

**SENATE AMENDMENT 2,
TO 2007 SENATE BILL 216**

March 5, 2008 – Offered by Senator DARLING.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 16: after that line insert:

3 “**SECTION 2m.** 51.20 (13) (cv) 1m. of the statutes is created to read:

4 51.20 (**13**) (cv) 1m. a. If a court orders a person under subd. 1. not to possess
5 a firearm based on a determination under subd. 1. b., the person may petition that
6 court or the court in the county where the person resides to cancel the order.

7 b. The court considering the petition under subd. 1m. a. shall grant the petition
8 if the court determines that the circumstances regarding the disposition under par.
9 (a) 3., 4., 4m., or 5. and the person’s record and reputation indicate that the person
10 is not likely to act in a manner dangerous to public safety and that the granting of
11 the petition would not be contrary to public interest.

1 c. If the court grants the petition under subd. 1m. b., the court shall cancel the
2 order under subd. 1. and order the return of any firearm ordered seized under subd.
3 1.”.

4 **2.** Page 4, line 4: delete the material beginning with “on the basis” and ending
5 with “1. a.” on line 5.

6 **3.** Page 4, line 7: after “(gm)” insert “or until the order under subd. 1. based
7 on the determination under subd. 1. b. has been canceled under subd. 1m. c”.

8 **4.** Page 4, line 10: after “subd. 1.” insert “~~or~~”.

9 **5.** Page 4, line 11: delete “b. or” and substitute “b.”.

10 **6.** Page 4, line 12: after “subd. 1. a.” insert “, or cancels under subd. 1m. c. an
11 order issued under subd. 1. based on a determination under subd. 1. b.”.

12 **7.** Page 5, line 12: after “(i)” insert “4”.

13 **8.** Page 5, line 13: delete the material beginning with that line and ending with
14 page 7, line 4, and substitute:

15 “**SECTION 8m.** 51.45 (13) (i) of the statutes is created to read:

16 51.45 (13) (i) 1. If a court orders commitment of a person under this subsection,
17 the court shall determine if, under 18 USC 922 (g) (4), the person is prohibited from
18 possessing a firearm. If the person is prohibited, the court shall order the person not
19 to possess a firearm, order the seizure of any firearm owned by the person, and
20 inform the person of the requirements and penalties under s. 941.29.

21 2. a. If a court orders a person under subd. 1. not to possess a firearm, the person
22 may petition that court or the court in the county where the person resides to cancel
23 the order.

1 b. The court considering the petition under subd. 2. a. shall grant the petition
2 if the court determines that the circumstances regarding the commitment under this
3 subsection and the person's record and reputation indicate that the person is not
4 likely to act in a manner dangerous to public safety and that the granting of the
5 petition would not be contrary to public interest.

6 c. If the court grants the petition under subd. 2. b., the court shall cancel the
7 order under subd. 1. and order the return of any firearm ordered seized under subd.
8 1.

9 3. In lieu of ordering the seizure under subd. 1., the court may designate a
10 person to store the firearm until the order under subd. 1. is canceled.

11 4. If the court orders under subd. 1. a person not to possess a firearm or cancels
12 under subd. 2. c. an order issued under subd. 1., the court clerk shall notify the
13 department of justice of the order or cancellation and provide any information
14 identifying the person that is necessary to permit an accurate firearms restrictions
15 record search under s. 175.35 (2g) (c). No other information from the person's court
16 records may be disclosed to the department of justice except by order of the court.
17 The department of justice may disclose information provided under this subdivision
18 only as part of a firearms restrictions record search under s. 175.35 (2g) (c) or under
19 rules the department of justice promulgates under s. 175.35 (2g) (d).

20 **SECTION 9m.** 54.10 (3) (f) of the statutes is created to read:

21 54.10 (3) (f) 1. If the court appoints a guardian of the person under this
22 subsection, the court shall determine if, under 18 USC 922 (g) (4), the person is
23 prohibited from possessing a firearm. If the person is prohibited, the court shall
24 order the person not to possess a firearm, order the seizure of any firearm owned by
25 the person, and inform the person of the requirements and penalties under s. 941.29.

1 2. a. If a court orders a person under subd. 1. not to possess a firearm, the person
2 may petition that court or the court in the county where the person resides to cancel
3 the order.

4 b. The court considering the petition under subd. 2. a. shall grant the petition
5 if the court determines that the circumstances regarding the appointment of a
6 guardian under this subsection and the person's record and reputation indicate that
7 the person is not likely to act in a manner dangerous to public safety and that the
8 granting of the petition would not be contrary to public interest.

