Assembly Substitute Amendment (ASA-AB517)

Received: 09/25/2001

Received By: gibsom

Wanted: Today

Identical to LRB:

For: Suzanne Jeskewitz (608) 266-3796

By/Representing:

This file may be shown to any legislator: NO

Drafter: gibsom

May Contact: Walker's office for drafting ins

Addl. Drafters:

Subject:

Nat. Res. - fish and game

Extra Copies:

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Firearm restriction checks; provisions for turkey and bear hunting licenses

Instructions:

Turkey and bear hunting license authorize both gun and bow hunting. Allowed to keep these licenses with understanding that only to be used for bow hunting. If kills animal

Drafting History:

Vers.	<u>Drafted</u>	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/1	gibsom 09/25/2001	gilfokm 09/25/2001	jfrantze 09/26/200	1	1rb_docadmin 09/26/2001	lrb_docadmi 09/26/2001	n
/2	gibsom 10/09/2001	gilfokm 10/09/2001	kfollet 10/09/200	1	1rb_docadmin 10/09/2001	lrb_docadmi 10/09/2001	n
/3	rkite 10/10/2001 gibsom 10/11/2001	gilfokm 10/10/2001	jfrantze 10/11/200	1			

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10/11/2001 09:33:32 AM Page 2

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Topic:						·				
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Instruc	etions:						<u> </u>			
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2001 - 2002 LEGISLATURE

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\$0176/1 LRB-3567/2 MGG:kmg:pg RMR

2001 ASSEMBLY BILL 517

A. Sub. Amdt. ___

September 26, 2001 – Introduced by Representatives Jeskewitz, WALKER, F. LASEE, URBAN, NASS, OWENS, STONE, SUDER and BUFF. Referred to Committee on Natural Resources

AN ACT to amend 165.825; and to create 29.024 (1m) of the statutes; relating

en.Cat

to: requiring firearms-restrictions record searches of persons being issued

licenses that authorize hunting with firearms.

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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 probibited 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:

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

	2001 – 2002 Legislature – 2 – LRB-3567/2
,	ASSEMBLY BILL 517 (INS 2-5) MGG:kmg:pg SECTION 1
	to the Market of
1	29.024 (1m) FIREARM RESTRICTIONS. (a) In this subsection, "hunting license"
2	means a license issued under this chapter that authorizes hunting with a firearm.
3	(b) The department of natural resources shall request that the department of
4	justice conduct a firearms-restrictions record search with respect to each person who
5	is issued other than a Class A hear hunding wense or a applies for a hunting license, and the department of justice shall conduct the search. Wild
6	If the search shows that the person is prohibited from possessing a firearm under s.
7	Lunder par. (b)
1	/
8	issued to that person and deny any subsequent applications for hunting licenses that
9	are submitted by that person.
Ļ0	The department of justice may not impose fees for firearms-restrictions
11	record searches conducted under par. (b).
12	SECTION 2. 165.825 of the statutes is amended to read:
13	165.825 Information link; department of health and family services
L 4	other departments. The department of justice shall cooperate with the
15	departments of natural resources, regulation and licensing, and health and family
16	services in developing and maintaining a computer linkup to provide access to the
L7	information obtained from a criminal history search.
18	Section 3. Initial applicability.
L9	(1) This act first applies to licenses that are issued on the effective date of this
20	subsection.
21	Section 4. Effective date.
22	(1) This act takes effect on the first day of the 13th month beginning after
23	publication.
24	(END)

2001-2002 Legislature

2001–2002 DRAFTING INSERT FROM THE

LRBs0176/?ins MGG:...:...

LEGISLATIVE REFERENCE BUREAU

under the authority of a Class A bear hunting license or wild turkey hunting

Insert 2-5

hunts or who

For a person who has killed a bear or wild turkey using a firearm, the department may request that the department of justice conduct a firearms—restrictions record search, and the department of justice shall conduct the search.

