

2011 DRAFTING REQUEST

Assembly Amendment (AA-SB93)

Received: **06/21/2011**

Received By: **chanaman**

Wanted: **As time permits**

Companion to LRB:

For: **Donna Seidel (608) 266-0654**

By/Representing: **Chris McKinny**

May Contact:

Drafter: **chanaman**

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

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Second package-- prohibited areas, gun show loophole, and straw purchases

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 06/21/2011	kfollett 06/21/2011		_____			
/1			jfrantze 06/21/2011	_____	sbasford 06/21/2011	sbasford 06/21/2011	

FE Sent For:

<END>

2011 DRAFTING REQUEST

Assembly Amendment (AA-SB93)

Received: 06/21/2011

Received By: **chanaman**

Wanted: **As time permits**

Companion to LRB:

For: **Donna Seidel (608) 266-0654**

By/Representing: **Chris McKinny**

May Contact:

Drafter: **chanaman**

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

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Second package-- prohibited areas, gun show loophole, and straw purchases

Instructions:

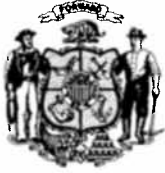
See attached

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	1/15 F 6/21	Jb 6/21	md 6/21			

FE Sent For:

<END>



State of Wisconsin
2011 - 2012 LEGISLATURE



91377/1

LRBa1310/1

CMH:kfrs

lgr
atj

NOW

ASSEMBLY AMENDMENT,
TO 2011 SENATE BILL 93

1 At the locations indicated, amend the bill, as shown by senate substitute
2 amendment 2, as follows:

3 **1.** Page 21, line 6: delete lines 6 and 7.

4 **2.** Page 21, line 11: delete "(b) 1r".

5 **3.** Page 26, line 14: delete "(b) 1r".

6 **4.** Page 38, line 16: after that line insert:

7 "9. The state capitol building or the state capitol park.

8 10. Any building or portion of a building that is owned, occupied, or controlled
9 by the state or any political subdivision of the state.

10 11. A clinic or office that is used by a physician licensed under ch. 448 or a
11 building or portion of a building used by a health care facility, as defined in s. 150.84

12 (2).

INS 1-3

INS
1-5A

INS
1-5D

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.

INS 3-5A
INS 3-5B

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 43, line 19: after that line insert:

"SECTION 49g. 939.6185 of the statutes is created to read:

11 **939.6185 Mandatory minimum sentence for illegally carrying a**
12 **concealed weapon if previously convicted of violent felony.** If a person is
13 convicted of a violation of s. 941.23 (2d) and the person has been previously convicted
14 of a violent offense, as defined in s. 301.048 (2) (bm), the court shall impose a
15 bifurcated sentence under s. 973.01. The term of confinement in prison portion of the
16 bifurcated sentence shall be at least 3 years. Otherwise the penalties for the crime
17 apply, subject to any applicable penalty enhancement.

18 **SECTION 49h.** 939.632 (1) (e) 3. of the statutes is amended to read:

19 939.632 (1) (e) 3. Any misdemeanor under s. 940.19 (1), 940.225 (3m), 940.32
20 (2), 940.42, 940.44, 941.20 (1), 941.23 (2), 941.235, 941.24 or 941.38 (3).".

21 7. Page 43, line 22: delete lines 22 to 24 and substitute:
22

INS
3-10A

INS
3-10B

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:".

4 **8.** Page 46, line 12: after that line insert:

5 "SECTION 55g. 941.23 (2d) of the statutes is created to read:

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

INS
4-9

9. Page 49, line 4: after that line insert:

10 SECTION 64h. ^s 941.2905 of the statutes is created to read:

11 **941.2905 Straw purchase of firearm. (1)** Whoever purchases a firearm for
12 a person knowing that the person is prohibited from possessing a firearm under s.
13 941.29 is guilty of a Class G felony.

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

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

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

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

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

21 "1m. For purposes of sub. (1m) (c) 2. to 5. notice may be given as provided in
22 subd. 2. or personally, either orally or in writing.".

