

**2007 DRAFTING REQUEST**

**Bill**

Received: 11/13/2007

Received By: rkite

Wanted: As time permits

Identical to LRB:

For: Jeff Smith (608) 266-0660

By/Representing: Nate Williams

This file may be shown to any legislator: NO

Drafter: rkite

May Contact:

Addl. Drafters:

Subject: Nat. Res. - fish and game

Extra Copies:

Submit via email: YES

Requester's email: Rep.Smith@legis.wisconsin.gov

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Hunting license issued to persons prohibited from possessing firearms

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**Instructions:**

Prohibit DNR from issuing a hunting license to a person who is prohibited from possessing a firearm. See 2001 AB 550 and SB 264

---

**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>
/?				_____			State
/1	rkite 12/11/2007	jdye 12/17/2007	nmatzke 12/17/2007	_____	cduerst 12/17/2007	cduerst 01/08/2008	

FE Sent For: "/1" @ intro. 1-22-08

<END>

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FE Sent For:

<END>

## Kite, Robin

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**From:** Williams, Nathan  
**Sent:** Tuesday, December 04, 2007 2:15 PM  
**To:** Kite, Robin  
**Subject:** RE: firearms drafting request

Hey Robin -

Yes, by all means, you can contact the Dept. of Corrections. I have a feeling that the state just HAS to keep track of this stuff. It might be in a few different places and done piecemeal, but there has to be records of some kind.

Also, yes, we wanted the bill to apply to anyone who is prohibited from possessing a firearm for whatever reason.

Thanks for your hard work!

Nate Williams  
Rep. Jeff Smith's Office  
608-266-0660  
nathan.williams@legis.wi.gov

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

**From:** Kite, Robin  
**Sent:** Tuesday, December 04, 2007 2:09 PM  
**To:** Williams, Nathan  
**Subject:** firearms drafting request

Nate:

Below is a link to the Wisconsin Court System website that explains the scope of the CCAP program. As you can see, the program is not comprehensive. For example, Portage County records only include probate records. Also, the program does not include records that are not open to public inspection and some older records may contain only limited information. Finally, I do not think that the records are maintained in such a way that you could easily find just those cases in which a person was convicted of a felony. I think, therefore, that the CCAP system will not contain enough specific information to reliably use it as a means of checking whether a person has been convicted of a felony.

I believe that the Department of Corrections may maintain a list of convicted felons. Do I have your permission to discuss your drafting request with the Department of Corrections to see if they maintain such a list? Also, please note that it is not just felons who are prohibited from possessing firearms under current law. Under s. 941.29, stats., the prohibition against firearms possession applies to other persons such as persons found not guilty of a felony by reason of mental disease, certain persons committed for treatment under s. 51.20 (13) (a), and certain persons subject to a domestic abuse, child abuse, or harassment injunction. For purposes of this draft, do you want the prohibition against obtaining a hunting license that authorizes hunting with a firearm to apply to all persons who are prohibited from possessing a firearm or do you want the prohibition against obtaining a hunting license to apply only to felons?

Thanks.

Robin

The message is ready to be sent with the following file or link attachments:

Shortcut to: <http://wcca.wicourts.gov/index.xsl>

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to



State of Wisconsin  
2007 - 2008 LEGISLATURE

RM run

LRB-3460/F

RNK: ^:...

Jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA ✓  
X-ref ✓

Gen

- 1 AN ACT ...; **relating to:** prohibiting certain persons from obtaining a license that
- 2 authorizes hunting with a firearm and providing a penalty. ✓

*Analysis by the Legislative Reference Bureau*

Current law prohibits certain persons from possessing a firearm. A felon is prohibited from possessing a firearm subsequent to conviction and certain persons adjudicated delinquent may not possess a firearm subsequent to adjudication. A person found not guilty of a felony by reason of mental defect is prohibited from possessing a firearm subsequent to the not guilty finding. Current law also prohibits certain persons ordered not to possess a firearm, such as those committed for treatment for a mental illness, from possessing a firearm while subject to that order. A person who is enjoined from committing acts of domestic abuse or who is enjoined from coming into contact with a child is prohibited from possessing a firearm while the injunction is in effect. Finally, a person who is subject to an order that prohibits the person from engaging in harassing behavior and from possessing a firearm is prohibited from possessing a firearm while the order is in effect.