Insert 2–11

SECTION 1. 29.184 (3) (bg) of the statutes is amended to read:

29.184 (3) (bg) Authorization; Class A bear license. A Class A bear license authorizes a resident or nonresident holder of the license to hunt bear with a firearm or with a bow and arrow and to exercise all of the privileges of a Class B bear license.

History: 1985 a. 270; 1997 a. 1 ss. 57 to 74, 77; 1997 a. 27, 191; 1997 a. 248 ss. 255 to 269; Stats. 1997 s. 29.184; 1997 a. 249 ss. 28 to 32; 1999 a. 9, 32, 186.

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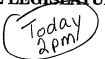
1	request that the department of justice conduct a firearms-restrictions record search
2	and the department of justice shall conduct the search.
3	(c) If the search under par. (b) shows that the person is prohibited from
4	possessing a firearm under s. 941.29, the department of natural resources sha
5	revoke any current hunting license issued to that person and deny any subsequen
6	applications for hunting licenses that are submitted by that person.
7	(d) The department of justice may not impose fees for firearms-restriction
8	record searches conducted under par. (b).
9	Section 2. 29.184 (3) (bg) of the statutes is amended to read:
10	29.184 (3) (bg) Authorization; Class A bear license. A Class A bear licens
11	authorizes a resident or nonresident holder of the license to hunt bear with a firear
12	or with a bow and arrow and to exercise all of the privileges of a Class B bear license
13	SECTION 3. 165.825 of the statutes is amended to read:
14	165.825 Information link; department of health and family service
15	other departments. The department of justice shall cooperate with the
16	departments of natural resources, regulation and licensing, and health and famil
17	services in developing and maintaining a computer linkup to provide access to th
18	information obtained from a criminal history search.
19	Section 4. Initial applicability.
20	(1) This act first applies to licenses that are issued on the effective date of thi
21	subsection.
22	Section 5. Effective date.
23	(1) This act takes effect on the first day of the 13th month beginning after
24	publication.

(END)

STATE OF WISCONSIN – LEGISLATIVE REFERENCE BUREAU – LEGAL SECTION (608–266–3561)

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only for "felons"	
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2001 - 2002 LEGISLATURE



ASSEMBLY SUBSTITUTE AMENDMENT, TO 2001 ASSEMBLY BILL 517

Dout does not include a Class A bear licinse or a wild turkey hunting licinse

1	AN ACT to amend 29.184 (3) (bg) and 165.825; and to create 29.024 (1m) of the
2	statutes; relating to: requiring firearms—restrictions record searches of
3	persons being issued licenses that authorize hunting with firearms.
	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, "hunting license"
6	means a license issued under this chapter that authorizes hunting with a firearm
7	(b) The department of natural resources shall request that the department of
8	justice conduct a firearms-restrictions record search with respect to each person who
9	is issued a hunting license, other than a Class-A-bear hunting license or a wild turkey
10	hunting license, and the department of justice shall conduct the search. For a person
11	who hunts or who kills a bear or wild turkey using a firearm under the authority of
12	a Class A bear hunting license or wild turkey hunting license, the department may

1	request that the department of justice conduct a firearms-restrictions record search,
2	and the department of justice shall conduct the search
3	(c) If the search under par. (b) shows that the person is prohibited from
4	possessing a firearm under s. 941.29, the department of natural resources shall
5	revoke any current hunting license issued to that person and deny any subsequent
6	applications for hunting licenses that are submitted by that person.
7	(e) (e) The department of justice may not impose fees for firearms—restrictions
8	record searches conducted under par. (b).
9	SECTION 2. 29.184 (3) (bg) of the statutes is amended to read: $2-8$
10	29.184 (3) (bg) Authorization; Class A bear license. A Class A bear license
11	authorizes a resident or nonresident holder of the license to hunt bear with a firearm
12	or with a bow and arrow and to exercise all of the privileges of a Class B bear license.
13	SECTION 3. 165.825 of the statutes is amended to read:
14	165.825 Information link; department of health and family services
15	other departments. The department of justice shall cooperate with the
16	departments of natural resources, regulation and licensing, and health and family
17	services in developing and maintaining a computer linkup to provide access to the
18	information obtained from a criminal history search.
19	SECTION 4. Initial applicability.
20	(1) This act first applies to licenses that are issued on the effective date of this
21	subsection.
22	Section 5. Effective date.
23	(1) This act takes effect on the first day of the 13th month beginning after
24	publication.
25	(END)

