

2001 ASSEMBLY BILL 567

October 15, 2001 – Introduced by Representatives STASKUNAS, LADWIG, JESKEWITZ, BIES, RYBA, COLON, LA FAVE, BOYLE, KREUSER, STONE and OTT, cosponsored by Senators BURKE, ROESSLER, ROSENZWEIG and HUELSMAN. Referred to Committee on Criminal Justice.

1 **AN ACT** *to amend* 938.78 (3) and 946.82 (4); and *to create* 941.2985 of the
2 statutes; **relating to:** firearm flash suppressors and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law places various limitations on the possession of weapons and weapon accessories, including a prohibition against possessing, selling, or delivering a firearm silencer, which is a device that muffles the sound produced when a firearm is fired.

This bill prohibits sale, delivery, or possession of a firearm flash suppressor except by certain peace officers or persons serving in the armed forces or national guard. The bill defines a “firearm flash suppressor” as a device or weapon component that prevents or suppresses a flash that would otherwise result from firing a weapon that expels a projectile by action of an explosive. The bill also provides that, if a juvenile is found delinquent or found to be in need of protective services as a result of violating the prohibition against possessing a firearm flash suppressor and that juvenile escapes from custody, the county responsible for the juvenile may release his or her name to the public. Lastly, the bill includes in the definition of “racketeering activity” violation of the prohibition against possessing a firearm flash suppressor.

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:

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1 **SECTION 1.** 938.78 (3) of the statutes is amended to read:

2 **938.78 (3)** If a juvenile adjudged delinquent under s. 48.12, 1993 stats., or s.
3 938.12 or found to be in need of protection or services under s. 48.13 (12), 1993 stats.,
4 or s. 48.13 (14), 1993 stats., or s. 938.13 (12) or (14) on the basis of a violation of s.
5 941.10, 941.11, 941.20, 941.21, 941.23, 941.235, 941.237, 941.24, 941.26, 941.28,
6 941.295, 941.298, 941.2985, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03, 943.04,
7 943.10 (2) (a), 943.23 (1g), (1m) or (1r), 943.32 (2), 948.02, 948.025, 948.03, 948.05,
8 948.055, 948.60, 948.605 or 948.61 or any crime specified in ch. 940 has escaped from
9 a secured correctional facility, child caring institution, secured group home,
10 inpatient facility, as defined in s. 51.01 (10), secure detention facility or juvenile
11 portion of a county jail, or from the custody of a peace officer or a guard of such a
12 facility, institution or jail, or has been allowed to leave a secured correctional facility,
13 child caring institution, secured group home, inpatient facility, secure detention
14 facility or juvenile portion of a county jail for a specified time period and is absent
15 from the facility, institution, home or jail for more than 12 hours after the expiration
16 of the specified period, the department or county department having supervision
17 over the juvenile may release the juvenile's name and any information about the
18 juvenile that is necessary for the protection of the public or to secure the juvenile's
19 return to the facility, institution, home or jail. The department of corrections shall
20 promulgate rules establishing guidelines for the release of the juvenile's name or
21 information about the juvenile to the public.

22 **SECTION 2.** 941.2985 of the statutes is created to read:

23 **941.2985 Firearm flash suppressor. (1)** In this section, "firearm flash
24 suppressor" means a device or weapon component for preventing or suppressing a

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1 flash that would otherwise result from firing a weapon that expels a projectile by
2 action of an explosive.

3 (2) Whoever sells, delivers, or possesses a firearm flash suppressor is guilty of
4 a Class E felony.

5 (3) Subsection (2) does not apply to sale or delivery of a firearm flash suppressor
6 to, or possession of a firearm flash suppressor by, any of the following:

7 (a) A peace officer who is employed by a government agency or department that
8 maintains written policies regarding use of firearm flash suppressors, if the officer
9 is acting in compliance with those policies.

10 (b) Armed forces or national guard personnel, while in the line of duty.

11 **SECTION 3.** 946.82 (4) of the statutes, as affected by 2001 Wisconsin Act 16, is
12 amended to read:

13 946.82 (4) “Racketeering activity” means any activity specified in 18 USC 1961
14 (1) in effect as of April 27, 1982 or the attempt, conspiracy to commit, or commission
15 of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (1),
16 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625, 221.0636, 221.0637,
17 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01,
18 940.19 (3) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20
19 (2) and (3), 941.26, 941.28, 941.298, 941.2985, 941.31, 941.32, 943.01 (2), (2d), or (2g),
20 943.011, 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3)
21 (c) and (d), 943.201, 943.23 (1g), (1m), (1r), (2) and (3), 943.24 (2), 943.25, 943.27,
22 943.28, 943.30, 943.32, 943.34 (1) (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and (c),
23 943.50 (4) (c), 943.60, 943.70, 943.76, 944.205, 944.21 (5) (c) and (e), 944.32, 944.33
24 (2), 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11, 946.12,

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SECTION 3

1 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76,
2 947.015, 948.05, 948.08, 948.12, and 948.30.

3 **SECTION 4. Initial applicability.**

4 (1) This act first applies to sale, delivery, or possession of a firearm flash
5 suppressor that occurs on the effective date of this subsection.

6 (END)