

2009 DRAFTING REQUEST

Bill

Received: **12/19/2008**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Leon Young (608) 266-3786**

By/Representing: **Greg Stewart**

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

Drafter: **chanaman**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Youngl@legis.wisconsin.gov**

Carbon copy (CC:) to: **jhorwitz@csgv.org**

Pre Topic:

No specific pre topic given

Topic:

Microstamping information for semiautomatic pistols

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>
/?	chanaman 12/19/2008	bkraft 12/19/2008		_____			S&L Crime
/P1	chanaman 01/09/2009	bkraft 01/10/2009	rschluet 12/19/2008	_____	mbarman 12/19/2008		S&L Crime
/P2	chanaman 02/07/2009	bkraft 02/09/2009	mduchek 01/12/2009	_____	cduerst 01/12/2009		S&L Crime
/P3	chanaman	bkraft	rschluet	_____	cduerst		S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	02/20/2009	02/23/2009	02/09/2009	_____	02/09/2009		Crime
/P4			rschluet 02/23/2009	_____	lparisi 02/23/2009		S&L Crime
/P5	chanaman 02/25/2009	bkraft 02/26/2009	jfrantze 02/26/2009	_____	cduerst 02/26/2009		S&L Crime
	chanaman 03/09/2009	bkraft 03/09/2009		_____			
	chanaman 03/10/2009	bkraft 03/10/2009		_____			
/P6			mduchek 03/10/2009	_____	cduerst 03/10/2009		S&L Crime
/P7	chanaman 03/12/2009			_____	lparisi 03/12/2009		S&L Crime
/1	chanaman 03/12/2009	bkraft 03/13/2009	jfrantze 03/13/2009	_____	mbarman 03/13/2009	lparisi 04/14/2009	

FE Sent For: "/1" @ intro. 4/17/09

<END>

2009 DRAFTING REQUEST

Bill

Received: **12/19/2008**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Leon Young (608) 266-3786**

By/Representing: **Greg Stewart**

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

Drafter: **chanaman**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Youngl@legis.wisconsin.gov**

Carbon copy (CC:) to: **jhorwitz@csgv.org**

Pre Topic:

No specific pre topic given

Topic:

Microstamping information for semiautomatic pistols

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>
/?	chanaman 12/19/2008	bkraft 12/19/2008		_____			S&L Crime
/P1	chanaman 01/09/2009	bkraft 01/10/2009	rschlue 12/19/2008	_____	mbarman 12/19/2008		S&L Crime
/P2	chanaman 02/07/2009	bkraft 02/09/2009	mduchek 01/12/2009	_____	cduerst 01/12/2009		S&L Crime
/P3	chanaman	bkraft	rschlue	_____	cduerst		S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	02/20/2009	02/23/2009	02/09/2009	_____	02/09/2009		Crime
/P4			rschluet 02/23/2009	_____ _____	lparisi 02/23/2009		S&L Crime
/P5	chanaman 02/25/2009	bkraft 02/26/2009	jfrantze 02/26/2009	_____ _____	cduerst 02/26/2009		S&L Crime
	chanaman 03/09/2009	bkraft 03/09/2009		_____ _____			
	chanaman 03/10/2009	bkraft 03/10/2009		_____ _____			
/P6			mduchek 03/10/2009	_____ _____	cduerst 03/10/2009		S&L Crime
/P7	chanaman 03/12/2009			_____ _____	lparisi 03/12/2009		S&L Crime
/1	chanaman 03/12/2009	bkraft 03/13/2009	jfrantze 03/13/2009	_____ _____	mbarman 03/13/2009		

FE Sent For:

<END>

2009 DRAFTING REQUEST

Bill

Received: **12/19/2008**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Leon Young (608) 266-3786**

By/Representing: **Greg Stewart**

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

Drafter: **chanaman**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Youngl@legis.wisconsin.gov**

Carbon copy (CC:) to: **jhorwitz@csgv.org**

Pre Topic:

No specific pre topic given

Topic:

Microstamping information for semiautomatic pistols

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>
/?	chanaman 12/19/2008	bkraft 12/19/2008		_____			S&L Crime
/P1	chanaman 01/09/2009	bkraft 01/10/2009	rschluet 12/19/2008	_____	mbarman 12/19/2008		S&L Crime
/P2	chanaman 02/07/2009	bkraft 02/09/2009	mduchek 01/12/2009	_____	cduerst 01/12/2009		S&L Crime
/P3	chanaman	bkraft	rschluet	_____	cduerst		S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	02/20/2009	02/23/2009	02/09/2009	_____	02/09/2009		Crime
/P4			rschluet 02/23/2009	_____ _____	lparisi 02/23/2009		S&L Crime
/P5	chanaman 02/25/2009 chanaman 03/09/2009 chanaman 03/10/2009	bkraft 02/26/2009 bkraft 03/09/2009 bkraft 03/10/2009	jfrantze 02/26/2009	_____ _____ _____ _____ _____	cduerst 02/26/2009		S&L Crime
/P6			mduchek 03/10/2009	_____ _____	cduerst 03/10/2009		S&L Crime
/P7	chanaman 03/12/2009			_____ _____	lparisi 03/12/2009		

FE Sent For:

JG
3/13

JG/ml
3/13
<END>

2009 DRAFTING REQUEST

Bill

Received: **12/19/2008**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Leon Young (608) 266-3786**

By/Representing: **Greg Stewart**

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

Drafter: **chanaman**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Youngl@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Microstamping information for semiautomatic pistols

