read:

175.35 (2k) (g) If a firearms restrictions record search conducted under sub. (2g) indicates that the transferee is prohibited from possessing a firearm under s.

1 941.29, the attorney general or his or her designee may disclose to a law enforcement
2 agency that the transferee has attempted to obtain a handgun.

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

3 **INSERT 4-21:**

4 **SECTION 8.** 175.35 (2k) (h) [✓] of the statutes is amended to read:

5 175.35 (2k) (h) If a firearms restrictions record [✓] search conducted under sub.
6 (2g) indicates a felony charge without a recorded disposition and the attorney
7 general or his or her designee has reasonable grounds to believe the transferee may
8 pose a danger to himself, herself or another, the attorney general or his or her
9 designee may disclose to a law enforcement agency that the transferee has obtained
10 or has attempted to obtain a handgun.

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

11 **INSERT 5-3:**

12 **SECTION 9.** 175.35 (3) [✓] of the statutes is amended to read:

13 175.35 (3) Any person who intentionally violates sub. (1m) (a), (2), (2e), (2f) or
14 (2j) shall be fined not less than \$500 nor more than \$10,000 and may be imprisoned
15 for not more than 9 months.

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3090/1dn

JEO:A:...

JG

Please review this draft carefully to make sure that it does what you want it to do. Note that it does not change the fee provided under s. 175.35 (2i), stats., for background checks. Does the fee need to be changed to reflect the new duty to conduct a fingerprint record check?

Also, note that the draft changes the definition of "handgun" in s. 175.35 (1) (b), stats., based on language suggested by persons in the Milwaukee crime lab. The draft strikes "explosive" and changes it to "explosion" because the latter word is the proper noun form to use in conjunction with "other form of *combustion*", which is being added to the definition. (The September 14, 1999, e-mail message from Monty Lutz also referred to "explosion or other form of combustion.")

Finally, as you may know, the definition of "handgun" in s. 175.35 (1) (b), stats., is referred to in other statutes. Thus, changing the definition in s. 175.35 (1) (b), stats., will have the effect of changing the definition of "handgun" for purposes of those other statutes as well. See ss. 938.208 (1) (b) (criteria for holding a juvenile in a secure detention facility), 938.34 (4m) (b) 2. (circumstances under which a juvenile adjudicated delinquent may be given correctional placement), 941.237 (1) (d) (carrying handgun where alcohol beverages may be sold and consumed), 941.296 (1) (b) (use or possession of a handgun and an armor-piercing bullet during crime) and 968.20 (3) (b) (relating to return of seized property), stats. Is that okay?

Let me know if you have questions or changes.

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

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

LRB-3090/1dn
JEO;jlg:mrc

October 14, 1999

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Let me know if you have questions or changes.

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

**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: 10/14/1999

To: Senator Burke

Relating to LRB drafting number: LRB-3090

Topic

Short-barreled handguns

Subject(s)

Criminal Law - guns and weapons

1. **JACKET** the draft for introduction _____

Erin Burke

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 _____.

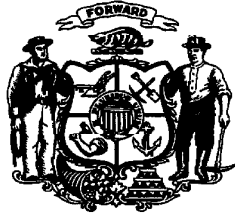
A revised draft will be submitted for your approval with changes incorporated.

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

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, Senior Attorney
Telephone: (608) 266-8906



BRIAN BURKE

WISCONSIN STATE SENATOR

Senate Chair, Joint Committee on Finance

Memorandum

To: Legislative Reference Bureau (Drafting)
100 North Hamilton, 5th Floor

From: Senator Brian Burke

Date: 11/30/99

Re: Re-Jacket LRB-3090

Please provide my office with a "clean" jacketed copy of LRB-3090.

If you have any questions, you can contact Debbie from my office at 6-8535.

Thanks for your assistance.

