

2001 DRAFTING REQUEST

Bill

Received: 08/02/2001

Received By: gibsom

Wanted: As time permits

Identical to LRB:

For: Scott Walker (608) 266-9180

By/Representing: Melissa Gilbert

This file may be shown to any legislator: NO

Drafter: gibsom

May Contact:

Addl. Drafters:

Subject: Nat. Res. - fish and game

Extra Copies:

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Prohibition against persons with criminal history from purchasing hunting approvals

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>
/?	gibsom 08/30/2001	gilfokm 08/30/2001		_____			State
/1			rschluet 08/30/2001	_____	lrb_docadmin 08/30/2001		State
/2	gibsom 08/30/2001	gilfokm 08/30/2001	pgreensl 08/30/2001	_____	lrb_docadmin 08/31/2001	lrb_docadmin 09/20/2001	

FE Sent For:

G → 09-21-01
 "12"
 Per Greg in Walker's office
 <END>

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8/30
pb
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1?	gibsom	8/30/01 King		 PG			
				8-30-01			

FE Sent For:

<END>

Gibson-Glass, Mary

From: Gilbert, Melissa
Sent: Tuesday, July 24, 2001 9:52 AM
To: Gibson-Glass, Mary
Subject: hunting licenses

Hi Mary, DD

We would like to draft a bill that prohibits any person subject to a firearm restriction from purchasing a gun hunting license (including deer, small game, sports and patron licenses). Such person could buy a wild turkey or bear hunting license but could only bow hunt.

Please let me know if I need to redirect this request. Thanks!

Missy
Melissa Gilbert
Research Assistant
Office of Rep. Scott Walker

~~Person purchases license, cannot
purchase license if has criminal
or federal domestic abuse
history
if DNR checks name after
purchase with DNRs DOJ
lists → if on list may
be subject to penalties~~

Person purchases license
DNR checks name after purchase
w/ DOJ lists to see if has "firearm
restriction" (criminal or federal
domestic abuse history)
if on DOJ lists → may be subject
to penalties



State of Wisconsin
2001 - 2002 LEGISLATURE

RMR
LRB-3567/1
MGG: /...
King

Friday

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

I - NOTE

1 AN ACT ^{Gen. Cat.} relating to: requiring firearms restrictions record searches of persons
2 being issued licenses that authorize hunting with firearms

State

Analysis by the Legislative Reference Bureau

This bill requires that, upon the request of the department of natural resources (DNR), the department of justice (DOJ) ~~shall~~ conduct a background check for any person who is issued a license that authorizes hunting with a firearm (hunting license). If the search shows that the person is prohibited from possessing a firearm under state law, the bill requires that DNR ~~revoke~~ all of the person's current hunting licenses and deny the person any additional hunting licenses. The grounds under current law for prohibiting the possession of firearms include felony convictions and domestic or child abuse or harassment restraining orders and injunctions. The bill prohibits DOJ from collecting fees from DNR for these background checks.

Delete a space

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. 29.024 (1m) of the statutes is created to read:

29.024 (1m) (a) In this subsection "hunting license" means a license issued

under this chapter that authorizes hunting with a firearm.

"Firearms restrictions ~~and~~ record search" has the meaning given in S.175.35 (1)(at).

(CS) FIREARM RESTRICTIONS.

LPS: Put
subds. 3
1. and 4
2. in
numerical order.
A 1.

1 **(b)** ~~2.~~ The department of natural resources shall request that the department of
 2 justice conduct a firearms restrictions record search with respect to each person who
 3 applies for a hunting license, and the department of justice shall conduct the search.
 4 If the search shows that the person ~~has been~~ is prohibited from possessing a ~~handgun~~ firearm
 5 under s. 941.29, the department of natural resources shall revoke any current
 6 hunting license issued to that person and deny any subsequent applications for
 7 hunting licenses that are submitted by that person.

8 **(c)** The department of justice may not impose fees for firearms restrictions
 9 record searches conducted under ^{par. (b)} ~~subd. 2.~~

SECTION 2. 165.825 of the statutes is amended to read:

165.825 Information link; ~~department of health and family services~~
other departments. The department of justice shall cooperate with the
 departments of natural resources, regulation and licensing[✓] and health and family
 services in developing and maintaining a computer linkup to provide access to the
 information obtained from a criminal history search.

SECTION 3. Initial applicability.

(1) This act first applies to licenses that are issued on the effective date of this
 subsection.

