



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 05/25/2011 (Per: CMH)

- A ☞ The 2011 drafting file for LRBa1119
- B ☞ The 2011 drafting file for LRBa1120
- C ☞ The 2011 drafting file for LRBa1122
- D ☞ The 2011 drafting file for LRBa1123
- E ☞ The 2011 drafting file for LRBa1125
- F ☞ The 2011 drafting file for LRBa1126
- G ☞ The 2011 drafting file for LRBa1134
- H ☞ The 2011 drafting file for LRBa1135
- I ☞ The 2011 drafting file for LRBa1136
- J ☞ The 2011 drafting file for LRBa1138
- K ☞ The 2011 drafting file for LRBa1140
- L ☞ The 2011 drafting file for LRBa1141

☞ Compile Draft – Appendix C

has been copied/added to the drafting file for

2011 LRBa1146
(SA1–SSA1–SB93)

2011 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB93)

Received: 05/24/2011

Received By: chanaman

Wanted: As time permits

Companion to LRB:

For: Fred Risser (608) 266-1627

By/Representing: Sarah Briganti

May Contact:

Drafter: chanaman

Subject: Criminal Law - guns and weapons

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Sen.Risser@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Restrictions-- misdemeanor crime of domestic violence

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 05/24/2011	wjackson 05/24/2011		_____			
/1			jfrantze 05/24/2011	_____	lparisi 05/24/2011	lparisi 05/24/2011	

FE Sent For:

<END>

2011 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB93)

Received: 05/24/2011

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Wanted: **As time permits**

Companion to LRB:

For: **Fred Risser (608) 266-1627**

By/Representing: **Sarah Briganti**

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Addl. Drafters:

Extra Copies:

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Restrictions-- misdemeanor crime of domestic violence

Instructions:

See attached

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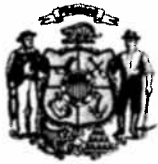
chanaman

1 wlj 5/24

5/24

<END>

FE Sent For:



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBa1122/✓
CMH: f:...

Wlj

Wed
A.M.

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~
SENATE AMENDMENT,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2011 SENATE BILL 93

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 27, line 5: after that line insert:

3 2. Page 30, line 13: after that line insert:

4 ~~SECTION 60d.~~ 941.29 (1) of the statutes is renumbered 941.29 (1m) and amended to read:

6 941.29 (1m) A person ~~is subject to the requirements and penalties of this~~
7 ~~section if he or she has been~~ who possesses a firearm is guilty of a Class G felony if
8 any of the following applies:

9 (a) ~~Convicted~~ The person has been convicted of a felony in this state.

10 (b) ~~Convicted~~ The person has been convicted of a crime elsewhere that would
11 be a felony if committed in this state.

1 (bm) ~~Adjudicated~~ The person has been adjudicated delinquent for an act
2 committed on or after April 21, 1994, that if committed by an adult in this state would
3 be a felony.

4 (c) ~~Found~~ The person has been found not guilty of a felony in this state by reason
5 of mental disease or defect.

6 (d) ~~Found~~ The person has been found not guilty of or not responsible for a crime
7 elsewhere that would be a felony in this state by reason of insanity or mental disease,
8 defect or illness.

9 (e) ~~Committed~~ The person has been committed for treatment under s. 51.20 (13)
10 (a) and ordered not to possess a firearm under s. 51.20 (13) (cv) 1., 2007 stats.

11 (em) ~~Ordered~~ The person is subject to an order not to possess a firearm under
12 s. 51.20 (13) (cv) 1., 51.45 (13) (i) 1., 54.10 (3) (f) 1., or 55.12 (10) (a).

13 (f) ~~Enjoined under~~ The person is subject to an injunction issued under s. 813.12
14 or 813.122 or under a tribal injunction, as defined in s. 813.12 (1) (e), issued by a court
15 established by any federally recognized Wisconsin Indian tribe or band, except the
16 Menominee Indian tribe of Wisconsin, that includes notice to the respondent that he
17 or she is subject to the requirements and penalties under s. 941.29 and that has been
18 filed under s. 806.247 (3).