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>
/?	chanaman 12/19/2008	bkraft 12/19/2008		_____			S&L Crime
/P1	chanaman 01/09/2009	bkraft 01/10/2009	rschluet 12/19/2008	_____	mbarman 12/19/2008		S&L Crime
/P2	chanaman 02/07/2009	bkraft 02/09/2009	mduchek 01/12/2009	3/12 _____	cduerst 01/12/2009		S&L Crime
/P3	chanaman	bkraft	rschluet	ph _____	cduerst		S&L

3/12
ph

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	02/20/2009	02/23/2009	02/09/2009	_____	02/09/2009		Crime
/P4			rschluet 02/23/2009	_____ _____	lparisi 02/23/2009		S&L Crime
/P5	chanaman 02/25/2009 chanaman 03/09/2009 chanaman 03/10/2009	bkraft 02/26/2009 bkraft 03/09/2009 bkraft 03/10/2009	jfrantze 02/26/2009	_____ _____ _____ _____ _____	cduerst 02/26/2009		S&L Crime
/P6			mduchek 03/10/2009	_____ _____	cduerst 03/10/2009		

/P7 bjk 3/12

FE Sent For:

<END>

2009 DRAFTING REQUEST

Bill

Received: **12/19/2008**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Leon Young (608) 266-3786**

By/Representing: **Greg Stewart**

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

Drafter: **chanaman**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Youngl@legis.wisconsin.gov**

Carbon copy (CC:) to: *jhorwitz@csgv.org*

Pre Topic:

No specific pre topic given

Topic:

Microstamping information for semiautomatic pistols

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>
/?	chanaman 12/19/2008	bkraft 12/19/2008		_____			S&L Crime
/P1	chanaman 01/09/2009	bkraft 01/10/2009	rschluet 12/19/2008	_____	mbarman 12/19/2008		S&L Crime
/P2	chanaman 02/07/2009	bkraft 02/09/2009	mduchek 01/12/2009	_____	cduerst 01/12/2009		S&L Crime
/P3	chanaman	bkraft	rschluet	_____	cduerst		S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	02/20/2009	02/23/2009	02/09/2009	_____	02/09/2009		Crime
/P4			rschluet 02/23/2009	_____	lparisi 02/23/2009		S&L Crime
/P5	chanaman 02/25/2009	bkraft 02/26/2009	jfrantze 02/26/2009	_____	cduerst 02/26/2009		

FE Sent For:

1P6 bjk 3/10

MD MDPI+
<END>

3/10

2009 DRAFTING REQUEST

Bill

Received: **12/19/2008**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Leon Young (608) 266-3786**

By/Representing: **Greg Stewart**

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

Drafter: **chanaman**

May Contact:

Adl. Drafters:

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

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Youngl@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Microstamping information for semiautomatic pistols

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>
/?	chanaman 12/19/2008	bkraft 12/19/2008		_____			S&L Crime
/P1	chanaman 01/09/2009	bkraft 01/10/2009	rschluet 12/19/2008	_____	mbarman 12/19/2008		S&L Crime
/P2	chanaman 02/07/2009	bkraft 02/09/2009	mduchek 01/12/2009	_____	cduerst 01/12/2009		S&L Crime
/P3	chanaman	bkraft	rschluet	_____	cduerst		S&L

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

02/20/2009 02/23/2009 02/09/2009 _____ 02/09/2009 Crime

/P4

rschluet _____

lparisi _____

02/23/2009 _____

02/23/2009

1PS bjk 2/26

Jb
4/26

Jb md
2/26
<END>

FE Sent For:

2009 DRAFTING REQUEST

Bill

Received: **12/19/2008**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Leon Young (608) 266-3786**

By/Representing: **Greg Stewart**

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

Drafter: **chanaman**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Youngl@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

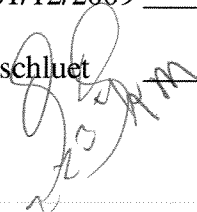
Microstamping information for semiautomatic pistols

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>
/?	chanaman 12/19/2008	bkraft 12/19/2008		_____			S&L Crime
/P1	chanaman 01/09/2009	bkraft 01/10/2009	rschluet 12/19/2008	_____	mbarman 12/19/2008		S&L Crime
/P2	chanaman 02/07/2009	bkraft 02/09/2009	mduchek 01/12/2009	_____	cduerst 01/12/2009		S&L Crime
/P3			rschluet	_____	cduerst		



Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

02/09/2009 _____

02/09/2009

1 p4 bjk 2/23

FE Sent For:

<END>

2009 DRAFTING REQUEST

Bill

Received: **12/19/2008**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Leon Young (608) 266-3786**

By/Representing: **Greg Stewart**

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

Drafter: **chanaman**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Youngl@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Microstamping information for semiautomatic pistols

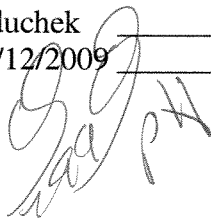
Instructions:

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>
/?	chanaman 12/19/2008	bkraft 12/19/2008		_____			S&L Crime
/P1	chanaman 01/09/2009	bkraft 01/10/2009	rschluet 12/19/2008	_____	mbarman 12/19/2008		S&L Crime
/P2			mduchek 01/12/2009	_____	cduerst 01/12/2009		

/P3 bjk 2/9



FE Sent For:

<END>

2009 DRAFTING REQUEST

Bill

Received: 12/19/2008

Received By: chanaman

Wanted: As time permits

Identical to LRB:

For: Leon Young (608) 266-3786

By/Representing: Greg Stewart

This file may be shown to any legislator: NO

Drafter: chanaman

May Contact:

Addl. Drafters:

Subject: Criminal Law - guns and weapons
Justice - civil

Extra Copies:

Submit via email: YES

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Microstamping information for semiautomatic pistols

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>
/?	chanaman 12/19/2008	bkraft 12/19/2008					S&L Crime
/P1		<i>/PZbjk/10</i>	rschluet 12/19/2008		mbarman 12/19/2008		

FE Sent For:

<END>

2009 DRAFTING REQUEST

Bill

Received: 12/19/2008

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Leon Young (608) 266-3786**

By/Representing: **Greg Stewart**

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

Drafter: **chanaman**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Youngl@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:


Microstamping information for semiautomatic pistols

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?	chanaman	Pl bjk 12/19		_____	_____	_____	_____
----	----------	--------------	---	-------	-------	-------	-------

FE Sent For:

<END>

A Bill

In support of efforts to fight illegal gun trafficking and increase the ability of law enforcement to close gun related cases

Be it enacted by the Council of the District of Columbia

Section 1. Short Title.

