

**2001 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-SB55)**

Received: **06/21/2001**

Received By: **rryan**

Wanted: **As time permits**

Identical to LRB:

For: **Assembly Republican Caucus 7-0892**

By/Representing: **Raschka**

This file may be shown to any legislator: **NO**

Drafter: **rryan**

May Contact:

Addl. Drafters:

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

Extra Copies:

**MGD**

Submit via email: **NO**

Requester's email:

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**Pre Topic:**

ARC:.....Raschka - AM7,

---

**Topic:**

Background checks for handgun purchases

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**Instructions:**

See Attached

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**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> |
|--------------|----------------------|------------------------|------------------------|----------------|----------------------------|-----------------|-----------------|
| /?           | mdsida<br>06/21/2001 |                        |                        | _____          |                            |                 |                 |
| /1           | rryan<br>06/27/2001  | jdye<br>06/27/2001     | rschluet<br>06/27/2001 | _____          | lrb_docadmin<br>06/27/2001 |                 |                 |
| /2           | rryan<br>06/27/2001  | wjackson<br>06/27/2001 | jfrantze<br>06/27/2001 | _____          | lrb_docadmin<br>06/28/2001 |                 |                 |

FE Sent For:

<END>

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FE Sent For:

12 WJ 6/27  
06/27  
Self  
027  
<END>

**2001 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-SB55)**

Received: 06/21/2001

Received By: *midsida rlr*

Wanted: As time permits

Identical to LRB:

For: Assembly Republican Caucus 7-0892

By/Representing: Raschka

This file may be shown to any legislator: NO

Drafter: *midsida rlr*

May Contact:

Addl. Drafters:

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

Extra Copies: *file md*

Submit via email: NO

Requester's email:

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ARC:.....Raschka - AM7,

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**Topic:**

Background checks for handgun purchases

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|--------------|----------------|-------------------|--------------------|------------------------|------------------|-----------------|-----------------|
| 1/?          | midsida        | <i>1 6/27 jld</i> | <i>[Signature]</i> | <i>[Signature] Ben</i> |                  |                 |                 |
|              |                |                   |                    | <i>6-27-01</i>         |                  |                 |                 |

FE Sent For:

<END>

# Budget Amendments 2001 - 2003

Prepared by the Assembly Republican Caucus

**Statement of Intent** Reduce the current Handgun purchaser record check fee to \$0.

**Legislator** Pettis **Amendment** 7  
**Legislator 2** **Pass or Fail** Pass  
**Legislator 3** **Spending Cut**  
**Legislator 4** **Withdrawn**  
**Staff contact** Don **Package**  
**Agency** Justice

**Summary** This amendment, would reduce the current handgun purchaser record check fee from \$8 to \$0. Eliminating this fee does not eliminate the requirement of DOJ to do the check. The amendment also makes a change in the background check process, specifically when handgun buyers are denied the opportunity to purchase due to misidentification or an error in the record. The amendment requires that upon reversal of a denial due to misidentification or an error in the record that the crime bureau immediately requests that the agency that provided the records prompting the denial make a permanent change to such records if necessary to reflect accurate information. In addition, the bureau would be required to provide immediate notification of such reversal to all agencies and entities that had been previously notified of a denial.

## Background

DOJ does the background checks because state law is different than federal law regarding background checks thus not allowing the state to use the current federal instant check system. Since 1978 Wisconsin's check requires a 48 hour waiting period whereas the federal check is approved instantly through the National Instant Criminal Background Check System (NICS).

**Fiscal Impact** According to Legislative Fiscal Bureau, the Handgun Purchaser Record Check program requires \$369,400 PR in 2001-02 and \$369,400 PR in 2002-03 for a total of \$738,800. Total funding for the program in the past has come from the \$8 fee. By eliminating the fee, the program needs \$738,800 to operate.

To fund the program, the program would use \$738,800 from the penalty assessment surcharge account in the Department of Administration - Office of Justice Assistance. JFC action lapsed \$875,200 PR in penalty assessment surcharge money to GPR. This amendment seeks to retain \$738,800 for the handgun purchaser record check program and leave \$137,200 PR to lapse to GPR.

