

2001 DRAFTING REQUEST

Bill

Received: 06/12/2001

Received By: rryan

Wanted: As time permits

Identical to LRB:

For: Tony Staskunas (608) 266-0620

By/Representing: Adrienne Ramirez

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Addl. Drafters:

Subject: Criminal Law - guns and weapons

Extra Copies: MGD

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Prohibit possession of devices that suppress flash when a firearm is fired

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>
/1	rryan 08/15/2001	jdyer 09/13/2001	pgreensl 09/13/2001	_____	lrb_docadmin 09/13/2001		
/2	rryan 10/03/2001	jdyer 10/04/2001	jfrantze 10/08/2001	_____	lrb_docadmin 10/08/2001	lrb_docadminS&L 10/09/2001	

FE Sent For:

→ At Intro.

<END>

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FE Sent For:

1/2 10/4 jld
 Bro/8
 J/RS
 10/8
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Wanted: As time permits

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Prohibit possession of devices that suppress flash when a firearm is fired

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1?	rryan	1/1 9/13 jld		

FE Sent For:

<END>

LPS
 There are 2
 3426/ldr files in
 the 3426 folder.
 Please delete the
 one that was
 modified 8/2/01
 Thanks

Dsida, Michael

Subject: RE: Yet 2 more drafting requests

> -----Original Message-----

> **From:** Ramirez, Adrienne
> **Sent:** Monday, June 11, 2001 12:13 PM
> **To:** Dsida, Michael
> **Subject:** Yet 2 more drafting requests

> Mike-

> Rep. Staskunas has two more drafting requests for you.

> First, he would like legislation drafted, similar to AB 157,
> prohibiting felons from owning flash suppressants. From what
> I understand these are devices attached to firearms to hide
> the firing of the weapon. Also, please make it a class E
> felony if one is found in a felon's possession.

> Please contact me if you have any questions regarding these requests.

> Thanks again,

> Adrienne Ramirez
> Office of Rep. Tony Staskunas
> 6-0620

Call to Adrienne 7/30/01

*Rather than banning possession
just for felons, create ban similar
to S. 9411.298 - current ban on
sale, delivery or possession of firearm
silencers.*

In 8/15/01

JLD

2001 BILL

D-Note

Gen

1 AN ACT ...; relating to: firearm flash suppressors and providing a penalty.

Analysis by the Legislative Reference Bureau

which is

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

This bill prohibits 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 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 violation of the prohibition against possessing a firearm flash suppressor in the definition of "racketeering activity."

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

2 SECTION 1. 938.78 (3) of the statutes is amended to read:
3 938.78 (3) If a juvenile adjudged delinquent under s. 48.12, 1993 stats., or s.
4 938.12 or found to be in need of protection or services under s. 48.13 (12), 1993 stats.,

BILL**SECTION 1**

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

History: 1995 a. 27 s. 9126 (19); 1995 a. 77, 230, 352; 1997[✓] a. 205, 207, 283; 1999 a. 9.

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

20 **941.2985 Firearm flash suppressor.**[✓] (1) In this section, "firearm flash
21 suppressor" means a device for preventing or suppressing a flash that would
22 otherwise result from firing a weapon that expels a projectile by action of an
23 explosive.

24 (2) Whoever possesses a firearm flash suppressor is guilty of a Class **E**[✓] felony.

BILL

1 (3) Subsection (2) [✓] does not apply to possession of a firearm flash suppressor by
2 any of the following:

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

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

7 SECTION 3. 946.82 (4) of the statutes ^{as affected by 2001 Wisconsin Act 16,} is amended to read:

8 946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961

9 (1) in effect as of April 27, 1982 or the attempt, conspiracy to commit, or commission

10 of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (1),

11 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625, 221.0636, 221.0637,

12 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01,

13 940.19 (3) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20

14 (2) and (3), 941.26, 941.28, 941.298, 941.2985, 941.31, 941.32, 943.01 (2) ^{or (2g),}

15 943.011, 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3)

16 ^{(c) and (plan)} (d), 943.201, 943.23 (1g), (1m), (1r), (2) and (3), 943.24 (2), 943.25, 943.27,

17 943.28, 943.30, 943.32, 943.34 (1) ^{(b) and (c)}, 943.38, 943.39, 943.40, 943.41 (8) (b)

18 and (c), 943.50 (4) ^{(b) and (c)}, 943.60, 943.70 ^{943.76}, 944.205, 944.21 (5) (c) and (e), 944.32,

19 944.33 (2), 944.34, 945.03 (1m), 945.04 (1m), ^{keep} 945.05 (1), 945.08, 946.10, 946.11,

20 946.12, 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72,

21 946.76, 947.015, 948.05, 948.08, 948.12 and 948.30.

History: 1981 c. 280; 1983 a. 438; 1985 a. 104; 1985 a. 236 s. 15; 1987 a. 266 s. 5; 1987 a. 332, 348, 349, 403; 1989 a. 121, 303; 1991 a. 32, 39, 189; 1993 a. 50, 92, 94, 112, 280, 441, 491; 1995 a. 133, 249, 336, 448; 1997 a. 35, 79, 101, 140, 143, 232; 1999 a. 9, 150.

