

2003 DRAFTING REQUEST**Senate Amendment (SA-SSA2-SB214)**Received: **10/24/2003**Received By: **mdsida**Wanted: **As time permits**

Identical to LRB:

For: **David Zien (608) 266-7511**By/Representing: **Bob**This file may be shown to any legislator: **NO**Drafter: **mdsida**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - guns and weapons
Criminal Law - law enforcement**

Extra Copies:

Submit via email: **YES**Requester's email: **Sen.Zien@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Procedure for lifetime ban for certain misdemeanor crimes of violence

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	mdsida 10/24/2003	jdyer 10/24/2003	rschluet 10/24/2003	_____	sbasford 10/24/2003	sbasford 10/24/2003	

FE Sent For:

<END>

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/1	mdsida	1/10/24 jld					

FE Sent For:

[Handwritten signature]
 10-24-03
 <END>

Dsida, Michael

From: Seitz, Robert
Sent: Friday, October 24, 2003 7:50 AM
To: Dsida, Michael
Cc: Bruhn, Mike; Ottman, Tad
Subject: Priority Amendment per Senator Panzer

Mike,

We need an amendment to the look back provision for violent misdemeanants under which the Sheriff, within the 30 day window for processing an application, may file a petitioning circuit court to prevent the individual from becoming eligible to receive a license. The Sheriff would have to prove by clear and convincing evidence that the applicant poses a substantial risk to the safety of others if the license is issued. The court must expedite.

Dsida, Michael

From: Seitz, Robert
Sent: Friday, October 24, 2003 8:37 AM
To: Dsida, Michael
Cc: Bruhn, Mike
Subject: change I forgot

If the Sheriff's petition is denied, the Sheriff should bear reasonable costs, including attorney fees for the defendant.



JLd

SENATE AMENDMENT,
TO SENATE SUBSTITUTE AMENDMENT 2,
TO 2003 SENATE BILL 214

NOW

Ⓢ all of the following =

Ⓢ 1. A procedure by which a sheriff may file a petition under ~~§ 10m~~ ¹⁰ (9m) and * a license may be revoked under s. 175.50 (14) with respect to a person who is issued a license under s. 175.50 (9r) and who, as a result of being licensed, ~~is~~ poses a substantial risk to others.

Ⓢ 2. A ~~§ 10m~~

s. 175.50

numbers

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

2 1. Page 5, line 21: delete "LIST OF CONCEALED-CARRY APPROVED STATES" and
3 substitute "RULES REGARDING CONCEALED WEAPONS LICENSES. (a) Promulgate rules
4 specifying a procedure to provide sheriffs notice of any order entered under s.
5 175.50 (10m) prohibiting a person from being licensed to carry a concealed weapon.

LICENSE

6 (b)". 10m

7 2. Page 21, line 25: after that line insert:

8 "(mg) The individual has not been prohibited from obtaining a license under sub.
9 (9m) based on the individual having committed a misdemeanor crime of violence."

10 3. Page 24, line 19: delete "par. (c)" and substitute "pars. (c) and (d)".

11 4. Page 25, line 8: after that line insert:

1

"(d) The time period specified in par. (d) is tolled during the pendency of any action brought under sub. (9m)."

2

3

5. Page 29, line 9: after that line insert:

4

^(10m) (a) If a sheriff receives an application for a license under this section from a person who has committed a misdemeanor crime of violence and the person is eligible for a license under sub. (3) (m), the sheriff may file a petition under this subsection asking the circuit court to enter an order barring the person from receiving a license. The petition shall allege that the person would pose a substantial risk to others if the person were granted a license under this section.

10

(b) The sheriff shall file any such petition in the circuit court of the sheriff's county, or if applicable, the circuit court of the county of issuance designated under sub. (2) (c). The sheriff may not file the petition more than 30 days after receiving the person's completed application. The court shall allow the person 30 days to file an answer to the petition. The court may hold an evidentiary hearing on the petition.

15

(c) If the court determines, by clear and convincing evidence, that the person would pose a substantial risk to others if the person were granted a license under this section, the court shall enter an order prohibiting the person from obtaining a license under this section.

18

(d) The court shall expedite any proceeding brought under this subsection."

20

6. Page 52, line 15: delete "section" and substitute "sections 165.25 (11) (a) and".

21

22

7. Page 53, line 1: delete "section" and substitute "sections 165.25 (11) (a) and".

23

(END)

(d) If the court denies the sheriff's petition, the court shall award the person costs and reasonable attorney fees.