This bill may be cited as the "The Crime Gun Identification Act of 2008."

Section 2. Findings.

The Council finds the following:

WHEREAS, in 2005, the national clearance rate for homicide cases was approximately 60% and over 3,000 gun homicide cases went unsolved.

WHEREAS, in approximately half of gun homicide investigations a spent cartridge casing, but not a firearm, is recovered at the crime scene.

WHEREAS, currently deployed national ballistic identification systems cannot identify the serial number of a gun unless the gun itself has been recovered.

WHEREAS, firearm microstamping is a revolutionary forensic technology that produces an identifiable alpha-numeric and geometric code onto the rear of the cartridge casing each time a semiautomatic pistol is fired

WHEREAS, the alpha-numeric and geometric code on an expended cartridge casing will provide an initial lead for law enforcement by enabling law enforcement to match the cartridge casing found at a crime to the original owner of the firearm through the existing gun tracing system.

WHEREAS, information from completed crime gun tracing is an important element utilized by COMPSTAT and other crime analysis systems to target illegal firearms trafficking.

WHEREAS, microstamping technology continues to produce identifiable markings onto expended cartridge casings even after thousands of rounds of testing.

WHEREAS, this additional tool will help law enforcement investigate illegal gun trafficking, close firearm-related criminal cases and protect the public.

NOW, THEREFORE, BE IT RESOLVED that the Council of the District of Columbia enacts the Crime Gun Identification Act of 2008 that would require all new semi-automatic pistols manufactured or sold after January 1, 2011 to be microstamp-ready.

“Sec. 503. Microstamping.

“(a) For the purposes of the section, the term:

“(1) “Firearms dealer” means a person or organization possessing a dealer’s license under authority of Title IV

“(2) “Manufacturer” means any person in business to manufacture or assemble a firearm, for sale or distribution.

“(3) “Microstamp-ready” means a semiautomatic pistol that is manufactured to produce a unique alpha-numeric or geometric code on at least 2 locations on each expended cartridge case that identifies the make, model, and serial number of the pistol.

“(4) “Semiautomatic pistol” means a pistol capable of utilizing a portion of the energy of a firing cartridge to extract the fired cartridge case and automatically chamber the next round, and that requires a separate pull of the trigger to fire each successive round.

“(b) Except as provided in subsection (c) of this section, beginning on January 1, 2011, a semiautomatic pistol ~~falling into any of the following categories shall~~ **must** be micro-stamp ready **if it is**:

“(1) Manufactured in the District of Columbia;

“(2) Delivered or caused to be delivered by any manufacturer to a firearms dealer in the District of Columbia; or

“(3) Sold, offered for sale, loaned, given, or transferred by a firearms dealer in the District of Columbia.

“(c) This section shall apply only to semiautomatic pistols that:

“(1) Are manufactured in the District of Columbia, or delivered or caused to be delivered to a firearms dealer in the District of Columbia, on or after January 1, 2011; and

“(2) Have not been transferred to a person not licensed as a firearms dealer pursuant to state or federal law.

“(d)(1) Intentionally defacing or altering a microstamp-ready semiautomatic pistol or a portion of the pistol for the purpose of preventing law enforcement from identifying the unique alpha-numeric or geometric code associated with that pistol is prohibited.

(2) Replacing a firing pin that has been damaged or otherwise in need of replacement for the safe use of the semiautomatic pistol or for a legitimate sporting purpose shall not alone be evidence that someone has violated this subsection.

“(e) (1) Beginning January 1, 2011, a manufacturer that delivers a semiautomatic pistol, or causes a semiautomatic pistol to be delivered, to a firearms dealer for sale in the District of Columbia shall certify that:

“(A) Each semiautomatic pistol offered for sale in the District will produce a unique alpha-numeric code or a geometric code on each cartridge case that identifies the make, model, and serial number of the semiautomatic pistol that expended the cartridge casing; and

“(B) The manufacturer will supply the Mayor with the make, model, and serial number of the semiautomatic pistol that expended the cartridge case, when presented with an alpha-numeric or geometric code from a cartridge case; provided, that the cartridge case was recovered as part of a legitimate law enforcement investigation.

“(f) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this section.

“(g) Any person who violates this section shall be guilty of a misdemeanor and, upon conviction, shall be imprisoned not more than one year, fined not more than \$1,000, or both.

Section 3. Definitions.

“Firearms Dealer” is a person or organization possessing a dealer’s license under authority of D.C. Code §7-2504.01 *et. seq.*

“Semi-automatic pistol” means any pistol capable of utilizing a portion of the energy of a firing cartridge to extract the fired cartridge case and automatically chamber the next round, and that requires a separate pull of the trigger to fire each successive round.

"Manufacturer" means any person in business to manufacture or assemble a firearm for sale or distribution.

“Microstamp-ready” means a semiautomatic pistol that is manufactured to produce a unique alpha-numeric and/or geometric code on at least two locations on each expended cartridge case that identifies the make, model and serial number of the pistol.

Section 4. Microstamp-ready semiautomatic pistols.

