

2011 DRAFTING REQUEST

Senate Amendment (SA-SSA2-SB93)

Received: 06/14/2011

Received By: **chanaman**

Wanted: **As time permits**

Companion to LRB:

For: **Jon Erpenbach (608) 266-6670**

By/Representing: **Julie**

May Contact:

Drafter: **chanaman**

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

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Erpenbach@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Omnibus prohibited areas, plus the straw purchasing

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 06/14/2011	kfollett 06/14/2011		_____			
/1			phenry 06/14/2011	_____	mbarman 06/14/2011	mbarman 06/14/2011	

FE Sent For:

<END>

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FE Sent For:

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State of Wisconsin
2011 - 2012 LEGISLATURE



LRBa1288/1
CMH:kjf:rs

12/9/11
a [signature]

SENATE AMENDMENT ,
TO SENATE SUBSTITUTE AMENDMENT 2,
TO 2011 SENATE BILL 93

NON

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page 21, line 6: delete lines 6 and 7.
- 3 **2.** Page 21, line 11: delete "(b) 1r".
- 4 **3.** Page 26, line 14: delete "(b) 1r".
- 5 **4.** Page 38, line 16: after that line insert:
- 6 "9. The state capitol building or the state capitol park.
- 7 10. Any building or portion of a building that is owned, occupied, or controlled
- 8 by the state or any political subdivision of the state.
- 9 11. A clinic or office that is used by a physician licensed under ch. 448 or a
- 10 building or portion of a building used by a health care facility, as defined in s. 150.84
- 11 (2).

1 12. Any church, synagogue, mosque, or other building, structure, or place
2 primarily used for religious worship or another religious purpose.

3 13. A building or any portion of a building that is used for a domestic violence
4 victim services program or by an organization that provides a safe haven for victims
5 of domestic violence.

6 14. A place that is on the grounds of a University of Wisconsin institution or
7 extension, a private college or university, or a technical college district.

8 15. Any premises for which a Class “B” or “Class B” license or permit has been
9 issued under ch. 125.

10 16. Any building or part of a building that is used to provide child care services,
11 except that, if the building is a residence and the owner is a licensee, any weapon that
12 is unloaded and securely locked or encased during the hours in which children are
13 present for the child care services.

14 17. Any building or part of a building that is used by a county department of
15 human services.

16 18. Any building or part of a building that is used as a nonprofit organization
17 as described in section 501 (c) of the Internal Revenue Code.

18 19. Any venue, or stadium at which public sporting events or public concerts
19 are held or any amusement park, except that if an event related to firearms is taking
20 place and the weapon is being used at the event.

21 20. Any building or part of a building where bingo or a raffle under ch. 563 is
22 conducted, where a lottery under ch. 565 is conducted, or where a race under ch. 562
23 is conducted.

24 21. Any place that is within 1,000 feet of a polling place on an election day.

25 22. On any vehicle used for public transportation purposes.

1 23. Any public library.

2 24. Any common area in a building that is a residence that is not a
3 single-family residence if the actor does not own the residence or does not occupy any
4 part of the residence.”.

5 **5.** Page 38, line 24: after that line insert:

6 “4. A weapon on the premises described under par. (a) 15. if the individual
7 carrying the weapon is the licensee, owner, or manager of the premises, or any
8 employee or agent authorized to possess a weapon by the licensee, owner, or manager
9 of the premises.”.

10 **6.** Page 52, line 3: delete lines 3 to 10.

11 **7.** Page 53, line 3: delete lines 3 to 9.

12 **8.** Page 53, line 10: delete lines 10 to 15.

13 **9.** Page 54, line 8: after that line insert:

14 “1m. For purposes of sub. (1m) (c) 2. to 5. notice may be given as provided in
15 subd. 2. or personally, either orally or in writing.”.

16 **10.** Page 54, line 9: delete lines 9 to 16.

17 **11.** Page 54, line 17: delete “2., 4., and 5.” and substitute “2.”.

18 **12.** Page 54, line 17: before “am.” insert “2.”.