9 c. If the court grants the petition under subd. 2. b., the court shall cancel the
10 order under subd. 1. and order the return of any firearm ordered seized under subd.
11 1.

12 3. In lieu of ordering the seizure under subd. 1., the court may designate a
13 person to store the firearm until the order under subd. 1. is canceled.

14 4. If the court orders under subd. 1. a person not to possess a firearm or cancels
15 under subd. 2. c. an order issued under subd. 1. the court clerk shall notify the
16 department of justice of the order or cancellation and provide any information
17 identifying the person that is necessary to permit an accurate firearms restrictions
18 record search under s. 175.35 (2g) (c). No other information from the person's court
19 records may be disclosed to the department of justice except by order of the court.
20 The department of justice may disclose information provided under this subdivision
21 only as part of a firearms restrictions record search under s. 175.35 (2g) (c) or under
22 rules the department of justice promulgates under s. 175.35 (2g) (d).

23 **SECTION 10m.** 55.12 (10) of the statutes is created to read:

24 55.12 (10) (a) If a court orders protective services or protective placement of a
25 person under this section and if an order has not been made under s. 54.10 (3) (f)

1 for the person, the court shall determine if, under 18 USC 922 (g) (4), the person is
2 prohibited from possessing a firearm. If the person is prohibited, the court shall
3 order the person not to possess a firearm, order the seizure of any firearm owned by
4 the person, and inform the person of the requirements and penalties under s. 941.29.

5 (b) 1. If a court orders a person under par. (a) not to possess a firearm, the person
6 may petition that court or the court in the county where the person resides to cancel
7 the order.

8 2. The court considering the petition under subd. 1. shall grant the petition if
9 the court determines that the circumstances regarding the protective services or
10 protective placement order under this subsection and the person's record and
11 reputation indicate that the person is not likely to act in a manner dangerous to
12 public safety and that the granting of the petition would not be contrary to public
13 interest.

14 3. If the court grants the petition under subd. 2., the court shall cancel the order
15 under par. (a) and order the return of any firearm ordered seized under par. (a).

16 (c) In lieu of ordering the seizure under par. (a), the court may designate a
17 person to store the firearm until the order under par. (a) is canceled.

18 (d) If the court orders under par. (a) a person not to possess a firearm or cancels
19 under par. (b) 3. an order issued under par. (a) the court clerk shall notify the
20 department of justice of the order or cancellation and provide any information
21 identifying the person that is necessary to permit an accurate firearms restriction
22 record search under s. 175.35 (2g) (c). No other information from the person's court
23 records may be disclosed to the department of justice except by order of the court.
24 The department of justice may disclose information provided under this paragraph

1 only as part of a firearms restriction record search under s. 175.35 (2g) (c) or under
2 rules the department of justice promulgates under s. 175.35 (2g) (d).”.

3 **9.** Page 7, line 25: after “(i)” insert “1.”.

4 **10.** Page 7, line 25: after “(f)” insert “1.”.

5 **11.** Page 7, line 25: after “(10)” insert “(a)”.

6 **12.** Page 8, line 8: after “(i)” insert “1.”.

7 **13.** Page 8, line 8: after “(f)” insert “1.”.

8 **14.** Page 8, line 8: after “(10)” insert “(a)”.

9 **15.** Page 8, line 15: after “(gm)” insert “. if the order under s. 51.30 (13) (cv)
10 1. based on a determination under s. 51.20 (13) (cv) 1. b. has been canceled under s.
11 51.20 (13) (cv) 1m. c., if the order under s. 51.45 (13) (i) 1. is canceled under s. 51.45
12 (13) (i) 2. c., if the order under s. 54.10 (3) (f) 1. is canceled under s. 54.10 (3) (f) 2. c.,
13 or if the order under s. 55.12 (10) (a) is canceled under s. 55.12 (10) (b) 3”.

14 **16.** Page 8, line 20: after “(gm)” insert “. if the order under s. 51.30 (13) (cv)
15 1. based on a determination under s. 51.20 (13) (cv) 1. b. has been canceled under s.
16 51.20 (13) (cv) 1m. c., if the order under s. 51.45 (13) (i) 1. is canceled under s. 51.45
17 (13) (i) 2. c., if the order under s. 54.10 (3) (f) 1. is canceled under s. 54.10 (3) (f) 2. c.,
18 or if the order under s. 55.12 (10) (a) is canceled under s. 55.12 (10) (b) 3”.

19 (END)