To replace the GPR that was converted back o PR, this amendment would decrease the increased funding to the Prison Farm Program in the Department of Corrections. The current amount in the budget is \$856,500 and the amendment would decrease that amount by \$738,800 leaving \$117,700. *which year?*

**Drafting Inst** *875,200* 20.455 (1) (KF)

**ARC Analyst** Raschka

**Request #** 267

Wednesday, June 20, 2001

*4.8 mil deficit*

*20.455 (2) (GR) also has a deficit*

**Ryan, Robin**

---

**From:** Raschka, Adam  
**Sent:** June 22, 2001 3:51 PM  
**To:** Ryan, Robin  
**Cc:** Bauer Jr., Jere  
**Subject:** RE: ARC amendment #7

I think it should be lapsed in half, 1/2 the lapse take place July 1, 2001, and the remaining half on July 1, 2002. Don from the Pettis office says their intention is to delete the expansion of the program and convert the PR generate and convert that to GPR. Will that work?

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

**From:** Ryan, Robin  
**Sent:** Friday, June 22, 2001 2:14 PM  
**To:** Raschka, Adam  
**Cc:** Bauer Jr., Jere  
**Subject:** ARC amendment #7

The last paragraph of this request call for a lapse of \$738,800 from s. 20.455 (1) (kf), the prison farm appropriation.  
Since this is an annual appropriation, should 1/2 the lapse take place July 1, 2001, and the remaining half on July 1, 2002. Or should it all lapse at the beginning of the appropriation?

Also, it is my understanding that 20.455 (1) (kf) has a multi-million dollar deficit, so is there any money to lapse?

thanks

06/23/2001

## Ryan, Robin

---

**From:** Raschka, Adam  
**Sent:** June 22, 2001 5:24 PM  
**To:** Salm, Debbie  
**Cc:** Bauer Jr., Jere; Onsager, Paul; Ryan, Robin  
**Subject:** RE: Caucus Amendment 267--Technical Issues

I just spoke to Rep. Walker. I believe we are working on finding a new funding source.

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

**From:** Salm, Debbie  
**Sent:** Friday, June 22, 2001 4:37 PM  
**To:** Raschka, Adam  
**Cc:** Bauer Jr., Jere; Onsager, Paul; Ryan, Robin  
**Subject:** Caucus Amendment 267--Technical Issues

Adam,

We (the Justice team at the Fiscal Bureau) have some technical questions/issues with Caucus budget amendment 267. Robin Ryan from the LRB forwarded your email to our office and asked us to talk with you. #267 eliminates the handgun hotline fee and instead provides penalty assessment funds, which reduces the penalty assessment lapse to the general fund by \$738,800, reduces the appropriation for prison farms by a similar amount, and intends to lapse prison farms revenue to the general fund to make up for the loss of penalty assessment funds.

Reducing expenditure authority to the prison farms does not translate into revenue for the general fund. The prison farms program revenue account currently has a \$4.8 million deficit. As a result, the general fund is supporting the prison farms appropriation (as is allowed under current law specifically for this appropriation). There is no PR revenue, therefore, to transfer to the general fund.

Also, the handgun hotline PR appropriation has an estimated deficit on June 30, 2003 of \$520,200. By eliminating the fee, there is no way to reduce the deficit. Again, the general fund is supporting this appropriation to cover the deficit.

Please call me regarding these issues as to how these issues can be resolved so that Robin can draft the amendment. My number is 6-3847. Jere Bauer or Paul Onsager can also help you if I'm not available.

Debbie Salm, Team Leader  
Legislative Fiscal Bureau



## Ryan, Robin

---

**From:** Nelson, Don  
**Sent:** June 26, 2001 12:55 PM  
**To:** Ryan, Robin; Salm, Debbie; Raschka, Adam  
**Subject:** Motion 267

Robin:

Earlier this week there were some issues with the drafting of this budget motion. Yesterday in caucus, the final details were worked out. Essentially, the motion can be drafted as originally passed except to the reference to the funding from the Prison Farms. That portion will need to be removed. As to the fund source, that part was resolved when the full Corrections and justice package was passed last week. So, from what I gather, nothing will need to be added to the draft and only the reference to the prison farms will need to be removed. If you have any questions, feel free to contact me on my cell as I will be out of the office for a 3-4 days.

608-332-3794

Thanks

Don

2001

Date (time) needed \_\_\_\_\_

LRB b 1314, 1

**ARC CAUCUS BUDGET AMENDMENT  
[ONLY FOR CAUCUS]**

RUR: jld: \_\_\_\_\_

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**CAUCUS AMENDMENT  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1  
TO 2001 SENATE BILL 55**

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

At the locations indicated, amend the substitute amendment as follows:

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :



ARC:.....Raschka – AM7, Background checks for handgun purchases

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment<sup>✓</sup> as follows:

2 1. Page 230, line 11: after that line insert:

3 (kb) ~~Handgun purchaser~~ <sup>Firearms restrictions</sup> record

4 ~~checks~~ <sup>searches</sup> PR-S A 369,400 369,400”.