19 **13.** Page 54, line 18: delete the material beginning with “, the state” and
20 ending with “college” on line 19.

21 **14.** Page 54, line 21: delete “, state, local governmental unit”.

22 **15.** Page 54, line 21: delete “, local governmental unit” and substitute “, or
23 local governmental unit”.

MS
3-10

BILL

firearm is also guilty of a Class G felony. This bill creates an additional prohibition against purchasing a firearm for a person knowing that the person is prohibited from possessing a firearm, and makes it a Class G felony as well. The bill also makes it a Class F felony for a person who is prohibited from possessing a firearm to possess the firearm if he or she knows it was purchased for him or her.

This bill is contingent upon the enactment of another bill creating the license to carry a concealed weapon.

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.

INS
3-10

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

Page 43, line 19: after the intro part: ✓

1 " SECTION 1. 939.6185 of the statutes is created to read:

2 ⁴⁹⁹ **939.6185 Mandatory minimum sentence for illegally carrying a**
3 **concealed weapon if previously convicted of violent felony.** If a person is
4 convicted of a violation of s. 941.23 (2d) and the person has been previously convicted
5 of a violent offense, as defined in s. 301.048 (2) (bm), the court shall impose a
6 bifurcated sentence under s. 973.01. The term of confinement in prison portion of the
7 bifurcated sentence shall be at least 3 years. Otherwise the penalties for the crime
8 apply, subject to any applicable penalty enhancement.

9 SECTION 2. ^{49h} 939.632 (1) (e) 3. of the statutes is amended to read:

10 939.632 (1) (e) 3. Any misdemeanor under s. 940.19 (1), 940.225 (3m), 940.32
11 (2), 940.42, 940.44, 941.20 (1), 941.23 (2), 941.235, 941.24 or 941.38 (3).¹¹

12 SECTION 3. ~~941.23 (2) (intro.) of the statutes, as affected by 2011 Wisconsin Act~~
13 ~~941.23 (2) (intro.) of the statutes, as affected by 2011 Wisconsin Act~~ is amended to read:

✓ # Page 43, line 20: delete lines 22 to 24 and substitute: ✓ 2

BILL

1 941.23 (2) (intro.) ~~Any~~ Except as provided in sub. (2d), any person, other than
2 one of the following, who carries a concealed and dangerous weapon is guilty of a
3 Class A misdemeanor: ¹¹

4 ^{# Page 46, line 12: after that line insert:}
4 ^{55g} SECTION 4. 941.23 (2d) of the statutes is created to read:

5 941.23 (2d) A person who violates sub. (2), who is ineligible to possess a firearm
6 as indicated by a search in the national instant criminal background check system,
7 is guilty of a Class H felony. ¹¹

8 ^{# Page 49, line 4: after that line insert:}
8 SECTION 5. 941.2905 of the statutes is created to read:

9 ^{64h} **941.2905 Straw purchase of firearm.** (1) Whoever purchases a firearm for
10 a person knowing that the person is prohibited from possessing a firearm under s.
11 941.29 is guilty of a Class G felony.

12 (2) A person who possesses a firearm in violation of s. 941.29 (2) is guilty of a
13 Class F felony if he or she knows that another person purchased the firearm for the
14 person. ¹¹

SECTION 6. Nonstatutory provisions.

16 (1) ~~If 2011 Wisconsin Act (Senate Bill 93) is enacted into law, and if sections
17 175.60 (3) (a) to (e) and 941.23 of the statutes are affected by that act in the manner
18 shown in Senate Substitute Amendment (LRBs0135/3) to 2011 Wisconsin Act
19 (Senate Bill 93), then the treatment of sections 939.6185, 939.632 (1) (e) 3., 941.23
20 (2) (intro.) and (2d), and 942.2905 of the statutes by this act take effect on the effective
21 date of this subsection.~~

22 (2) ~~If 2011 Wisconsin Act (Senate Bill 93) is not enacted into law, or if sections
23 175.60 (3) (a) to (e) and 941.23 of the statutes are not affected by that act in the
24 manner shown in Senate Substitute Amendment (LRBs0135/3) to 2011 Wisconsin~~