2001–2002 DRAFTING INSERT FROM THE LEGISLATIVE REFERENCE BUREAU

Insert 2-6

 $\mathbf{2}$

- (b) No person may hunt under the authority of a firearms—only hunting license if the person is prohibited from possessing a firearm under s. 921.29 (1) (a) or (b). No person may hunt with a firearm under the authority of a Class A bear license or a wild turkey hunting license if the person is prohibited from possession a firearm under s. 921.29 (1) (a) or (b).
- (c) The department of natural resources may request that the department of justice conduct a firearms—restrictions record search with respect to any person who is issued a firearms—only hunting license. If the search shows that person is prohibited from possessing a firearm under s. 921.29 (1) (a) or (b), the department of person under this chapter.
- (d) The department of natural resources may request that the department of justice conduct a firearms—restrictions record search with respect to any person who is issued a Class A bear license or a wild turkey hunting license if the department determines that the person has hunted with a firearm under the authority of either of these licenses. If the search shows that person is prohibited from possessing a firearm under s. 921.29 (1) (a) or (b), the department shall revoke any hunting approval issued to the person under this chapter.

Insert 2-8

(f) A person who violates par. (b) shall forfeit not more than \$200, and the court shall order the revocation of any hunting approval issued to the person under this chapter if the person's hunting approvals have not been previously revoked under par. (c) or (d).

Sand Johnson

Kite, Robin

From:

Gilbert, Melissa

Sent:

Wednesday, October 10, 2001 1:03 PM

To:

Bilot, Erin; Jeskewitz, Suzanne; Walker, Scott; Loomans, Scott; Heinen, Paul H; Kite, Robin

Subject:

memo on AB 517 sub

Importance:

High

OK. Here's what I've got. Please double-check to see if I have represented our new draft correctly...



NaturalResources.A B517.Oct10.2...

Also, didn't we still want to subject persons found not guilty of a felony by reason of mental disease and defect to the same restrictions (sorry for not bring that up this morning at our meeting)?

Let me know if we need to make changes to the memo.

Thanks,
Missy
Melissa Gilbert
Research Assistant
Office of Rep. Scott Walker



Wisconsin State Legislature

MEMO

TO:

Members of the Assembly Committee on Natural Resources

FROM:

Rep. Suzanne Jeskewitz and Rep. Scott Walker

DATE:

October 10, 2001

RE:

AB 517 (hunting restrictions for felons)

We are writing to inform you of several changes to AB 517 that are being drafted in a substitute amendment. While we do not yet have a copy of the sub in hand, we hope the following changes address the concerns aired in the public hearing.

AB 517 now does the following:

- 1. Prohibits felons from purchasing any hunting license that authorizes the use of a firearm, except for a Class A Bear license or a wild turkey hunting license because there is no alternative license to allow the hunting of those species by bow and arrow.
- 2. Specifies that the Department of Natural Resources may request the Department of Justice to conduct a firearms-restrictions record search with respect to any person who has purchased a hunting license.
- 3. If the search reveals that a felon has obtained a license in violation of the above-mentioned restriction, the DNR may revoke any hunting license issued to that person.
- 4. Also, if a felon who is issued a Class A Bear license or a wild turkey hunting license is found to be hunting with a firearm, the DNR may revoke any hunting license issued to that person.
- 5. A person who violates these provisions is subject to a forfeiture of not more than \$200, and the court shall order the revocation of any current hunting privileges not already revoked by the DNR may prohibit the issuance of any such licenses to that person for three years. Violators must also pay all expenses related to the background check.
- 6. Finally, DOJ must work with the DNR to enable the latter department to access information from a criminal history search.