(a) Each semi-automatic pistol manufactured in the District of Columbia shall be microstamp-ready.

(b) Each semi-automatic pistol delivered or caused to be delivered by any manufacturer to any dealer in firearms in the District of Columbia shall be microstamp-ready.

(c) Each semi-automatic pistol sold, offered for sale, loaned, given, or transferred by any firearms dealer in the District of Columbia shall be microstamp-ready.

(d) This section shall apply only to semiautomatic pistols:

(1) that are manufactured in the District of Columbia or delivered or caused to be delivered to a dealer in the District of Columbia on or after January 1, 2011; and

(2) for the purposes of this section, have not been transferred to a person not licensed as a dealer pursuant to state or federal law.

Section 5. Defacement.

Intentionally defacing or altering a microstamp-ready semi-automatic pistol or a portion thereof for the purpose of preventing law enforcement from identifying the unique alpha-numeric and/or geometric code associated with that pistol is prohibited. Replacing a firing pin that has been damaged or otherwise in need of replacement for the safe use of the semiautomatic pistol or for a legitimate sporting purpose shall not alone be evidence that someone has violated section 5.

Section 6. Duties of the Mayor.

(a) Industry self-certification: Under rules developed by the Mayor, a manufacturer that delivers a semi-automatic pistol, or causes a semi-automatic pistol to be delivered to a dealer for sale in

the District of Columbia must certify that each semi-automatic pistols offered for sale in this state will:

(1) produce a unique alpha-numeric code and/or a geometric code on each cartridge case that identifies the make, model and serial number of the semi-automatic pistol that expended the cartridge casing;

(2) will supply the Mayor with the make, model and serial number of the semi-automatic pistol that expended the cartridge case, when presented with an alpha-numeric and/or geometric code from a cartridge case provided that the cartridge case was recovered as part of a legitimate law enforcement investigation.

(b) The Mayor may promulgate any other such rules and regulations applicable to persons licensed pursuant to this section as he or she deems reasonably necessary to implement the provisions of each section

Section 7. Penalties.

Any person who violates this subtitle shall be guilty of a class A misdemeanor and shall be imprisoned for a term of up to a year and fined in the amount up to one thousand dollars or both.

Section 6. Effective Date.

The effective date of this Act shall be January 1, 2011.

-1235/P1
ebjk

SOON
IN 12/19

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SAV
X-refv

regen.

- 1 AN ACT *to create* 165.775 and 175.36 of the statutes; **relating to:** data banks for identification information
- 2 shell casings for handguns sold by firearms dealers, granting rule-making
- 3 authority, and providing penalties.

Analysis by the Legislative Reference Bureau

This bill requires a manufacturer of handguns that ships a handgun to a firearms dealer in this state to include with the handgun, in a separate sealed container, a spent shell casing from the handgun and any identification of the handgun that the Department of Justice (DOJ) requires. The bill also requires that, when the firearms dealer sells or transfers a handgun, the firearms dealer must forward the shell casing from the handgun and the identification material to the crime laboratories at DOJ. A manufacturer or firearms dealer who violates these requirements may be fined not less than \$500 nor more than \$10,000 and may be imprisoned for not more than nine months.

Under current law, DOJ crime laboratories operate the crime laboratories to provide assistance to local law enforcement officers in many fields, including firearms identification. This bill requires the crime laboratories to maintain a data bank of the shell casing and identification material provided by firearms dealers and requires the laboratories to share data or analysis with law enforcement agencies, prosecutors, and defense attorneys.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

Recum
Component

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

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

SECTION 1. 165.775 of the statutes is created to read:

165.775 ⁹ ~~Handgun~~ ^{Semiautomatic handgun} information data bank. (1) The laboratories shall

maintain a data bank comprised of the information provided by firearms dealers under s. 175.36 and any other information that identifies the ^{semiautomatic} handgun, as determined by the department under sub. (3).

(2) The department shall make data from the data bank under sub. (1) or any analysis results obtained from the data bank available to law enforcement agencies and, upon request, to any prosecutor or defense attorney.

(3) The department shall promulgate rules to administer this section.

SECTION 2. 175.36 of the statutes is created to read:

175.36 ^{Semiautomatic} ~~Handgun~~ identification. (1) In this section:

(a) "Firearms dealer" has the meaning given in s. 175.35 (1) (ar).

(b) "Handgun" has the meaning given in s. 175.35 (1) (b) ^{except that "handgun" does not include a revolver}

(c) "Manufacturer" means a person who possesses a federal license to manufacture firearms or ammunition for sale or distribution.

(d) "Shell casing" means the part of the handgun ammunition that contains the primer and propellant powder to discharge the projectile.

(2) Any manufacturer that ships or transports a ~~handgun~~ ^{semiautomatic handgun} to a firearms dealer in this state shall include in the container with the handgun in a separate, sealed container all of the following:

(a) A shell casing of a projectile discharged from the handgun.

WS
2-16

WS
2-19

1

(b) Information relevant to the identification of the ~~handgun~~ ^{semiautomatic handgun}, as determined by the department of justice under s. 165.775 (3).

3

(3) At the time of a sale or transfer of a ~~handgun~~ ^{semiautomatic handgun}, the firearms dealer shall provide the ~~sealed container~~ ^{identification information} under sub. (2) to the crime laboratories under s.

4

165.775 ⁽¹⁾

6

(4) Any person who violates sub. (2) or (3) may be fined not ~~less~~ ^{more} than ~~\$500~~ ^{\$1,000} ~~or~~ ^{more than \$10,000} and may be imprisoned for not more than 9 months.

8

SECTION 3. Initial applicability.

9

(1) The treatment of section 175.36 (2) of the statutes first applies to a manufacturer that ships or transports a ~~handgun~~ ^{semiautomatic handgun} on the effective date of this subsection.