19 (g) ~~Ordered~~ The person is subject to an order not to possess a firearm under s.
20 813.125 (4m).

21 History: 1981 c. 141, 317; 1983 a. 269; 1985 a. 259; 1993 a. 195, 196, 491; 1995 a. 71, 77, 306, 417; 2001 a. 109; 2007 a. 27; 2009 a. 258.

SECTION 60sr. 941.29 (9) (a) of the statutes is amended to read:

1PS2-21

5 105 22

1 941.29 (9) (a) This section does not apply to a person specified in sub. (1) (1m) ✓
 2 (e) if the prohibition under s. 51.20 (13) (cv) 1., 2007 stats., has been canceled under
 3 s. 51.20 (13) (cv) 2. or (16) (gm), 2007 stats., or under s. 51.20 (13) (cv) 1m. c.

History: 1981 c. 141, 317; 1983 a. 269; 1985 a. 259; 1993 a. 195, 196, 491; 1995 a. 71, 77, 306, 417; 2001 a. 109; 2007 a. 27; 2009 a. 258.

4 **SECTION 60sv.** 941.29 (9) (b) of the statutes is amended to read:

5 941.29 (9) (b) This section does not apply to a person specified in sub. (1) (1m) ✓
 6 (6) (em) if the order under s. ~~51.30~~ ^{51.20} (13) (cv) 1. (s. 51.20 (13) (cv) 1.) is canceled under s.
 7 51.20 (13) (cv) 1m. c., if the order under s. 51.45 (13) (i) 1. is canceled under s. 51.45
 8 (13) (i) 2. c., if the order under s. 54.10 (3) (f) 1. is canceled under s. 54.10 (3) (f) 2. c.,
 9 or if the order under s. 55.12 (10) (a) is canceled under s. 55.12 (10) (b) 3.

NOTE: NOTE: The correct cross-reference is shown in brackets. Corrective legislation is pending. NOTE:

History: 1981 c. 141, 317; 1983 a. 269; 1985 a. 259; 1993 a. 195, 196, 491; 1995 a. 71, 77, 306, 417; 2001 a. 109; 2007 a. 27; 2009 a. 258.

(END)

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 INL
 3-10

BILL

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:

175
1-3

✓ 51p
SECTION 1. 938.396 (2g) (d) of the statutes is amended to read:

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938.396 (2g) (d) *Bail; impeachment; firearm possession.* Upon request of a court of criminal jurisdiction or a district attorney to review court records for the purpose of setting bail under ch. 969, impeaching a witness under s. 906.09, or investigating and determining whether a person has possessed a firearm in violation of s. 941.29 (2) or body armor in violation of s. 941.291 (2) or upon request of a court of civil jurisdiction or the attorney for a party to a proceeding in that court to review court records for the purpose of impeaching a witness under s. 906.09, the court assigned to exercise jurisdiction under this chapter and ch. 48 shall open for inspection by authorized representatives of the requester the records of the court relating to any juvenile who has been the subject of a proceeding under this chapter.

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SECTION 2. 941.29 (1) of the statutes is renumbered 941.29 (1m) and amended to read:

~~941.29 (1m) A person is subject to the requirements and penalties of this section if he or she has been who possesses a firearm is guilty of a Class G felony if any of the following applies:~~

- (a) ~~Convicted~~ The person has been convicted of a felony in this state.
- (b) ~~Convicted~~ The person has been convicted of a crime elsewhere that would be a felony if committed in this state.

BILL

1 ~~(bm) Adjudicated~~ The person has been adjudicated delinquent for an act
2 committed on or after April 21, 1994, that if committed by an adult in this state would
3 be a felony.

4 ~~(c) Found~~ The person has been found not guilty of a felony in this state by reason
5 of mental disease or defect.

6 ~~(d) Found~~ The person has been found not guilty of or not responsible for a crime
7 elsewhere that would be a felony in this state by reason of insanity or mental disease,
8 defect or illness.