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

INS
4-17

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

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

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

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

6 **19.** Page 54, line 21: delete “, local governmental unit” and substitute “, or
7 local governmental unit”.

8 **20.** Page 57, line 13: before “Any individual” insert “Any individual who
9 knowingly possesses a firearm at a place that the individual knows, or has
10 reasonable cause to believe, is in a school forest is guilty of a Class C misdemeanor.”.

11 **21.** Page 57, line 15: delete “is subject to a Class B forfeiture” and substitute
12 “is guilty of a Class C misdemeanor”.

13 **22.** Page 57, line 16: delete the material beginning with that line and ending
14 with page 58, line 9.

15

(END)

IV S
S. (15)



ASSEMBLY AMENDMENT ,
TO 2011 SENATE BILL 93

1 At the locations indicated, amend the bill, as shown by senate substitute
2 amendment 2, as follows:

3 **1.** Page 2, line 11: after "officers;" insert "sales and transfers of firearms;
4 records from sales of firearms; possession of firearms by persons convicted of violent
5 offenses that are not felonies;".

6 **2.** Page 2, line 14: before that line insert:

7 "SECTION 1g. 20.455 (2) (gr) of the statutes is amended to read:

8 20.455 (2) (gr) *Handgun purchaser record check fee.* All moneys received as fee
9 payments under s. 175.35 (2i) (a) to provide services under s. 175.35."

10 **3.** Page 2, line 14: delete "SECTION 1" and substitute "SECTION 1r".

11 **4.** Page 11, line 3: after that line insert:

12 "SECTION 35b. 175.33 of the statutes is created to read:

13 **175.33 Transfer of firearms; license required. (1)** In this section:

1 (a) “Family member” means a spouse, parent, grandparent, sibling, child, or
2 grandchild. The relationship may be by blood, marriage, or adoption.

3 (b) “Firearms dealer” has the meaning given in s. 175.35 (1) (ar).

4 (2) No person may sell or transfer ownership of a firearm, or purchase or obtain
5 ownership of a firearm, unless one of the following applies:

6 (a) The seller or transferor is a firearms dealer.

7 (b) The seller or transferor makes the sale or transfer to or through a firearms
8 dealer and obtains a receipt under s. 175.35 (2j) (b).

9 (c) The sale or transfer of ownership of the firearm is one of the transfers listed
10 under s. 175.35 (2t).

11 (d) The transferor is transferring ownership of the firearm to a family member
12 by gift, sale, bequest, or inheritance, the transferee is not prohibited from possessing
13 a firearm under s. 941.29, and the transferee is at least 18 years of age.

14 (e) The transferor is transferring ownership of the firearm with the intent that
15 the transfer be temporary, neither the transferor nor the transferee is prohibited
16 from possessing a firearm under s. 941.29, and the purpose of the transfer is not
17 prohibited by law.

18 (3) Any person who intentionally violates sub. (2) is guilty of a Class G felony.

19 **SECTION 35c.** 175.35 (title) and (1) (ag) of the statutes are amended to read:

20 **175.35 (title) Waiting period for purchase of handguns and records for**
21 **purchases of firearms.**

22 (1) (ag) “Criminal history record” includes information reported to the
23 department under s. 938.396 (2g) (n) that indicates a person was adjudicated
24 delinquent for an act that if committed by an adult in this state would be a felony or
25 if the adjudication occurred within the preceding 5 years, a violent nonfelony offense.

1 **SECTION 35d.** 175.35 (1) (bm) of the statutes is created to read:

2 175.35 **(1)** (bm) “Violent nonfelony offense” has the meaning given in s. 941.29
3 (1g).

4 **SECTION 35e.** 175.35 (2) (intro.) of the statutes is renumbered 175.35 (2) and
5 amended to read:

6 175.35 **(2)** When a firearms dealer sells a ~~handgun~~ firearm, he or she may not
7 transfer possession of that ~~handgun~~ firearm to any other person until all of the
8 ~~following have occurred:~~ requirements of sub. (2c) have been met.