10

11

12

SECTION 4. Effective date.

13

(1) This act takes effect on the first day of the ~~6th~~ ^{30th} month beginning after publication.

14

15

(END)

INS
3-8

of the statutes
The treatment of section 941.285 just applies to acts committed on the effective date of this subsection.

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

1235/primis
LRB-0890/lins
CMH::

fixed
on
line

1 Insert 2-16

2 (d) "Microstamping" means producing a code on at least two locations on each
3 expended cartridge case that identifies the make, model, and serial number of the
4 handgun.

5 (e) "Semiautomatic" means capable of using a portion of the energy of a firing
6 cartridge to extract the fired cartridge case and deliver another cartridge to the firing
7 chamber, if a separate pull of the trigger is required to fire each cartridge.

8
9 Insert 2-19

10 ensure that the semiautomatic handgun is capable of microstamping and shall
11 include any information

with the
semiautomatic
handgun

12
13 Insert 3-8

14 SECTION 1. 941.285 of the statutes is created to read:

15 **941.285 Modifying a semiautomatic handgun.** (1) In this section:

16 (a) "Handgun" has the meaning given in s. 175.36 (1) (b).

17 (b) "Microstamping" has the meaning given in s. 175.36 (1) (d).

18 (c) "Semiautomatic" has the meaning given in s. 175.36 (1) (e).

that is
capable of

19 (2) Any person who modifies a microstamping semiautomatic handgun with
20 the intention of preventing law enforcement from accessing any information that
21 identifies that semiautomatic handgun, as determined by the department of justice
22 under s. 165.775, is guilty of a Class B misdemeanor.

J. HONOWITZ @
CSGV.DRG

A Bill

202-408-7560 ext

1001

In support of efforts to fight illegal gun trafficking and increase the ability of law enforcement to close gun related cases

Be it enacted by the Legislature of the State of X

Section 1. Short Title.

This bill may be cited as the "The Crime Gun Identification Act of 2009."

Section 2. Findings.

The [INSERT NAME OF LEGISLATIVE BODY] finds the following:

WHEREAS, in 2005, the national clearance rate for homicide cases was approximately 60% and over 3,000 gun homicide cases went unsolved.

WHEREAS, in approximately half of gun homicide investigations a spent cartridge casing, but not a firearm, is recovered at the crime scene.

WHEREAS, currently deployed national ballistic identification systems cannot identify the serial number of a gun unless the gun itself has been recovered.

WHEREAS, firearm microstamping is a revolutionary forensic technology that produces an identifiable alpha-numeric and geometric code onto the rear of the cartridge casing each time a semiautomatic pistol is fired

WHEREAS, the alpha-numeric and geometric code on an expended cartridge casing will provide an initial lead for law enforcement by enabling law enforcement to match the cartridge casing found at a crime to the original owner of the firearm through the existing gun tracing system.

WHEREAS, information from completed crime gun tracing is an important element utilized by COMPSTAT and other crime analysis systems to target illegal firearms trafficking.

WHEREAS, microstamping technology continues to produce identifiable markings onto expended cartridge casings even after thousands of rounds of testing.

WHEREAS, this additional tool will help law enforcement investigate illegal gun trafficking, close firearm-related criminal cases and protect the public.

NOW, THEREFORE, BE IT RESOLVED that the Legislature of the State of (X) enacts the Crime Gun Identification Act of 2009 that would require all new semi-automatic pistols manufactured or sold after January 1, 2011 to be microstamp-ready.

↓
Jreg says okay
to contact
w/
questions

Section 3. Legislative Language

(a) For the purposes of the section, the term:

(1) "Firearms dealer" means a person or organization possessing a dealer's license under authority of [Insert reference to Federal and/or State Law requiring firearm dealers to be licensed].

(2) "Manufacturer" means any person, corporation, partnership, firm, or other legal entity in business to manufacture or assemble a firearm, for sale or distribution.

(3) "Microstamp-ready" means a semiautomatic pistol that is manufactured to produce a unique alpha-numeric or geometric code on at least 2 locations on each expended cartridge case that identifies the make, model, and serial number of the pistol.

(4) "Semiautomatic pistol" means a pistol capable of utilizing a portion of the energy of a firing cartridge to extract the fired cartridge case and automatically chamber the next round, and that requires a separate pull of the trigger to fire each successive round.

(b) Except as provided in subsection (c) of this section, beginning on January 1, 2011, a semiautomatic pistol shall be microstamp-ready if it is:

(1) Manufactured in (State);

(2) Manufactured on or after January 1, 2011 and delivered or caused to be delivered by any manufacturer to a firearms dealer in (State); or

(3) Manufactured on or after January 1, 2011 and sold, offered for sale, loaned, given, or transferred by a firearms dealer in (State).

(c)(1) A semi-automatic pistol manufactured after January 1, 2011 that is not microstamp-ready and that was lawfully acquired outside of (State) by a non-dealer who was not

*bought in
166*

(c)(1)
a (State) resident at the time of acquisition but who subsequently moved to the (State) may be possessed, sold, transferred, or given away. In such instance the pistol shall be sold, transferred, or given away only to a firearms dealer.

(c)(2) If a firearms dealer lawfully acquires a microstamp-ready semiautomatic pistol that was originally purchased by a non-dealer resident of the (State) the firearms dealer shall not sell, offer for sale, loan, give, or transfer that pistol if he or she knows that the pistol has been defaced pursuant to the definition in (d)(1) and (2).

(d)(1) Except as provided in paragraph 2 no person shall intentionally deface or alter a microstamp-ready semiautomatic pistol or a portion of the pistol for the purpose of preventing law enforcement from identifying the unique alpha-numeric or geometric code associated with that pistol.