SECTION 4. Effective date.

(1) This act takes effect on the first day of the 13th month beginning after
 publication.

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3567/fin

MGG:.....

1
KMG

1. I have created a delayed effective date for DNR and DOJ to administratively implement this procedure. Please let me know if you want the date changed or do not want any delayed effective date.

2. I have drafted this provision so that it covers any person who is prohibited from possessing a firearm under Wisconsin law since those are the persons who are subject to handgun record checks under Wisconsin law. I did this to ~~ensure~~ ^{ensure} that this new record ~~checking~~ ^{checking} requirement does not require checks on any person who would not be in the database for handgun record checks. The provisions under current law for handgun record checks include persons subject to domestic abuse restraining orders and injunctions and certain mentally ill persons who are involuntarily committed.

3. I have created a provision prohibiting DOJ from charging DNR a fee for these checks. OK?

who are

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3567/1dn
MGG:kmg:rs

August 30, 2001

1. I have created a delayed effective date for DNR and DOJ to administratively implement this procedure. Please let me know if you want the date changed or do not want any delayed effective date.
2. I have drafted this provision so that it covers any person who is prohibited from possessing a firearm under Wisconsin law since those are the persons who are subject to handgun record checks under Wisconsin law. I did this to ensure that this new record-checking requirement does not require checks on any person who would not be in the database for handgun record checks. The provisions under current law for handgun record checks include persons who are subject to domestic abuse restraining orders and injunctions and certain mentally ill persons who are involuntarily committed.
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Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215



State of Wisconsin
2001 - 2002 LEGISLATURE

RMR
2
LRB-3567A
MGG:kmg:rs

2001 BILL

D-NOTE

Gen. Cont.

1 AN ACT to amend 165.825; and to create 29.024 (1m) of the statutes; relating
2 to: requiring firearms^vrestrictions record searches of persons being issued
3 licenses that authorize hunting with firearms.

Analysis by the Legislative Reference Bureau

This bill requires that, upon the request of the department of natural resources (DNR), the department of justice (DOJ) conduct a background check for any person who is issued a license that authorizes hunting with a firearm (hunting license). If the search shows that the person is prohibited from possessing a firearm under state law, the bill requires that DNR revoke all of the person's current hunting licenses and deny the person any additional hunting licenses. The grounds under state law for prohibiting the possession of firearms include felony convictions and domestic or child abuse or harassment restraining orders and injunctions. The bill prohibits DOJ from collecting fees from DNR for these background checks.

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:

4 SECTION 1. 29.024 (1m) of the statutes is created to read:

5

29.024 (1m) FIREARM RESTRICTIONS. (a) In this subsection^v

BILL

1 1. "Firearms restrictions record search" has the meaning given in s. 175.35(1)

2
3 (at) h
4 "Hunting license" means a license issued under this chapter that authorizes
5 hunting with a firearm.

6 (b) The department of natural resources shall request that the department of
7 justice conduct a firearms⁽⁻⁾restrictions record search with respect to each person who
8 applies for a hunting license, and the department of justice shall conduct the search.
9 If the search shows that the person is prohibited from possessing a firearm under s.
10 941.29, the department of natural resources shall revoke any current hunting license
11 issued to that person and deny any subsequent applications for hunting licenses that
12 are submitted by that person.

13 (c) The department of justice may not impose fees for firearms⁽⁻⁾restrictions
14 record searches conducted under par. (b).

15 **SECTION 2.** 165.825 of the statutes is amended to read:

16 **165.825 Information link; ~~department of health and family services~~**
17 **other departments.** The department of justice shall cooperate with the
18 departments of natural resources, regulation and licensing, and health and family
19 services in developing and maintaining a computer linkup to provide access to the
20 information obtained from a criminal history search.

21 **SECTION 3. Initial applicability.**

22 (1) This act first applies to licenses that are issued on the effective date of this
23 subsection.

SECTION 4. Effective date.

BILL

1 (1) This act takes effect on the first day of the 13th month beginning after
2 publication.

3 (END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

2
LRB-3567/1dn
MGG:kmg:rs

August 30, 2001

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Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3567/2dn
MGG:kmg:pg

August 30, 2001

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Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

August 31, 2001

MEMORANDUM

To: Representative Walker

From: Mary Gibson-Glass, Senior Legislative Attorney

Re: LRB-3567/2 Prohibition against persons with criminal history from purchasing hunting approvals

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 267-3215 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.