9 ~~(e) Committed~~ The person has been committed for treatment under s. 51.20 (13)
10 (a) and ordered not to possess a firearm under s. 51.20 (13) (cv).

11 ~~(f) Enjoined under~~ The person is subject to an injunction issued under s. 813.12
12 or 813.122 or under a tribal injunction, as defined in s. 813.12 (1) (e), issued by a court
13 established by any federally recognized Wisconsin Indian tribe or band, except the
14 Menominee Indian tribe of Wisconsin, that includes notice to the respondent that he
15 or she is subject to the requirements and penalties under s. 941.29 and that has been
16 filed under s. 806.247 (3).

17 ~~(g) Ordered~~ The person is subject to an order not to possess a firearm under s.
18 813.125 (4m).

INS
2-21

19 SECTION ~~3~~ ^{60f} 941.29 (1c) of the statutes is created to read:
20 941.29 (1c) In this section, "misdemeanor crime of domestic violence" means
21 a misdemeanor for which the court has made a finding under s. 971.17 (1g) (b) or
22 973.136 (2) that it was a misdemeanor crime of domestic violence.

23 SECTION ~~4~~ ^{60h} 941.29 (1m) (ag) of the statutes is created to read:
24 941.29 (1m) (ag) The person has been convicted on or after the effective date
25 of this paragraph [LRB inserts date], of a misdemeanor crime of domestic violence.

BILL

603

1 SECTION 5. 941.29 (1m) (cm) of the statutes is created to read:

2 941.29 (1m) (cm) The person has been found not guilty by reason of mental
3 disease or defect on or after the effective date of this paragraph [LRB inserts date],
4 of a misdemeanor crime of domestic violence.

604

5 SECTION 6. 941.29 (2) of the statutes is repealed.

60n

6 SECTION 7. 941.29 (3) of the statutes is amended to read:

7 941.29 (3) Any firearm involved in an offense under sub. (2) this section is
8 subject to s. 968.20 (3).

60g

9 SECTION 8. 941.29 (4) of the statutes is amended to read:

10 941.29 (4) A person is concerned with the commission of a crime, as specified
11 in s. 939.05 (2) (b), in violation of this section if he or she knowingly furnishes a person
12 with a firearm in violation of sub. (2) this section.

60rg

13 SECTION 9. 941.29 (5) (intro.) of the statutes is amended to read:

14 941.29 (5) (intro.) This section does not apply to any person specified in sub.

(4) (1m) who:

60rr

16 SECTION 10. 941.29 (5) (a) of the statutes is amended to read:

17 941.29 (5) (a) Has received a pardon with respect to the crime or felony specified
18 in sub. (4) (1m) and has been expressly authorized to possess a firearm under 18 USC
19 app. 1203; or

60sg

20 SECTION 11. 941.29 (8) of the statutes is amended to read:

21 941.29 (8) This section does not apply to any person specified in sub. (4) (1m)
22 (bm) if a court subsequently determines that the person is not likely to act in a
23 manner dangerous to public safety. In any action or proceeding regarding this
24 determination, the person has the burden of proving by a preponderance of the
25 evidence that he or she is not likely to act in a manner dangerous to public safety.

END of 1103 2-21

BILL

1 SECTION 12. 941.29 (9) of the statutes is amended to read:

2 941.29 (9) This section does not apply to a person specified in sub. (4) (1m) (e)
3 if the prohibition under s. 51.20 (13) (cv) 1. has been canceled under s. 51.20 (13) (cv)
4 2. or (16) (gm). *moving to 9 ← 8*

5 SECTION 13. 941.29 (10) (intro.) of the statutes is amended to read:

6 941.29 (10) (intro.) The prohibition against firearm possession under this
7 section does not apply to a person specified in sub. (4) (1m) (f) if the person satisfies
8 any of the following: *✓*

9 SECTION 14. 971.17 (1g) of the statutes is renumbered 971.17 (1g) (a).
✓ # Page 36 line 15 after that line insert

10 SECTION 15. 971.17 (1g) (b) of the statutes is created to read:
869

11 971.17 (1g) (b) 1. In this paragraph, "misdemeanor crime of domestic violence"
12 has the meaning given in s. 973.136 (1). *✓*