(2) Replacing a firing pin that has been damaged or otherwise in need of replacement for the safe use of the semiautomatic pistol or for a legitimate sporting purpose shall not alone be evidence that someone has violated this subsection.

(e)(1) Beginning January 1, 2011, a manufacturer that delivers a semiautomatic pistol, or causes a semiautomatic pistol to be delivered, to a firearms dealer for sale in the (State) shall certify whether the pistol was manufactured on or after January 1, 2011 and, if it was, that:

(A) The semiautomatic pistol will produce a unique alpha-numeric code or a geometric code on each cartridge case that identifies the make, model, and serial number of the semiautomatic pistol that expended the cartridge casing; and

(B) The manufacturer will supply the (Superintendent of the state police/Governor/Attorney General) with the make, model, and serial number of the semiautomatic pistol that expended the cartridge case, when presented with an alpha-numeric or

geometric code from a cartridge case; provided, that the cartridge case was recovered as part of a legitimate law enforcement investigation.

(f) The (Superintendent of the state police/Governor/Attorney General) pursuant to Title (X) of the (State) Administrative Procedure Act, shall issue rules to implement the provisions of this section.

(g) Violations of this act shall be punishable by (x).



State of Wisconsin
2009 - 2010 LEGISLATURE

PL
LRB-1235/PI
CMH:bjk:rs

Mon. PM per requester please

Stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA ✓
X-ref

Insert

reyn cut

microstamping requirements

- 1 AN ACT *to create* 165.775, 175.36 and 941.285 of the statutes; relating to: data
- 2 banks for identification information for certain handguns sold by firearms
- 3 dealers, granting rule-making authority, and providing penalties.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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

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

- 4 SECTION 1. 165.775 of the statutes is created to read:
- 5 **165.775 Semiautomatic handgun information data bank.** (1) The
- 6 laboratories shall maintain a data bank comprised of the information provided by

firearms dealers under s. 175.36 and any other information that identifies the semiautomatic handgun, as determined by the department under sub. (3).

(2) The department shall make data from the data bank under sub. (1) or any analysis results obtained from the data bank available to law enforcement agencies and, upon request, to any prosecutor or defense attorney.

(3) The department shall promulgate rules to administer this section.

SECTION 2. 175.36 of the statutes is created to read:

175.36 Semiautomatic handgun identification. (1) In this section:

(a) "Firearms dealer" has the meaning given in s. 175.35 (1) (ar).

(b) "Handgun" has the meaning given in s. 175.35 (1) (b) except that "handgun" does not include a revolver.

(c) "Manufacturer" means a person who possesses a federal license to manufacture firearms or ammunition for sale or distribution.

(d) "Microstamping" means producing a code on at least 2 locations on each expended cartridge case that identifies the make, model, and serial number of the handgun.

(e) "Semiautomatic" means capable of using a portion of the energy of a firing cartridge to extract the fired cartridge case and deliver another cartridge to the firing chamber, if a separate pull of the trigger is required to fire each cartridge.

(2) Any manufacturer that ships or transports a semiautomatic handgun to a firearms dealer in this state shall ensure that the semiautomatic handgun is capable of microstamping and shall include with the semiautomatic handgun any information relevant to the identification of the semiautomatic handgun, as determined by the department of justice under s. 165.775 (3).

(g) "Transfer" has the meaning given in s. 939.29 (40).

means the department of justice
Department of Justice

Law enforcement agency has the meaning given in s. 165.83 (1)(b)

Per

(3) At the time of a sale or transfer of a semiautomatic handgun, the firearms dealer shall provide the identification information under sub. (2) to the crime laboratories under s. 165.775 (1).

(4) Any person who violates sub. (2) or (3) may be fined not more than \$1,000 and may be imprisoned for not more than 9 months.

SECTION 3. 941.285 of the statutes is created to read:

941.285 Modifying a semiautomatic handgun. (1) In this section:

(a) "Handgun" has the meaning given in s. 175.36 (1) (b).

(b) "Microstamping" has the meaning given in s. 175.36 (1) (d).

(c) "Semiautomatic" has the meaning given in s. 175.36 (1) (e).

(2) Any person who modifies a semiautomatic handgun that is capable of microstamping with the intention of preventing law enforcement from accessing any information that identifies that semiautomatic handgun, as determined by the department of justice under s. 165.775, is guilty of a Class B misdemeanor.

SECTION 4. Initial applicability.

(1) The treatment of section 175.36 (2) of the statutes first applies to a manufacturer that ships or transports a semiautomatic handgun on the effective date of this subsection.

(2) The treatment of section 941.285 of the statutes first applies to acts committed on the effective date of this subsection.

SECTION 5. Effective date.

(1) This act takes effect on the first day of the 36th month beginning after publication.

January 1, 2011

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1235/P2ins
CMH:bjk:rs

1 Insert 3-3

2 ^{No} No firearms dealer may transfer a semiautomatic handgun that has been
3 modified in violation of s. 941.285 (2).

4 (4) Any manufacturer that ships or transports a semiautomatic handgun to a
5 firearms dealer in this state shall, only in accordance with the rules under sub. (5),

6 disclose to the department with the make, model, and serial number of the
7 semiautomatic handgun that expended the cartridge ^{or during the commission} ~~case~~ ^{of a crime that is}
~~being investigated~~

8 (5) The department shall promulgate rules that identify conditions necessary
9 for a firearms dealer to disclose to the department the make, model, and serial
10 number of a semiautomatic handgun that expended a cartridge during the
11 commission of a crime that is being investigated.

by
a law enforcement
agency x2



MONDAY please per requester

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA ✓

Inserts

d-net

certification of compliance with the microstamping requirement

creating a

requiring the exercise of

refer cut

1
2
3

AN ACT to create 175.36 and 941.285 of the statutes; relating to: microstamping requirement for certain handguns sold by firearms dealers, granting rule-making authority, and providing penalties.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version. Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted. For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

- 4 SECTION 1. 175.36 of the statutes is created to read:
- 5 **175.36 Semiautomatic handgun identification.** (1) In this section:
- 6 (a) "Department" means the department of justice.
- 7 (b) "Firearms dealer" has the meaning given in s. 175.35 (1) (ar).