SECTION 4. Initial applicability.

01 Wis Act 16

7
14
16
17
18

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3426/1dn

RLR:.....

Jld

Adrienne Ramirez:

1. Please review the definition of "firearm flash suppressor" in this bill to determine whether it covers the devices you intend to prohibit. I found an explanation in which a flash suppressor is described as a device that allows the gas produced in the explosion of gunpowder to cool sufficiently before it contacts air outside the firearm so that the gas does not burn on contact with the air. I do not know if this is the only means used to suppress a flash or if there are other methods. I also do not know if firearms are made to incorporate flash suppression technology or if a separate device must be added to the firearm. The definition in the bill does not specify whether the prohibition applies only to separate devices or also devices that are part of the firearm. If firearms can be made with the flash suppression technology incorporated in the original design of the firearm do you want this bill to prevent possession of such firearms, or should the bill only prevent possession of separate flash suppressors that may be attached to a firearm?
2. As we discussed on the phone, this bill prohibits anyone (except a police officer or member of the armed forces or national guard) from possessing a firearm flash suppressor, rather than just felons. The similar prohibition against possession of a firearm silencer at s. 941.298, stats., prohibits sale and distribution of silencers as well as possession. Do you want this bill to prohibit sale and distribution of flash suppressors?
3. Under current law, if a juvenile is found delinquent or found to be in need of protective services as a result of violating the prohibition against selling, distributing, or possessing a silencer and the juvenile escapes from custody, the county human services department may release the juvenile's name in order to protect the public. This bill similarly allows release of a juvenile's name if the juvenile is found to have violated the prohibition related to flash suppressants. Under current law, violation of the prohibition related to silencers is included in the definition of "racketeering activity." This bill similarly adds violation of the prohibition related to flash suppressants to the definition of "racketeering activity."

Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3426/1dn
RLR:jld.pg

September 13, 2001

Adrienne Ramirez:

1. Please review the definition of "firearm flash suppressor" in this bill to determine whether it covers the devices you intend to prohibit. I found an explanation in which a flash suppressor is described as a device that allows the gas produced in the explosion of gunpowder to cool sufficiently before it contacts air outside the firearm so that the gas does not burn on contact with the air. I do not know if this is the only means used to suppress a flash or if there are other methods. I also do not know if firearms are made to incorporate flash suppression technology or if a separate device must be added to the firearm. The definition in the bill does not specify whether the prohibition applies only to separate devices or also devices that are part of the firearm. If firearms can be made with the flash suppression technology incorporated in the original design of the firearm do you want this bill to prevent possession of such firearms, or should the bill only prevent possession of separate flash suppressors that may be attached to a firearm?
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Robin Ryan
Legislative Attorney
Phone: (608) 261-6927
E-mail: robin.ryan@legis.state.wi.us

Adrienne Ramirez
Stankunas

8/9/20/01

LRB 3426

Response to comments in S-Note

1. want to apply if suppressor built
in? - yes

2. ^{Cover} Sale & distrib - yes prohibit

3. Yes - apply to juveniles

In 10/3/01

RMR

2001 BILL

Regen

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 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 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.

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

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

sale, delivery

or weapon component

FES/L

BILL

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

21 SECTION 2. [✓] 941.2985 of the statutes is created to read:

22 **941.2985 Firearm flash suppressor.** (1) In this section, "firearm flash
 23 suppressor" means a device for preventing or suppressing a flash that would
 24 otherwise result from firing a weapon that expels a projectile by action of an
 25 explosive.

or weapon component ✓

BILL

sells, delivers, or ✓

1 (2) Whoever possesses a firearm flash suppressor is guilty of a Class E felony.

2 (3) Subsection (2) does not apply to possession of a firearm flash suppressor by
3 any of the following:

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

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

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

10 946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961
11 (1) in effect as of April 27, 1982 or the attempt, conspiracy to commit, or commission
12 of any of the felonies specified in: chs. 945 and 961 and ss. 49.49, 134.05, 139.44 (1),
13 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625, 221.0636, 221.0637,
14 221.1004, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01,
15 940.19 (3) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.305, 940.31, 941.20
16 (2) and (3), 941.26, 941.28, 941.298, 941.2985, 941.31, 941.32, 943.01 (2), (2d), or (2g),
17 943.011, 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3)
18 (c) and (d), 943.201, 943.23 (1g), (1m), (1r), (2) and (3), 943.24 (2), 943.25, 943.27,
19 943.28, 943.30, 943.32, 943.34 (1) (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and (c),
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21 (2), 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11, 946.12,
22 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76,
23 947.015, 948.05, 948.08, 948.12, and 948.30.

24 **SECTION 4. Initial applicability.**

sale or delivery of a firearm flash suppressor to, or

BILL

sale, delivery, or ✓

① (1) This act first applies to possession of a firearm flash suppressor that occurs
2 on the effective date of this subsection.

3 (END)



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

October 8, 2001

MEMORANDUM

To: Representative Staskunas

From: Robin L. Ryan, Legislative Attorney

Re: LRB-3426/2 Prohibit possession of devices that suppress flash when a firearm is fired

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) 261-6927 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.