

2009 DRAFTING REQUEST

Assembly Amendment (AA-AB559)

Received: 01/14/2010

Received By: chanaman

Wanted: As time permits

Identical to LRB:

For: Penny Bernard Schaber (608) 266-3070

By/Representing: Stephanie

This file may be shown to any legislator: NO

Drafter: chanaman

May Contact:

Addl. Drafters:

Subject: Courts - garn/injunct

Extra Copies:

Submit via email: YES

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Technical changes to bill on firearms seizure hearing

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 01/14/2010	kfollett 01/14/2010	rschluet 01/14/2010	_____	lparisi 01/14/2010	lparisi 01/14/2010	
	chanaman 02/03/2010	kfollett 02/03/2010		_____			
/2	chanaman 02/05/2010	kfollett 02/05/2010	mduchek 02/03/2010	_____	sbasford 02/04/2010	sbasford 02/04/2010	
/3			jfrantze 02/05/2010	_____	mbarman 02/08/2010	mbarman 02/08/2010	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

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/2		13igt 2/5	mduchek 02/03/2010	_____	sbasford 02/04/2010	sbasford 02/04/2010	

FE Sent For: *Jo 2/5* *RF 2/5*

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12 kjf
2/3


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/1	chanaman	11kjf 11Mj		_____ _____			

FE Sent For:

<END>

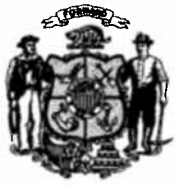
Technical Amendment to LRB 3659/1 (AB559/SB381)

813.129(4)(a)1. and 2. provide two conditions under which the respondent must attend the hearing to surrender firearms. This is unnecessary because other portions of the bill direct the court to schedule the hearing when appropriate and dismiss the hearing when the hearing is unnecessary because the respondent has complied with applicable requirements. Therefore, the bill should be amended to read:

813.129(4)(a) 813.129(4) Unless the court dismisses under sub. (2) (c) 1. or (3) (a) the hearing to surrender firearms, a respondent for whom a hearing to surrender firearms has been scheduled under sub. (2) (c) 2., **or (2)(b)** or under s. 813.12 (2m), 813.122 (3) (a), or 813.125 (4) (a) 2. must attend the hearing to surrender firearms.

813.129(2)(b) deals with injunction hearings at which the respondent does not appear. This section provides the petitioner with opportunity to state whether or not he or she believes the respondent possesses firearms. Under sub. (c)2., the court is directed to schedule a hearing for the surrender of firearms if the petitioner indicates that the respondent possesses firearms. However, there is no provision in the bill that directs the court to dismiss the hearing, if it was scheduled in advance, and the petitioner does not indicate the respondent possesses firearms. Therefore the bill should be amended to read:

813.129(2)(b) If the respondent is not present at the injunction hearing, the court shall provide the petitioner with an opportunity to state whether he or she believes that the respondent possesses a firearm. If the petitioner states that the respondent possesses a firearm, the court shall ask the petitioner how many firearms he or she believes the respondent possesses and the make and model of any firearm he or she believes the respondent possesses. If the petitioner indicates that he or she does not believe the respondent possesses firearms and the court is satisfied that the respondent does not possess firearms, the court shall dismiss the hearing for surrender of firearms if it was scheduled under s. 813.12 (2m), 813.122(3) (a), or 813.125 (4) (a) 2.



TODAY

**ASSEMBLY AMENDMENT,
TO 2009 ASSEMBLY BILL 559**

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

2 **1.** Page 11, line 19: delete "firearm," if and substitute "firearm and shall do
3 one of the following: "

4 **1.** If.

5 **2.** Page 11, line 20: delete "the court shall".

6 **3.** Page 11, line 22: after that line insert:

7 "2. If the petitioner states that the respondent does not possess a firearm and
8 the court is satisfied that the respondent does not possess a firearm, dismiss the
9 hearing to surrender firearms scheduled under s. 813.12 (2m), 813.122 (3) (a), or
10 813.125 (4) (a) 2."

11 **4.** Page 13, line 8: after "sub. (2)" insert "(b) 2. or".

5. Page 13, line 9: after surrender firearms insert " " and substitute "firearms."

#, Page 11, line 19: before "If" insert: #
"1."

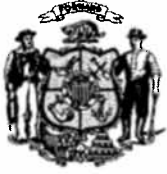
change component

1

6. Page 13, line 10: delete lines 10 to 15.

2

(END)



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBa1286/1
CMH:kjf.rs

2

Thus, if possible

ASSEMBLY AMENDMENT ,
TO 2009 ASSEMBLY BILL 559

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

2 **1.** Page 11, line 19: delete "firearm." and substitute "firearm and shall do one
3 of the following:".

4 **2.** Page 11, line 19: before "If" insert:
5 "1."

6 **3.** Page 11, line 20: delete "the court shall".

7 **4.** Page 11, line 22: after that line insert:

8 "2. If the petitioner states that the respondent does not possess a firearm and
9 the court is satisfied that the respondent does not possess a firearm, dismiss the
10 hearing to surrender firearms scheduled under s. 813.12 (2m), 813.122 (3) (a), or
11 813.125 (4) (a) 2.".

12 **5.** Page 13, line 8: after "sub. (2)" insert "(b) 2. or".

13 **6.** Page 13, line 9: delete "firearms" and substitute "firearms.".

1

7. Page 13, line 10: delete lines 10 to 15.

2

(END)

"appropriate" on

∴ Page 13, line 6: delete the material beginning with "under sub." and ending with line 15 and substitute "the hearing to surrender firearms, a respondent for whom a hearing to surrender firearms has been scheduled must attend the hearing".

4/479

Hanaman, Cathlene

From: Tony Gibart [tonyg@wcadv.org]
Sent: Friday, February 05, 2010 8:48 AM
To: Hanaman, Cathlene
Cc: Wilson, Stephanie
Subject: AB 559

Cathlene,

Thanks for your work on that latest amendment to the bill. Anne Sappenfield had one other suggestion. She would be more comfortable with lines 14-15 on page 14 reading:

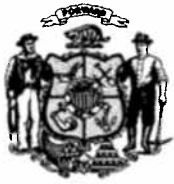
Any false information provided on the form by the respondent ~~is~~ maybe subject to a penalty of false swearing under s. 946.32.

She felt this articulation of the general point was more accurate. Let me know if you have a different opinion. Otherwise, can we get this rolled into the technical amendment you just completed? Thanks so much for your work on this bill!

Tony

Tony Gibart
Policy Coordinator
Wisconsin Coalition Against Domestic Violence
307 S. Paterson St. #1
Madison, WI 53703

Phone: (608) 255-0539 ext. 310
Fax/TTY: (608) 255-3560



ASSEMBLY AMENDMENT,
TO 2009 ASSEMBLY BILL 559

*Today
if possible*

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5 “1.”.

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8 “2. If the petitioner states that the respondent does not possess a firearm and
9 the court is satisfied that the respondent does not possess a firearm, dismiss the
10 hearing to surrender firearms scheduled under s. 813.12 (2m), 813.122 (3) (a), or
11 813.125 (4) (a) 2.”.

12 **5.** Page 13, line 6: delete the material beginning with “under sub.” and ending
13 with “appropriate” on line 15 and substitute “the hearing to surrender firearms, a

1 respondent for whom a hearing to surrender firearms has been scheduled must
2 attend the hearing".

3

(END)

✓
Page 14, line 15: before "information" insert "false".
✓
Page 14, line 16: delete "is subject" and substitute
"may be subject".