

## 2009 DRAFTING REQUEST

### Bill

Received: **01/20/2010**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **Ann Hraychuck (608) 267-2365**

By/Representing:

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

Drafter: **phurley**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

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#### Pre Topic:

No specific pre topic given

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#### Topic:

Purchasing a firearm and stolen firearms

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#### Instructions:

combine 09-2099 and 2069

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#### 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>
/?	phurley 01/20/2010	bkraft 01/22/2010		_____			S&L Crime
/1	phurley 01/28/2010	bkraft 01/28/2010	jfrantze 01/25/2010	_____	sbasford 01/25/2010		S&L Crime
/2			jfrantze 01/29/2010	_____	sbasford 01/29/2010	cduerst 02/11/2010	

FE Sent For:

<END>

↳ At Intro.

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Topic:

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Instructions:

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**Topic:**

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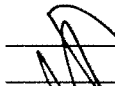
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/?	phurley 01/20/2010	bkraft 01/22/2010		_____			S&L Crime
/1		1/2 bjk 1/28	jfrantze 01/25/2010		sbasford 01/25/2010		

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1/29  
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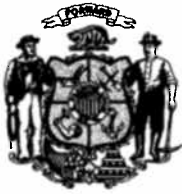
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1?	phurley	1 bjk 1/22	<i>[Signature]</i> 1/25	<i>[Signature]</i> PH/15			

FE Sent For:

<END>



4152/1

LRB-2069/1

From  
2069/1

PJH:bjk:ph (mnr)  
L stays

2009 ASSEMBLY BILL 373

SA  
x-ref  
Inserts

120-10

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.

rcen

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.

receiving a stolen  
firearm

**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

Insert A

**ASSEMBLY BILL 373**

Insert B

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.



**ASSEMBLY BILL 373**

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.

Insert  
C

**SECTION 4. Initial applicability.**

Sections

943034 (1) (intro) and (b) and 947062 (1) (b)

4  
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)



## 2009 ASSEMBLY BILL 357

July 28, 2009 - Introduced by Representatives HRAYCHUCK, LEMAHIEU, BERCEAU, SUDER, SINICKI, PRIDEMORE, BERNARD SCHABER, VOS, J. OTT, TOWNSEND, MURSAU, BROOKS, A. OTT and SPANBAUER, cosponsored by Senators HOLPERIN and OLSEN. Referred to Committee on Criminal Justice.

1 AN ACT to amend 943.34 (1) (intro.), 943.34 (1) (bm) and 948.62 (1) (bm) of the  
2 statutes; relating to: receiving a stolen firearm and providing a penalty.

*Analysis by the Legislative Reference Bureau*

Under current law, a person who steals a firearm is guilty of a Class H felony and may be fined up to \$10,000, imprisoned for up to six years, or both. A person who intentionally receives stolen property may be guilty of a misdemeanor or a felony, depending on the value of the property received, and the amount of the fine, jail time, or imprisonment to which the person may be subjected is determined by the value of the property received.

Under this bill, a person who intentionally receives a stolen firearm, regardless of the value of the firearm, is guilty of a Class H felony and may be fined up to \$10,000, imprisoned for up to six years, or both.

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. 943.34 (1) (intro.) of the statutes is amended to read:

943.34 (1) (intro.) Except as provided under s. 948.62, whoever knowingly or intentionally receives or conceals stolen property is guilty of:



## Hurley, Peggy

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**From:** Hilton, Stephanie  
**Sent:** Thursday, January 28, 2010 2:58 PM  
**To:** Hurley, Peggy  
**Cc:** Hilton, Stephanie  
**Subject:** LRB 4152

Hi Peggy,

Can you re-draft 4152 to incorporate the change described below? Let me know if you have any questions.

Thanks!

-Stephanie

**From:** Austin, Jordan [<mailto:jaustin@nrahq.org>]  
**Sent:** Thursday, January 28, 2010 11:09 AM  
**To:** Hilton, Stephanie  
**Subject:** Re: Joint bill incorporating AB 357 and AB 373

Stephanie, we would need to tweak the language on page 2, section 2 to look like this:

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

Our attorneys had discovered this drafting error several weeks back and we were going to fix it in committee. Since you are redrafting the bill then it hopefully won't be a problem to put it in.

Stephanie Hilton  
Legislative Assistant  
Office of Rep. Ann Hraychuck  
608-267-2365 or 1-888-529-0028  
Room 6 North State Capitol



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-415270

PJH:bjk:jf

*De*  
*rmr*

*Stays*

2009 BILL

*1-28-10*

*SA*

*regen.*

1 AN ACT *to renumber and amend* 175.35 (3); *to amend* 943.34 (1) (intro.),  
 2 943.34 (1) (bm) and 948.62 (1) (bm); and *to create* 175.35 (3) (b) and 175.35 (4)  
 3 of the statutes; **relating to:** providing information to a firearms dealer when  
 4 purchasing a handgun, authorizing the Department of Justice to prosecute  
 5 violations of certain laws regulating firearms, receiving a stolen firearm, and  
 6 providing 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.

Also under current law, a person who steals a firearm is guilty of a Class H felony and may be fined up to \$10,000, imprisoned for up to six years, or both. A

**BILL**

Whom the person knows or reasonably should know

person who intentionally receives stolen property may be guilty of a misdemeanor or a felony, depending on the value of the property received, and the amount of the fine, jail time, or imprisonment to which the person may be subjected is determined by the value of the property received.

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 prohibited from possessing a firearm is guilty of a Class H felony and may be fined not less than \$500. The bill also authorizes DOJ to prosecute such a violation. Under the bill, a person who intentionally receives a stolen firearm, regardless of the value of the firearm, is guilty of a Class H felony.

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

another whom the person knows or reasonably should know

**BILL**

1 under state or federal law is guilty of a Class H felony and shall be fined not less than  
2 \$500.

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

4 175.35 (4) The department of justice or the district attorney may institute,  
5 manage, control, and direct, in the proper county, a prosecution for violation of sub.  
6 (2e) that is punishable under sub. (3) (b) 2. When prosecuting such violations, the  
7 department of justice shall have and exercise all powers conferred upon district  
8 attorneys.

9 **SECTION 4.** 943.34 (1) (intro.) of the statutes is amended to read:

10 943.34 (1) (intro.) Except as provided under s. 948.62, whoever knowingly or  
11 intentionally receives or conceals stolen property is guilty of:

12 **SECTION 5.** 943.34 (1) (bm) of the statutes is amended to read:

13 943.34 (1) (bm) A Class H felony, if the property is a firearm or if the value of  
14 the property exceeds \$5,000 but does not exceed \$10,000.

15 **SECTION 6.** 948.62 (1) (bm) of the statutes is amended to read:

16 948.62 (1) (bm) A Class H felony, if the property is a firearm or if the value of  
17 the property exceeds \$2,500 but does not exceed \$5,000.

18 **SECTION 7. Initial applicability.**

19 (1) The treatment of sections 175.35 (3) (b), 943.34 (1) (intro.) and (bm), and  
20 948.62 (1) (bm) of the statutes first applies to offenses committed on the effective date  
21 of this subsection.

22 (END)

**Duerst, Christina**

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**From:** Hilton, Stephanie  
**Sent:** Thursday, February 11, 2010 4:38 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 09-4152/2 Topic: Purchasing a firearm and stolen firearms

Please Jacket LRB 09-4152/2 for the ASSEMBLY.

Rep. Hraychuck  
6 North