If you have any questions or concerns, please contact the Jeskewitz office at 6-3796 or the Walker office at 6-9180. Thank you.

Thurs, 8:30 am.

2001 – 2002 LEGISLATURE

ASSEMBLY SUBSTITUTE AMENDMENT. TO 2001 ASSEMBLY BILL 517

AN ACT to amend 29.184 (3) (bg) and 165.825; and to create 29.024 (1m) of the statutes; relating to: requiring firearms-restrictions record searches with 2 3 respect to persons being issued licenses that authorize hunting with firearms 4 and providing a penalty. The people of the state of Wisconsin, represented in senate and assembly, do enact as follows: 5 **SECTION 1.** 29.024 (1m) of the statutes is created to read: 29.024 (1m) Firearm restrictions. (a) In this subsection, "firearms (1) 6 hunting license" means a license issued under this chapter that authorizes hunting 7 8 with a firearm, but does not include a Class A bear license or a wild turkey hunting license. 9 (b) No person may have time authority of a firearms that hunting license 10 if the person is prohibited from possessing a firearm under s. 941.29 (1) (a) or (b). 11

No person may hunt with a firearm under the authority of a Class A bear license or

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1	a wild turkey hunting license if the person is prohibited from possessing a firearm
2 .	under s. 941.29 (1) (a) or (b).
3	(c) The department of natural resources may request that the department of
4	justice conduct a firearms-restrictions record search with respect to any person who

is issued a firearms hunting license. If the search shows that the person is prohibited from possessing a firearm under s. 941.29 (1) (a) or (b), the department of natural resources shall revoke any hunting approval issued to the person under

this chapter.

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- (d) The department of natural resources may request that the department of justice conduct a firearms-restrictions record search with respect to any person who is issued a Class A bear license or a wild turkey hunting license if the department of natural resources determines that the person has hunted with a firearm under the authority of either of these licenses. If the search shows that person is prohibited from possessing a firearm under s. 941-29 (1) (a) or (b), the department of natural resources shall revoke any hunting approval issued to the person under this chapter.
- (e) The department of justice may not impose fees for firearms-restrictions record searches conducted under par. (c) or (d).
- (f) A person who violates par. (b) shall forfeit not more than \$200, and the court shall order the revocation of any hunting approval issued to the person under this chapter if the person's hunting approvals have not been previously revoked under Hard (d) for (d)

SECTION 2. 29.184 (3) (bg) of the statutes is amended to read.

29.184 (3) (bg) Authorization; Class A bear license. A Class A bear license

authorizes a resident or nonresident holder of the license to hunt bear with a firearm

or with a bow and arrow and to exercise all of the privileges of a Class B bear license.

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_	becaute to read.						
2	165.825 Information link; department of health and family services						
3	other departments. The department of justice shall cooperate with the						
4	departments of natural resources, regulation and licensing, and health and family						
5	scrvices in developing and maintaining a computer linkup to provide access to the						
6	information obtained from a criminal history search.						
7	Section 4. Initial applicability.						
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9	subsection.						
10	Section 5. Effective date.						
11	(1) This act takes effect on the first day of the 13th month beginning after						
12	(publication)						
13	(END)						

STATE OF WISCONSIN – LEGISLATIVE REFERENCE BUREAU – LEGAL SECTION (608–266–3561)

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in addition, the court shall prohibit the					
issuance of any funting approval under					
In addition, the court shall prohibit the issuance of any funting approval under this Chapter to the person for 3 years. The court shall also order the person to pay an amount sufficient to reimburse the department of justice for the cost of conducting any screams restrictions record search with respect to that person.					
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day an amount sufferent to reinburse					
the department of justice for the cost of					
conducting any firearm's restrictions					
record search Uwith respect to that person.					