9 **SECTION 35f.** 175.35 (2) (a) to (d) of the statutes are renumbered 175.35 (2c) (a)
10 1. to 4., and 175.35 (2c) (a) 2. and 3., as renumbered, are amended to read:

11 175.35 **(2c)** (a) 2. The transferee has completed the notification form described
12 in sub. (2g) (b) 1.

13 3. The firearms dealer has conveyed the information from the completed
14 notification form to the department of justice as required by rule under sub. (2g) (b)
15 1. and requested a firearms restrictions record search.

16 **SECTION 35g.** 175.35 (2b) of the statutes is created to read:

17 175.35 **(2b)** When a person sells a firearm or transfers ownership of a firearm
18 through a firearms dealer, the person may not transfer possession of that firearm to
19 any person other than the firearms dealer, and the firearms dealer may not transfer
20 or authorize the transfer of possession of that firearm to any person, until all of the
21 requirements of sub. (2c) have been met. This subsection does not apply if a person
22 sells a firearm, or transfers ownership of a firearm, to a firearms dealer.

23 **SECTION 35h.** 175.35 (2c) (a) (intro.) and (b) of the statutes are created to read:

24 175.35 **(2c)** (a) (intro.) All of the following must occur before a sale or transfer
25 of a firearm that is a handgun occurs under sub. (2) or (2b):

1 (b) All of the following must occur before a sale or transfer of a firearm that is
2 not a handgun occurs under sub. (2) or (2b):

3 1. The transferee has provided identification as required by rule under sub. (2g)
4 (a).

5 2. The firearms dealer has completed the notification form described in sub.
6 (2g) (b) 2. and conveyed the information from the completed notification form to the
7 department of justice as required by rule under sub. (2g) (b) 2.

8 **SECTION 35i.** 175.35 (2g) (b) of the statutes is renumbered 175.35 (2g) (b)
9 (intro.) and amended to read:

10 175.35 **(2g)** (b) (intro.) The department of justice shall promulgate rules
11 prescribing ~~a~~ notification ~~form~~ forms for use under sub. ~~(2)~~ requiring the (2c) (a) 2.
12 and (b) 2. The department shall make the forms available at locations throughout
13 the state. The form shall do all of the following:

14 1. If sub. (2c) (a) describes the sale or transfer, require the transferee to provide
15 his or her name, date of birth, gender, and race ~~and social security number~~ and other
16 identification necessary to permit an accurate firearms restrictions record search
17 under par. (c) 3. and the required notification under par. (c) 4. ~~The department of~~
18 justice shall make the forms available at locations throughout the state.

19 **SECTION 35j.** 175.35 (2g) (b) 2. of the statutes is created to read:

20 175.35 **(2g)** (b) 2. If sub. (2c) (a) or (b) describes the sale or transfer, require the
21 firearms dealer to provide his or her name and contact information and information
22 that identifies the firearm that was sold or transferred.

23 **SECTION 35k.** 175.35 (2g) (c) (intro.) of the statutes is amended to read:

1 175.35 **(2g)** (c) (intro.) The department of justice shall promulgate rules for
2 firearms restrictions record searches regarding transferees under ~~sub. subs. (2) and~~
3 (2b), including procedures for all of the following:

4 **SECTION 35L.** 175.35 (2g) (c) 4. c. of the statutes is amended to read:

5 175.35 **(2g)** (c) 4. c. If the search indicates a felony charge or a violent nonfelony
6 offense charge without a recorded disposition, the deadline under sub. ~~(2)–(4) (2c) (a)~~
7 4. is extended to the end of the 3rd complete working day commencing after the day
8 on which the finding is made. The department shall notify the firearms dealer of the
9 extension as soon as practicable. During the extended period, the department shall
10 make every reasonable effort to determine the disposition of the charge and notify
11 the firearms dealer of the results as soon as practicable.

