



2009 ASSEMBLY BILL 373

August 12, 2009 – Introduced by Representatives GUNDERSON, BERCEAU, BALLWEG, BIES, BROOKS, HINTZ, KNODL, LOTHIAN, PETERSEN, RIPP, SMITH, SPANBAUER, TOWNSEND, VOS and ZIGMUNT, cosponsored by Senators DARLING, LAZICH and SCHULTZ. Referred to Committee on Criminal Justice.

1 **AN ACT** *to renumber and amend* 175.35 (3); and *to create* 175.35 (3) (b) and
2 175.35 (4) of the statutes; **relating to:** providing information to a firearms
3 dealer when purchasing a handgun, authorizing the Department of Justice to
4 prosecute violations of certain laws regulating firearms, and providing
5 penalties.

Analysis by the Legislative Reference Bureau

Under current law, a federally licensed firearms dealer may not transfer a handgun to a person following a sale until the person has provided identification to the firearms dealer and has completed a notification form prescribed by the Department of Justice (DOJ) that requires the person to provide his or her name, date of birth, gender, race, and social security number and other identifying information. The firearms dealer must then convey the information from the completed notification form to DOJ so that DOJ can conduct a background check to determine whether the person is prohibited from possessing a firearm. A person completing the notification form must provide truthful information on the form. If a person intentionally provides false information, he or she must be fined not less than \$500 nor more than \$10,000 and may be imprisoned for not more than nine months.

This bill provides that a person who intentionally gives false information on his or her notification form regarding whether the person is purchasing a firearm with the purpose or intent of transferring the firearm to another person who is presently

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prohibited from possessing a firearm is guilty of a Class H felony and may be fined not less than \$500. A Class H felony is punishable by a fine not to exceed \$10,000, imprisonment not to exceed six years, or both. The bill also authorizes DOJ to prosecute such a violation.

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:

1 **SECTION 1.** 175.35 (3) of the statutes is renumbered 175.35 (3) (a) and amended
2 to read:

3 175.35 **(3)** (a) Any person who intentionally violates sub. (2), ~~(2e)~~, (2f), or (2j)
4 shall be fined not less than \$500 nor more than \$10,000 and may be imprisoned for
5 not more than 9 months.

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

7 175.35 **(3)** (b) 1. Except as provided in subd. 2., a person who intentionally
8 violates sub. (2e) shall be fined not less than \$500 nor more than \$10,000 and may
9 be imprisoned for not more than 9 months.

10 2. A person who violates sub. (2e) by intentionally providing false information
11 regarding whether he or she is purchasing a firearm with the purpose or intent of
12 transferring it to a person who is presently prohibited from possessing a firearm
13 under state or federal law is guilty of a Class H felony and shall be fined not less than
14 \$500.

15 **SECTION 3.** 175.35 (4) of the statutes is created to read:

16 175.35 **(4)** The department of justice or the district attorney may institute,
17 manage, control, and direct, in the proper county, a prosecution for violation of sub.

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1 (2e) that is punishable under sub. (3) (b) 2. When prosecuting such violations, the
2 department of justice shall have and exercise all powers conferred upon district
3 attorneys.

4 **SECTION 4. Initial applicability.**

5 (1) The treatment of section 175.35 (3) (b) of the statutes first applies to offenses
6 committed on the effective date of this subsection.

7 (END)