5 2. Page 377, line 4: after that line insert:

6 “SECTION 764n.<sup>✓</sup> 20.455 (2) (gr)<sup>✓</sup> of the statutes is amended to read:

7 20.455 (2) (gr) *Handgun purchaser record check*. All moneys received as fee  
8 payments under s. 175.35 (2i), 1999<sup>✓</sup> stats., to provide services under s. 175.35.”.

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; 1999 a. 5, 9, 186.

9 3. Page 378, line 2: after that line insert:

1 "SECTION 769n. 20.455 (2) (kb) of the statutes is created to read:

2 20.455 (2) (kb) *Firearms restrictions record searches.* The amounts in the  
 3 schedule to provide services under s. 175.35. All money transferred from the  
 4 appropriation account under s. 20.505 (6) (j) 17. shall be credited to this  
 5 appropriation account."

6 4. Page 393, line 10: after that line insert:

7 "SECTION 855r. 20.505 (6) (j) 17. of the statutes is created to read:

8 20.505 (6) (j) 17. The amount transferred to s. 20.455 (2) (kb) shall be the  
 9 amount in the schedule under s. 20.455 (2) (kb)."

10 5. Page 972, line 7: after that line insert:

11 "SECTION 2882f. 175.35 (2i) of the statutes is amended to read:

12 175.35 (2i) The department shall may not charge a firearms dealer an \$8 fee  
 13 for each a firearms restrictions record search that the firearms dealer requests  
 14 requested under sub. (2) (c). ~~The firearms dealer may collect the fee from the~~  
 15 ~~transferee. The department may refuse to conduct firearms restrictions record~~  
 16 ~~searches for any firearms dealer who fails to pay any fee under this subsection within~~  
 17 ~~30 days after billing by the department.~~

18 History: 1975 c. 167; 1991 a. 11; 1993 a. 16, 195, 196; 1995 a. 71, 77, 150, 306.

19 SECTION 2882g. 175.35 (2L) of the statutes is renumbered 175.35 (2L) (a) and  
 20 amended to read:

21 175.35 (2L) (a) The department of justice shall promulgate rules providing for  
 22 the review of nonapprovals under sub. (2g) (c) 4. a. and for <sup>the</sup> correction of inaccurate  
 23 information under par. (b). Any person who is denied the right to purchase a  
 24 handgun because the firearms dealer received a nonapproval number under sub. (2g)  
 (c) 4. a. may request a firearms restrictions record search review under those rules.

1 If the person disagrees with the results of that review, the person may file an appeal  
2 under rules promulgated by the department.

3 History: 1975 c. 167; 1991 a. 11; 1993 a. 16, 195, 196; 1995 a. 71, 77, 159, 306.  
**SECTION 2882h.** 175.35 (2L) (b) of the statutes is created to read:

4 175.35 (2L) (b) If, upon review or appeal under par. (a), the department of  
5 justice determines that a person was incorrectly denied approval under sub. (2g) (c)  
6 4. a. based on incorrect information in a criminal history record or incorrect  
7 information received in a firearms restrictions record search, the department of  
8 justice shall immediately do all of the following:

9 1. Update any relevant department of justice records to reflect the correct  
10 information.

11 2. Notify the agency that provided the incorrect information to the department  
12 of justice that the information provided is incorrect and request that the agency  
13 update its records to reflect the correct information.

14 3. Notify any agency or person to which the department of justice provided  
15 notice of the nonapproval under sub. (2g) (c) 4. a. that the nonapproval was based on  
16 incorrect information and that it has been reversed.”.

17 **6.** Page 1381, line 11: delete lines 11 to 13 and substitute:

18 “(6e) OFFICE OF JUSTICE ASSISTANCE PENALTY ASSESSMENT MONEYS.”

19 Notwithstanding section 20.001 (3) (c) of the statutes, on July 1, 2001, there is lapsed  
20 to the general fund \$136,400 from the appropriation account to the office of justice  
21 assistance under section 20.505 (6) (j) of the statutes, as affected by the acts of 2001.”.

22

(END)

1314/1

Paul Onoaga

(1) Zero out amts. in schedule for 20.455 (2) (gr) so that \$\$\$ coming in reduces deficit but can't be spent for admin

(2) p. 1381 approp. act 20.505 (6) (j) 17. = "of" OJA not "to" OJA.

do non-stat instead

*RMK*

ARC:.....Raschka - AM7, Background checks for handgun purchases

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

**CAUCUS ASSEMBLY AMENDMENT**

**TO ASSEMBLY SUBSTITUTE AMENDMENT 1,**

**TO 2001 SENATE BILL 55**

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 230, line 11: after that line insert:

3 “(kb) Firearms restrictions record

4 searches PR-S A 369,400 369,400”.