13 2. If the defendant under sub. (1) is found not guilty of a misdemeanor by reason
14 of mental disease or defect, the court shall determine immediately after the finding,
15 based on a preponderance of the evidence presented at trial and without a jury, if the
16 offense is a misdemeanor crime of domestic violence. If the court determines that the
17 offense is a misdemeanor crime of domestic violence, the court shall enter a finding
18 to that effect in the record for purposes of determining whether the person is
19 prohibited from possessing a firearm under s. 941.29 and shall inform the defendant
20 of the requirements and penalties under s. 941.29. *✓*

21 SECTION 16. 973.136 of the statutes is created to read:
88m

22 **973.136 Prohibition for misdemeanor crime of domestic violence. (1)**

23 In this section, "misdemeanor crime of domestic violence" means a misdemeanor
24 crime of domestic violence as defined in 18 USC 921 (a) (33).

*1WS
3-10*

BILL

1 (2) If a person is convicted of a misdemeanor offense, the court shall determine
 2 immediately after the trial, based on a preponderance of the evidence presented at
 3 trial and without a jury, if the offense is a misdemeanor crime of domestic violence.
 4 If the court determines that the offense is a misdemeanor crime of domestic violence,
 5 the court shall enter a finding to that effect in the record for purposes of determining
 6 whether the person is prohibited from possessing a firearm under s. 941.29. ✓

Page 37 line 70 after the line insert

7 SECTION 17. 973.176 (1) of the statutes is amended to read:

8 973.176 (1) FIREARM POSSESSION. Whenever a court imposes a sentence or
 9 places a defendant on probation regarding a ~~felony~~ conviction for a felony or for a
 10 misdemeanor for which the court has made a finding under s. 973.136 (2) that it is
 11 a crime of domestic violence, the court shall inform the defendant of the

✓ # Page 37, line 17. After that line insert:

12 requirements and penalties under s. 941.29. ✓
 13 SECTION 18. Initial applicability.

14 (1) The treatment of section 971.17 (1g) (b) of the statutes first applies to
 15 findings of not guilty by reason of mental disease or defect that occur on the effective
 16 date of this subsection.

*FZ
Subs.*

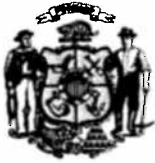
17 (2) The treatment of section 973.136 of the statutes first applies to convictions
 18 that occur on the effective date of this subsection. ✓

19 SECTION 19. Effective date.

20 (1) This act takes effect on the first day of the 6th month beginning after
 21 publication.

22 (END)

*END
OK
INS 3-10*



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBa1122/1
CMH:wlj:jf

SENATE AMENDMENT ,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2011 SENATE BILL 93

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 27, line 5: after that line insert:

3 "SECTION 51p. 938.396 (2g) (d) of the statutes is amended to read:

4 938.396 (2g) (d) *Bail; impeachment; firearm possession.* Upon request of a
5 court of criminal jurisdiction or a district attorney to review court records for the
6 purpose of setting bail under ch. 969, impeaching a witness under s. 906.09, or
7 investigating and determining whether a person has possessed a firearm in violation
8 of s. 941.29 (2) or body armor in violation of s. 941.291 (2) or upon request of a court
9 of civil jurisdiction or the attorney for a party to a proceeding in that court to review
10 court records for the purpose of impeaching a witness under s. 906.09, the court
11 assigned to exercise jurisdiction under this chapter and ch. 48 shall open for

1 inspection by authorized representatives of the requester the records of the court
2 relating to any juvenile who has been the subject of a proceeding under this chapter.”.

3 **2.** Page 30, line 13: after that line insert:

4 “SECTION 60d. 941.29 (1) of the statutes is renumbered 941.29 (1m) and
5 amended to read:

6 941.29 (1m) A person is ~~subject to the requirements and penalties of this~~
7 ~~section if he or she has been~~ who possesses a firearm is guilty of a Class G felony if
8 any of the following applies:

9 (a) ~~Convicted~~ The person has been convicted of a felony in this state.