Felons  
are \*

This bill prohibits a person who, under current law, is prohibited from possessing a firearm from obtaining a hunting license that authorizes the person to hunt with a firearm, such as a small game hunting license or a deer hunting license (hunting license). The bill requires (DNR) to annually request that the Department of Justice conduct a firearms restrictions record search with respect to every person to whom DNR issued a hunting license during the 12 months immediately preceding the month in which the search is requested.

the Department of Natural Resources

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 SECTION 1. 29.024 (1m)<sup>X</sup> of the statutes is created to read:

2 29.024 (1m)<sup>✓</sup> FIREARM RESTRICTIONS. (a) In this subsection,<sup>✓</sup> "hunting license"  
3 means a license issued under this chapter<sup>✓</sup> that authorizes hunting with a firearm.

4 (b) No person may obtain or use a hunting license if the person is prohibited  
5 from possessing a firearm under s. 941.29 (1).<sup>✓</sup>

6 (c) The department,<sup>✓</sup> and its agents, shall inform each person who applies for  
7 a hunting license of the prohibition under par. (b).<sup>✓</sup>

8 (d) The department shall follow the procedures for the issuance of a citation  
9 under ss. 23.50 to 23.99<sup>✓</sup> to collect a forfeiture from a person who commits a violation  
10 specified under par. (b).<sup>✓</sup>

11 (e) For the purpose of determining whether a person prohibited from  
12 possessing a firearm under s. 941.29<sup>✓</sup> obtained a hunting license from the department  
13 of natural resources,<sup>✓</sup> the department<sup>of natural resources</sup> shall annually request that the department of  
14 justice<sup>✓</sup> conduct a firearms restrictions record search, as defined in s. 175.35 (1) (at),  
15 with respect to every person to whom the department of natural resources<sup>✓</sup> issued a  
16 hunting license during the<sup>✓</sup> 12 months immediately preceding the month in which the  
17 search is requested.

18 (f) The department of justice may not impose a fee for a firearms restriction<sup>S</sup>  
19 record search conducted under par. (d).<sup>✓</sup>

20 SECTION 2. 29.971 (3r)<sup>X</sup> of the statutes is created to read:

(b)

1

29.971 (3r) For possessing a hunting license in violation of s. 29.024(1m),  
 by a forfeiture of not less than \$1,000 nor more than \$2,000. In addition, the court  
 shall order the revocation of all hunting, fishing, and trapping approvals issued to  
 the person under this chapter and shall prohibit the person from holding any  
 hunting, fishing, or trapping approval under this chapter for a period of 5 years from  
 the date of the court's order.

7

**SECTION 3. Initial applicability.**

8

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

9

10

**SECTION 4. Effective date.**

11

(1) This act takes effect on the first day of the 13th month beginning after  
 publication.

12

13

(END)

## Barman, Mike

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**From:** Kite, Robin  
**Sent:** Tuesday, January 08, 2008 10:55 AM  
**To:** Barman, Mike  
**Subject:** FW: LRB 3460

Could you please jacket this bill for Rep. Smith?

Thanks.

Robin

---

**From:** Williams, Nathan  
**Sent:** Tuesday, January 08, 2008 10:53 AM  
**To:** Kite, Robin  
**Subject:** LRB 3460

I think we're ready to have this bill jacketed. Could you send it over when you get a chance? Thanks!

**Nate Williams**  
Legislative Aide  
Rep. Jeff Smith - 93rd District  
608-266-0660 office  
608-262-3693 fax  
715-559-0414 cell  
[nathan.williams@legis.wi.gov](mailto:nathan.williams@legis.wi.gov)

If you would like to receive regular updates from Rep. Jeff Smith via email, please respond to this email.