1 (c) "Handgun" has the meaning given in s. 175.35 (1) (b) except that "handgun"
2 does not include a revolver.

3 (cm) "Law enforcement agency" has the meaning given in s. 165.83 (1) (b).

4 ***** Note: Do you want to include a district attorney?

5 (d) "Manufacturer" means a person who possesses a federal license to
6 manufacture firearms or ammunition for sale or distribution.

7 (e) "Microstamping" means producing a code on at least 2 locations on each
8 expended cartridge case that identifies the make, model, and serial number of the
9 handgun.

10 (f) "Semiautomatic" means capable of using a portion of the energy of a firing
11 cartridge to extract the fired cartridge case and deliver another cartridge to the firing
12 chamber, if a separate pull of the trigger is required to fire each cartridge.

13 (g) "Transfer" has the meaning given in s. 939.22 (40).

14 (2) Any manufacturer that ships or transports a semiautomatic handgun to a
15 firearms dealer in this state shall ensure that the semiautomatic handgun is capable
16 of microstamping.

17 (3) No firearms dealer person may transfer a semiautomatic handgun that has been
18 modified in violation of s. 941.285 (2).

19 (4) Any manufacturer that ships or transports a semiautomatic handgun to a
20 firearms dealer in this state shall, only in accordance with the rules under sub. (5),
21 disclose to the department a law enforcement agency the make, model, and serial number of the semiautomatic
22 handgun that expended the a cartridge during the commission of a crime if crime that is being
23 investigated by a the law enforcement agency.

24 (5) The department shall promulgate rules that do all of the following (a) identify the conditions
necessary for a firearms dealer manufacturer to disclose to the department a law enforcement agency the make, model, and

the person knows or should know

MS 2-16

manufacturer

a law enforcement agency

1 serial number of a semiautomatic handgun that expended a cartridge during the
2 commission of a crime ^{if} ^{crime} that is being investigated by ^{the} law enforcement agency.

3 (6) Any person who violates sub. (2), (3), or (4) may be fined not more than
4 \$1,000 and may be imprisoned for not more than 9 months.

5 SECTION 2. 941.285 of the statutes is created to read:

6 **941.285 Modifying a semiautomatic handgun.** (1) In this section:

7 (a) "Handgun" has the meaning given is s. 175.36 (1) (c).

8 (b) "Microstamping" has the meaning given in s. 175.36 (1) (e).

9 (c) "Semiautomatic" has the meaning given in s. 175.36 (1) (f).

10 (2) Any person who modifies a semiautomatic handgun that is capable of
11 microstamping with the intention of preventing law enforcement from accessing the
12 microstamping code that identifies that semiautomatic handgun is guilty of a Class
13 B misdemeanor.

14 **SECTION 3. Initial applicability.**

15 (1) The treatment of section 175.36 (2) of the statutes first applies to a
16 manufacturer that ships or transports a semiautomatic handgun that was
17 manufactured on the effective date of this subsection.

18 (2) The treatment of section 941.285 of the statutes first applies to acts
19 committed on the effective date of this subsection.

20 **SECTION 4. Effective date.**

21 (1) This act takes effect on January 1, 2011.

22 (END)

INS
3-3

INS
3-3

D-note

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1235/p3ins
CMH:.....

1 Insert 2-16

2 (b) Any manufacturer that manufactures a semiautomatic handgun in this
3 state on or after January 1, 2011, shall ensure that the semiautomatic handgun is
4 capable of microstamping.

****NOTE: This provision is similar to the one under the model law; note that, even
if the manufacturer were to ship the handgun out of state, this requirement would still
apply. OK?

5 (c) Any firearms dealer that transfers a semiautomatic handgun in this state
6 on or after January 1, 2011, shall ensure that the semiautomatic handgun is capable
7 of microstamping.

****NOTE: This provision seems difficult to implement on January 1, 2011, since
that is also the first day that all handguns manufactured in, or shipped to, Wisconsin need
to be microstamp ready. Won't the firearms dealer have a supply of guns that he or she
cannot transfer? And, if the manufacturers wait until they must comply, could there be
a shortage of microstamp-ready handguns for a time?

8 **(2m)** A manufacturer that transfers, on or after January 1, 2011, a
9 semiautomatic handgun to a firearms dealer in this state shall certify, in the manner
10 specified in the rules developed under sub. (5), all of the following conditions:

11 (a) That the semiautomatic handgun is capable of microstamping.

12 (b) That the manufacturer shall disclose to a law enforcement agency the make,
13 model, and serial number of the semiautomatic handgun that expended a cartridge
14 during the commission of a crime if that crime is being investigated by the law
15 enforcement agency.

****NOTE: Do you want a penalty for false certification? Depending on the rules that
DOJ promulgates, the penalty for false swearing under s. 946.32 probably would not
apply here.

16

17 Insert 3-3

1 (b) Specify the manner in which a manufacturer must certify under sub. (2m)
2 the conditions under sub. (2m) (a) and (b).

>> ****NOTE: Section 227.11 specifies that the department may promulgate rules interpreting the provisions of any statute enforced or administered by it, if the ~~agency~~ department considers it necessary to effectuate the purpose of the statute; therefore, I did not include permission to implement rules as the model law does because the permission would be redundant. I did, however, require the department to promulgate certain rules.