5 **2.** Page 377, line 4: after that line insert:

6 “SECTION 764n. 20.455 (2) (gr) of the statutes is amended to read:

7 20.455 (2) (gr) *Handgun purchaser record check*. All moneys received as fee  
8 payments under s. 175.35 (2i), 1999 stats., to provide services under s. 175.35.”.

9 **3.** Page 378, line 2: after that line insert:

10 “SECTION 769n. 20.455 (2) (kb) of the statutes is created to read:

1           20.455 (2) (kb) *Firearms restrictions record searches*. The amounts in the  
2 schedule to provide services under s. 175.35. All moneys transferred from the  
3 appropriation account under s. 20.505 (6) (j) 17. shall be credited to this  
4 appropriation account.”.

5           **4.** Page 393, line 10: after that line insert:

6           “SECTION 855r. 20.505 (6) (j) 17. of the statutes is created to read:

7           20.505 (6) (j) 17. The amount transferred to s. 20.455 (2) (kb) shall be the  
8 amount in the schedule under s. 20.455 (2) (kb).”.

9           **5.** Page 972, line 7: after that line insert:

10          “SECTION 2882f. 175.35 (2i) of the statutes is amended to read:

11          175.35 (2i) The department ~~shall may not charge a firearms dealer an \$8 fee~~  
12 ~~for each a firearms restrictions record search that the firearms dealer requests~~  
13 ~~requested~~ under sub. (2) (c). ~~The firearms dealer may collect the fee from the~~  
14 ~~transferee. The department may refuse to conduct firearms restrictions record~~  
15 ~~searches for any firearms dealer who fails to pay any fee under this subsection within~~  
16 ~~30 days after billing by the department.~~

17          SECTION 2882g. 175.35 (2L) of the statutes is renumbered 175.35 (2L) (a) and  
18 amended to read:

19          175.35 (2L) (a) The department of justice shall promulgate rules providing for  
20 the review of nonapprovals under sub. (2g) (c) 4. a. and for the correction of inaccurate  
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22 handgun because the firearms dealer received a nonapproval number under sub. (2g)  
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2 under rules promulgated by the department.

3 **SECTION 2882h.** 175.35 (2L) (b) of the statutes is created to read:

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14 3. Notify any agency or person to which the department of justice provided  
15 notice of the nonapproval under sub. (2g) (c) 4. a. that the nonapproval was based on  
16 incorrect information and that it has been reversed.”.

17 **6.** Page 1381, line 11: delete lines 11 to 13 and substitute:

18 “(6e) OFFICE OF JUSTICE ASSISTANCE PENALTY ASSESSMENT MONEYS.  
19 Notwithstanding section 20.001 (3) (c) of the statutes, on July 1, 2001, there is lapsed  
20 to the general fund \$136,400 from the appropriation account to the office of justice  
21 assistance under section 20.505 (6) (j) of the statutes, as affected by the acts of 2001.”.

22 **(END)**

INSERT 3-21/1 →

2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBb1314/2ins  
RLR:.....

*as affected by this act,*

1           **Insert 3-21:**

2           ~~#~~ 1. Page 1388, line 12: after that line insert:

3           “(2) ~~from~~ HANDGUN PURCHASER RECORD CHECK FEES. Notwithstanding section  
4           20.455 (2) (gr) of the statutes, as affected by this act, there is lapsed to the general  
5           fund from the appropriation account under section 20.455 (2) (gr), any moneys  
6           received as fee payments under s. 175.35 (2i), 1999 stats.”

ARC:.....Raschka – AM7, Background checks for handgun purchases  
FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION  
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16 incorrect information and that it has been reversed.”.

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18 “(6e) OFFICE OF JUSTICE ASSISTANCE PENALTY ASSESSMENT MONEYS.  
19 Notwithstanding section 20.001 (3) (c) of the statutes, on July 1, 2001, there is lapsed  
20 to the general fund \$136,400 from the appropriation account to the office of justice  
21 assistance under section 20.505 (6) (j) of the statutes, as affected by the acts of 2001.”.

22 **7.** Page 1388, line 12: after that line insert:

23 “(2n) HANDGUN PURCHASER RECORD CHECK FEES. Notwithstanding section 20.455  
24 (2) (gr) of the statutes, as affected by this act, there is lapsed to the general fund from

1 the appropriation account under section 20.455 (2) (gr), as affected by this act, any  
2 moneys received as fee payments under section 175.35 (2i), 1999 stats.”.

3 (END)