State of Misconsin 2001 - 2002 LEGISLATURE

LRBs0176/3 4 MGG&RNK:kmg:jf

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ASSEMBLY SUBSTITUTE AMENDMENT, TO 2001 ASSEMBLY BILL 517

1	AN ACT to amend 165.825; and to create 29.024 (1m) of the statutes; relating
2	to: requiring firearms-restrictions record searches with respect to persons
3	being issued licenses that authorize hunting with firearms and providing a
4	penalty.
	The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:
5	SECTION 1. 29.024 (1m) of the statutes is created to read:
6	29.024 (1m) Firearm restrictions. (a) In this subsection, "firearms hunting
7	license" means a license issued under this chapter that authorizes hunting with a
8	firearm, but does not include a Class A bear license or a wild turkey hunting license.
9	(b) No person may apply for a firearms hunting license if the person is
10	prohibited from possessing a firearm under s. 941.29 (1) (a) or (b). No person may
11	hunt with a firearm under the authority of a Class A bear license or a wild turkey

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, 1	hunting license if the person is prohibited from possessing a firearm under s. 941.29						
2	(1) (a) or (b).						
3	(c) The department of natural resources may request that the department of						
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5	is issued a firearms hunting license.						
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13	(f) A person who violates par. (b) shall forfeit not more than \$200, and the court						
14	shall order the revocation of any hunting approval issued to the person under this						
15	chapter. In addition, the court shall prohibit the issuance of any hunting approval						
16	under this chapter to the person for 3 years. The court shall also order the person						
17	to pay an amount sufficient to reimburse the department of justice for the cost of						
18	conducting any firearms-restrictions record search with respect to that person.						
19	SECTION 2. 165.825 of the statutes is amended to read:						
20	165.825 Information link; department of health and family services						
21	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.

wish

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

2 subsection.

3

(END)

applied for

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRBs0176/3dn MGG&RNK:kmg:jf

found at 5.175. 35(1)(at)

The definition of "firearms-restrictions record search" is not included by cross-reference in this draft because that definition is too broad and does not "fit". However, to avoid confusion, you may want to change the term used in this draft to some other type of search such as "felony record search".

Since the draft now authorizes courts to order reimbursement from violators for search fees, note the change made in s. 29.024 (1m) (e).

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

Robin N. Kite Legislative Attorney Phone: (608) 266–7291

E-mail: robin.kite@legis.state.wi.us

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRBs0176/4dn MGG&RNK:jld:kjf

October 11, 2001

The definition of "firearms—restrictions record search" found at s. 175.35 (1) (at) is not included by cross—reference in this draft because that definition is too broad and does not "fit". However, to avoid confusion, you may want to change the term used in this draft to some other type of search such as "felony record search".

Since the draft now authorizes courts to order reimbursement from violators for search fees, note the change made in s. 29.024 (1m) (e).

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

Robin N. Kite Legislative Attorney Phone: (608) 266–7291

E-mail: robin.kite@legis.state.wi.us



11

State of Misconsin 2001 - 2002 LEGISLATURE

LRBs0176/4 5 MGG&RNK:kmg&jld:kjf

Men

ASSEMBLY SUBSTITUTE AMENDMENT, TO 2001 ASSEMBLY BILL 517

fronz

AN ACT to amend 165.825; and to create 29.024 (1m) of the statutes; relating 1 to: requiring firearms-restrictions) record searches with respect to persons 2 3 being issued licenses that authorize hunting with firearms and providing a penalty. The people of the state of Wisconsin, represented in senate and assembly, do enact as follows: 5 **SECTION 1.** 29.024 (1m) of the statutes is created to read: 29.024 (1m) Firearm restrictions. (a) In this subsection, "firearms hunting 6 license" means a license issued under this chapter that authorizes hunting with a 7 firearm, but does not include a Class A bear license or a wild turkey hunting license. 8 9 (b) No person may apply for a firearms hunting license if the person is prohibited from possessing a firearm under s. 941.29 (1) (a) or (b). No person may 10

hunt with a firearm under the authority of a Class A bear license or a wild turkey