10 (b) ~~Convicted~~ The person has been convicted of a crime elsewhere that would
11 be a felony if committed in this state.

12 (bm) ~~Adjudicated~~ The person has been adjudicated delinquent for an act
13 committed on or after April 21, 1994, that if committed by an adult in this state would
14 be a felony.

15 (c) ~~Found~~ The person has been found not guilty of a felony in this state by reason
16 of mental disease or defect.

17 (d) ~~Found~~ The person has been found not guilty of or not responsible for a crime
18 elsewhere that would be a felony in this state by reason of insanity or mental disease,
19 defect or illness.

20 (e) ~~Committed~~ The person has been committed for treatment under s. 51.20 (13)

21 (a) and ordered not to possess a firearm under s. 51.20 (13) (cv) 1., 2007 stats.

22 (em) ~~Ordered~~ The person is subject to an order not to possess a firearm under
23 s. 51.20 (13) (cv) 1., 51.45 (13) (i) 1., 54.10 (3) (f) 1., or 55.12 (10) (a).

1 (f) ~~Enjoined under~~ The person is subject to an injunction issued under s. 813.12
2 or 813.122 or under a tribal injunction, as defined in s. 813.12 (1) (e), issued by a court
3 established by any federally recognized Wisconsin Indian tribe or band, except the
4 Menominee Indian tribe of Wisconsin, that includes notice to the respondent that he
5 or she is subject to the requirements and penalties under s. 941.29 and that has been
6 filed under s. 806.247 (3).

7 (g) ~~Ordered~~ The person is subject to an order not to possess a firearm under s.
8 813.125 (4m).

9 **SECTION 60f.** 941.29 (1c) of the statutes is created to read:

10 941.29 (1c) In this section, "misdemeanor crime of domestic violence" means
11 a misdemeanor for which the court has made a finding under s. 971.17 (1g) (b) or
12 973.136 (2) that it was a misdemeanor crime of domestic violence.

13 **SECTION 60h.** 941.29 (1m) (ag) of the statutes is created to read:

14 941.29 (1m) (ag) The person has been convicted on or after the effective date
15 of this paragraph [LRB inserts date], of a misdemeanor crime of domestic violence.

16 **SECTION 60j.** 941.29 (1m) (cm) of the statutes is created to read:

17 941.29 (1m) (cm) The person has been found not guilty by reason of mental
18 disease or defect on or after the effective date of this paragraph [LRB inserts date],
19 of a misdemeanor crime of domestic violence.

20 **SECTION 60L.** 941.29 (2) of the statutes is repealed.

21 **SECTION 60n.** 941.29 (3) of the statutes is amended to read:

22 941.29 (3) Any firearm involved in an offense under ~~sub. (2)~~ this section is
23 subject to s. 968.20 (3).

24 **SECTION 60q.** 941.29 (4) of the statutes is amended to read:

1 941.29 (4) A person is concerned with the commission of a crime, as specified
2 in s. 939.05 (2) (b), in violation of this section if he or she knowingly furnishes a person
3 with a firearm in violation of ~~sub. (2)~~ this section.

4 **SECTION 60rg.** 941.29 (5) (intro.) of the statutes is amended to read:

5 941.29 (5) (intro.) This section does not apply to any person specified in sub.
6 (1) (1m) who:

7 **SECTION 60rr.** 941.29 (5) (a) of the statutes is amended to read:

8 941.29 (5) (a) Has received a pardon with respect to the crime or felony specified
9 in sub. (1) (1m) and has been expressly authorized to possess a firearm under 18 USC
10 app. 1203; or

11 **SECTION 60sg.** 941.29 (8) of the statutes is amended to read:

12 941.29 (8) This section does not apply to any person specified in sub. (1) (1m)
13 (bm) if a court subsequently determines that the person is not likely to act in a
14 manner dangerous to public safety. In any action or proceeding regarding this
15 determination, the person has the burden of proving by a preponderance of the
16 evidence that he or she is not likely to act in a manner dangerous to public safety.