12 **SECTION 35m.** 175.35 (2i) of the statutes is renumbered 175.35 (2i) (a) and
13 amended to read:

14 175.35 **(2i)** (a) The department shall charge a firearms dealer a \$13 fee for each
15 firearms restrictions record search that the firearms dealer requests under sub. ~~(2)~~
16 ~~(e) (2c) (a) 3.~~

17 **(b)** The firearms dealer may collect the fee under par. (a) from the transferee
18 or, if the transfer is made under sub. (2b), from the transferor.

19 **(c)** The department may refuse to conduct firearms restrictions record searches
20 for any firearms dealer who fails to pay any fee under ~~this subsection~~ par. (a) within
21 30 days after billing by the department.

22 **SECTION 35n.** 175.35 (2j) of the statutes is renumbered 175.35 (2j) (a).

23 **SECTION 35o.** 175.35 (2j) (b) of the statutes is created to read:

24 175.35 **(2j)** (b) If a person sells a firearm or transfers ownership of a firearm
25 through a firearms dealer under sub. (2b), or sells a firearm or transfers ownership

1 of a firearm to a firearms dealer, the firearms dealer shall provide the person a
2 written receipt documenting the dealer's participation in the sale or transfer.

3 **SECTION 35p.** 175.35 (2k) (aL) 1. and 3. of the statutes are created to read:

4 175.35 **(2k)** (aL) 1. For any transfer of a firearm, the department of justice shall
5 maintain the date of the transfer along with the corresponding information provided
6 under sub. (2g) (b) 2.

7 3. a. If the firearms restrictions record search under sub. (2g) indicates that the
8 transferee is prohibited from possessing a firearm under s. 941.29 (1m) (a), (b), (bm),
9 (c), (d), (e), or (em), the department of justice shall maintain the date of the firearms
10 restrictions record search under sub. (2g) together with the corresponding
11 confirmation number, the unique nonapproval number, and firearms dealer
12 identification number.

13 b. If the firearms restrictions record search under sub. (2g) indicates that the
14 transferee is prohibited from possessing a firearm under s. 941.29 (1m) (f) or (g), the
15 department of justice shall maintain the date of the firearms restrictions record
16 search under sub. (2g) together with the corresponding confirmation number, the
17 unique nonapproval number, and firearms dealer identification number. If the
18 department of justice subsequently learns that the prohibition under s. 941.29 (1m)
19 (f) or (g) no longer applies to the subject of the search, the department shall destroy
20 all information regarding that firearms restrictions record search maintained under
21 this subd. 1. b.

22 c. If the firearms restrictions records search under sub. (2g) indicates that the
23 transferee is prohibited from possessing a firearm under s. 941.29 (1m) (ag), (bg),
24 (br), (cg), or (dg), the department of justice shall maintain the date of the firearms
25 restrictions record search under sub. (2g) together with the corresponding

1 confirmation number, the unique nonapproval number, and firearms dealer
2 identification number. The department of justice shall destroy all information
3 regarding the firearms restrictions record search maintained under this subd. 1. c.
4 either 5 years after the date of the firearms restrictions record search or on the date
5 that the prohibition under s. 941.29 (1m) (ag), (bg), (br), (cg), or (dg) no longer applies
6 to the subject of the search, if that date can be ascertained by the department,
7 whichever is earlier.

8 **SECTION 35q.** 175.35 (2k) (ar) (intro.) and 1. of the statutes are consolidated,
9 renumbered 175.35 (2k) (ar) and amended to read:

10 175.35 **(2k)** (ar) Except as provided in pars. (b) to ~~(j)~~ (k) and as necessary to
11 administer this section, the department of justice shall ~~do all of the following:~~ 1.
12 ~~Deny~~ deny access to any record kept under this section.

13 **SECTION 35r.** 175.35 (2k) (ar) 2. of the statutes is renumbered 175.35 (2k) (aL)
14 4. and amended to read:

15 175.35 **(2k)** (aL) 4. ~~Check~~ The department of justice shall check each duplicate
16 notification form received under sub. (2j) against the information recorded by the
17 department regarding the corresponding request for a firearms restrictions record
18 search under sub. (2g). If the department previously provided a unique approval
19 number regarding the request and nothing in the duplicate completed notification
20 form indicates that the transferee is prohibited from possessing a firearm under s.
21 941.29, the department shall destroy all records regarding that firearms restrictions
22 record search within 30 days after receiving the duplicate form.