1	hunting license if the person is prohibited from possessing a firearm under s. 941.29
2	(1) (a) or (b).
3	(c) The department of natural resources may request that the department of
4	justice conduct a livearms-restrictions record search with respect to any person who
5	is issued a firearms hunting license.
6	(d) The department of natural resources may request that the department of
7	justice conduct a firearms—restrictions record search with respect to any person who
8	is issued a Class A bear license or a wild turkey hunting license if the department
9	of natural resources determines that the person has hunted with a firearm under the
10	authority of either of these licenses.
11	(e) The department of justice may not charge the department of natural
12	resources fees for the arms restrictions record searches conducted under par. (c) or
13	(d).
14	(f) A person who violates par. (b) shall forfeit not more than \$200, and the court
15	shall order the revocation of any hunting approval issued to the person under this
16	chapter. In addition, the court shall prohibit the issuance of any hunting approval
17	under this chapter to the person for 3 years. The court shall also order the person
18	to pay an amount sufficient to reimburse the department of justice for the cost of
19	conducting any firearms restrictions record search with respect to that person.
20	SECTION 2. 165.825 of the statutes is amended to read:
21	165.825 Information link; department of health and family services
22	other departments. The department of justice shall cooperate with the
23	departments of natural resources, regulation and licensing, and health and family
24	services in developing and maintaining a computer linkup to provide access to the
25	information obtained from a criminal history search.

1		SECTION	3.	Initial	applicability.

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

4

(END)

Basford, Sarah

From: Basford, Sarah

Sent: Thursday, October 11, 2001 12:43 PM

To: Jeskewitz, Suzanne Subject: LRB s0176/5 (attached)



1

State of Wisconsin 2001 - 2002 LEGISLATURE

Now

LRBs0176/5 MGG&RNK:kmg&jld

ASSEMBLY SUBSTITUTE AMENDMENT.

TO 2001 ASSEMBLY BILL 517

AN ACT to amend 165.825; and to create 29.024 (1m) of the statutes; relating to: requiring felony record searches with respect to persons being issued licenses that authorize hunting with firearms and providing a penalty. 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: 4 29.024 (1m) Firearm restrictions. (a) In this subsection, "firearms hunting 5 license" means a license issued under this chapter that authorizes hunting with a 6 firearm, but does not include a Class A bear license or a wild turkey hunting license. 7 8 (b) No person may apply for a firearms hunting license if the person is 9 prohibited from possessing a firearm under s. 941.29 (1) (a) or (b). No person may 10 hunt with a firearm under the authority of a Class A bear license or a wild turkey 11 hunting license if the person is prohibited from possessing a firearm under s. 941.29 12 (1) (a) or (b).

- (c) The department of natural resources may request that the department of justice conduct a felony record search with respect to any person who is issued a firearms hunting license.
- (d) The department of natural resources may request that the department of justice conduct a felony record search with respect to any person who is issued a Class A bear license or a wild turkey hunting license if the department of natural resources determines that the person has hunted with a firearm under the authority of either of these licenses.
- (e) The department of justice may not charge the department of natural resources fees for felony record searches conducted under par. (c) or (d).
- (f) A person who violates par. (b) shall forfeit not more than \$200, and the court shall order the revocation of any hunting approval issued to the person under this chapter. In addition, the court may prohibit the issuance of any hunting approval under this chapter to the person for a period of up to 3 years. The court shall also order the person to pay an amount sufficient to reimburse the department of justice for the cost of conducting any felony record search with respect to that person.

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 <u>natural resources</u>, 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.

LRBs0176/5 MGG&RNK:kmg&jld:jf **SECTION 3**

- 1 (1) This act first applies to licenses that are applied for on the effective date of
- 2 this subsection.

3

(END)