17 **SECTION 60sr.** 941.29 (9) (a) of the statutes is amended to read:

18 941.29 (9) (a) This section does not apply to a person specified in sub. (1) (1m)
19 (e) if the prohibition under s. 51.20 (13) (cv) 1., 2007 stats., has been canceled under
20 s. 51.20 (13) (cv) 2. or (16) (gm), 2007 stats., or under s. 51.20 (13) (cv) 1m. c.

21 **SECTION 60sv.** 941.29 (9) (b) of the statutes is amended to read:

22 941.29 (9) (b) This section does not apply to a person specified in sub. (1) (1m)
23 (em) if the order under s. ~~51.30~~ 51.20 (13) (cv) 1. is canceled under s. 51.20 (13) (cv)
24 1m. c., if the order under s. 51.45 (13) (i) 1. is canceled under s. 51.45 (13) (i) 2. c., if

1 the order under s. 54.10 (3) (f) 1. is canceled under s. 54.10 (3) (f) 2. c., or if the order
2 under s. 55.12 (10) (a) is canceled under s. 55.12 (10) (b) 3.

3 **SECTION 60tg.** 941.29 (10) (intro.) of the statutes is amended to read:

4 941.29 (10) (intro.) The prohibition against firearm possession under this
5 section does not apply to a person specified in sub. ~~(1)~~ (1m) (f) if the person satisfies
6 any of the following:".

7 **3.** Page 36, line 15: after that line insert:

8 "SECTION 86g. 971.17 (1g) of the statutes is renumbered 971.17 (1g) (a).

9 **SECTION 86i.** 971.17 (1g) (b) of the statutes is created to read:

10 971.17 (1g) (b) 1. In this paragraph, "misdemeanor crime of domestic violence"
11 has the meaning given in s. 973.136 (1).

12 2. If the defendant under sub. (1) is found not guilty of a misdemeanor by reason
13 of mental disease or defect, the court shall determine immediately after the finding,
14 based on a preponderance of the evidence presented at trial and without a jury, if the
15 offense is a misdemeanor crime of domestic violence. If the court determines that the
16 offense is a misdemeanor crime of domestic violence, the court shall enter a finding
17 to that effect in the record for purposes of determining whether the person is
18 prohibited from possessing a firearm under s. 941.29 and shall inform the defendant
19 of the requirements and penalties under s. 941.29.".

20 **4.** Page 37, line 6: after that line insert:

21 "SECTION 88m. 973.136 of the statutes is created to read:

22 **973.136 Prohibition for misdemeanor crime of domestic violence. (1)**

23 In this section, "misdemeanor crime of domestic violence" means a misdemeanor
24 crime of domestic violence as defined in 18 USC 921 (a) (33).

1 (2) If a person is convicted of a misdemeanor offense, the court shall determine
2 immediately after the trial, based on a preponderance of the evidence presented at
3 trial and without a jury, if the offense is a misdemeanor crime of domestic violence.
4 If the court determines that the offense is a misdemeanor crime of domestic violence,
5 the court shall enter a finding to that effect in the record for purposes of determining
6 whether the person is prohibited from possessing a firearm under s. 941.29.”.

7 **5.** Page 37, line 7: after that line insert:

8 “**SECTION 89h.** 973.176 (1) of the statutes is amended to read:

9 973.176 (1) FIREARM POSSESSION. Whenever a court imposes a sentence or
10 places a defendant on probation regarding a ~~felony~~ conviction for a felony or for a
11 misdemeanor for which the court has made a finding under s. 973.136 (2) that it is
12 a crime of domestic violence, the court shall inform the defendant of the
13 requirements and penalties under s. 941.29.”.

14 **6.** Page 37, line 17: after that line insert:

15 “**SECTION 90h. Initial applicability.**

16 (1) The treatment of section 971.17 (1g) (b) of the statutes first applies to
17 findings of not guilty by reason of mental disease or defect that occur on the effective
18 date of this subsection.

19 (2) The treatment of section 973.136 of the statutes first applies to convictions
20 that occur on the effective date of this subsection.”.

21

(END)