3

4 Insert 3-13

****NOTE: The initial applicability provision specifies that only actions occurring on or after January 1, 2011, can violate this provision. However, actions occurring after that date violate this provision even if the handgun was not subject to the microstamping requirement but was capable of microstamping. Is that OK?

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1235/p3dn
CMH:.....

Lbjk

Date

Greg:

Please note the embedded notes in the draft. This draft is still in preliminary form because our last meeting resulted in many instructions. I think I included them all in this version, but the changes may result in need for other changes or I may have misinterpreted some of the instructions. Please let me know so that I may redraft.

Also, as we discussed, the model law specifies actions that would not constitute a violation of s. 941.285 (2), such as replacing a firing pin that has been damaged or replacing a firing pin that needs to be replaced for the safe use of the handgun. Instead of specifying what would not constitute a violation, the LRB drafting style is to construct the prohibition so that such actions would not be covered. Therefore, I specified that the person has to modify the handgun with the intention of preventing law enforcement from accessing the microstamping code that identifies the handgun. Since that is an element of a criminal offense, if the offense were prosecuted, the state would have to prove beyond a reasonable doubt that the person modified with the intent to prevent law enforcement access to the code. Since replacing a pin is a common action with no such intent, the law, as written, excludes such behavior from the ~~provision.~~ the prohibition

Again, thank you for your patience on this redraft while we produced the budget bill.

Cathlene Hanaman
Legislative Attorney
Phone: (608) 267-9810
E-mail: cathlene.hanaman@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1235/p3dn
CMH:bjk:rs

February 9, 2009

Greg:

Please note the embedded notes in the draft. This draft is still in preliminary form because our last meeting resulted in many instructions. I think I included them all in this version, but the changes may result in need for other changes or I may have misinterpreted some of the instructions. Please let me know so that I may redraft.

Also, as we discussed, the model law specifies actions that would not constitute a violation of s. 941.285 (2), such as replacing a firing pin that has been damaged or replacing a firing pin that needs to be replaced for the safe use of the handgun. Instead of specifying what would not constitute a violation, the LRB drafting style is to construct the prohibition so that such actions would not be covered. Therefore, I specified that the person has to modify the handgun with the intention of preventing law enforcement from accessing the microstamping code that identifies the handgun. Since that is an element of a criminal offense, if the offense were prosecuted, the state would have to prove beyond a reasonable doubt that the person modified with the intent to prevent law enforcement access to the code. Since replacing a pin is a common action with no such intent, the law, as written, excludes such behavior from the prohibition.

Again, thank you for your patience on this redraft while we produced the budget bill.

Cathlene Hanaman
Legislative Attorney
Phone: (608) 267-9810
E-mail: cathlene.hanaman@legis.wisconsin.gov

✓ Page 2, Line 4 Yes, include district attorneys

Note Page 2, line 7 replace "microstamping" with "microstamp-ready"

Page 2, line 14 replace all of (2)(a)(b) and (c) with: Except as provided in subsection () of this section, beginning on January 1, 2011, a semiautomatic handgun shall be microstamp-ready if it is:

(1) Manufactured in the state;

Note (2) Manufactured on or after January 1, 2011 and delivered or caused to be delivered by any manufacturer to a firearms dealer in the State; or

(3) Manufactured on or after January 1, 2011 and sold, offered for sale, loaned, given, or transferred by a firearms dealer in the state.

() (1) A semi-automatic handgun manufactured after January 1, 2011 that is not microstamp-ready and that was lawfully acquired outside of (State) by a non-dealer who was not a (State) resident at the time of acquisition but who subsequently moved to the (State) may be possessed, sold, transferred, or given away. In such instance the semiautomatic handgun shall be sold, transferred, or given away only to a firearms dealer.

() (2) If a firearms dealer lawfully acquires a microstamp-ready semiautomatic handgun that was originally purchased by a non-dealer resident of the State the firearms dealer shall not sell, offer for sale, loan, give, or transfer that pistol if he or she knows that the pistol has been modified in violation of s. 941.185.

✓ Page 3, line 1 ✓ remove "on or after January 1, 2011"

6-24-00

Page 3 line 2, insert after "handgun" manufactured on or after January 1, 2011

Page 3, lines 4-8, delete and replace with

"whether the semiautomatic handgun was manufactured on or after January 1, 2011 and, if it was, that:

(A) The semiautomatic handgun will produce a unique alpha-numeric code or a geometric code on each cartridge case that identifies the make, model, and serial number of the semiautomatic pistol that expended the cartridge casing; and

(B) The manufacturer will supply the (Superintendent of the state police/Governor/Attorney General) with the make, model, and serial number of the semiautomatic handgun that expended the cartridge case, when presented with an alpha-numeric or geometric code from a cartridge case; provided, that the cartridge case was recovered as part of a legitimate law enforcement investigation."

✓ Page 3, Line 8, note: Yes, include a penalty for false certification.

Page 3, Line 19 delete "or should know"

Page 3, Line 11 do we need subsection 4? Seems to restate subsection 2m and 5.

Page 3, Line 17, 5 (a) should read "identify the conditions necessary for a manufacturer to supply the (Superintendent of the state police/Governor/Attorney General) with the make, model, and serial number of the semiautomatic handgun that expended the cartridge case, when presented with an alpha-numeric or geometric code from a cartridge case; provided, that the cartridge case was recovered as part of a legitimate law enforcement investigation."

Page 4, Line 10-13 replace text with “ Any person who intentionally defaces or alters a microstamp-ready semiautomatic handgun or a portion of the pistol for the purpose of preventing law enforcement from identifying the unique alpha-numeric or geometric code associated with that semi-automatic handgun is guilty of a Class B misdemeanor.