23 **SECTION 35s.** 175.35 (2k) (b) (intro.), 1. and 3. of the statutes are consolidated,
24 renumbered 175.35 (2k) (b) and amended to read:

1 175.35 (2k) (b) Notwithstanding par. ~~(a)~~ (aL), the department of justice may
2 maintain ~~all of the following~~: ~~1. Records~~ records necessary to comply with federal
3 law. ~~3. Records~~ and records necessary to administer this section.

4 **SECTION 35t.** 175.35 (2k) (b) 2. a. and b. of the statutes are consolidated,
5 renumbered 175.35 (2k) (aL) 2. and amended to read:

6 175.35 (2k) (aL) 2. Except as provided in subd. ~~2. b.~~, a log of dates of requests
7 for 4., if the department of justice issues an approval number under sub. (2g) (c) 4.
8 b., the department of justice shall maintain for each corresponding transfer the date
9 of the firearms restrictions record searches search under sub. (2g) together with the
10 confirmation numbers number, unique approval and ~~nonapproval numbers~~ number,
11 and firearms dealer identification ~~numbers~~ number corresponding to ~~those dates.~~
12 ~~b. Within 3 that date. Three~~ years after the department issues a unique approval
13 number, the department shall destroy all corresponding information ~~contained in~~
14 the log maintained under subd. 2. a. this subdivision.

15 **SECTION 35ta.** 175.35 (2k) (c) 2. a. of the statutes is amended to read:

16 175.35 (2k) (c) 2. a. A statement that the Wisconsin law enforcement agency
17 is conducting an investigation of a crime in which a ~~handgun~~ firearm was used or was
18 attempted to be used or was unlawfully possessed.

19 **SECTION 35tc.** 175.35 (2k) (c) 2. b. of the statutes is amended to read:

20 175.35 (2k) (c) 2. b. A statement by a division commander or higher authority
21 within the Wisconsin law enforcement agency that he or she has a reasonable
22 suspicion that the person who is the subject of the information request has obtained
23 or is attempting to obtain a ~~handgun~~ firearm.

24 **SECTION 35tg.** 175.35 (2k) (g) of the statutes is amended to read:

1 175.35 (2k) (g) If a search conducted under sub. (2g) indicates that the
2 transferee is prohibited from possessing a firearm under s. 941.29, the attorney
3 general or his or her designee may disclose to a law enforcement agency that the
4 transferee has attempted to obtain a ~~handgun~~ firearm.

5 **SECTION 35th.** 175.35 (2k) (h) of the statutes is amended to read:

6 175.35 (2k) (h) If a search conducted under sub. (2g) indicates a felony charge
7 or violent nonfelony offense charge without a recorded disposition and the attorney
8 general or his or her designee has reasonable grounds to believe the transferee may
9 pose a danger to himself, herself or another, the attorney general or his or her
10 designee may disclose to a law enforcement agency that the transferee has obtained
11 or has attempted to obtain a ~~handgun~~ firearm.

12 **SECTION 35ti.** 175.35 (2k) (i) of the statutes is amended to read:

13 175.35 (2k) (i) The department of justice may not charge a fee for any services
14 that the department provides under pars. (c) to ~~(j)~~ (k).

15 **SECTION 35tj.** 175.35 (2k) (k) of the statutes is created to read:

16 175.35 (2k) (k) The department may provide access to records kept under this
17 section to a person engaged in research if the department has approved the research
18 and the researcher agrees that the information will be used only for the purposes for
19 which it was provided, the information will not be released to anyone not connected
20 with the research, and the research will not involve revealing information that may
21 serve to identify the individuals involved. The department shall also impose
22 whatever additional safeguards are needed to prevent unwarranted disclosure of
23 information from the records.

24 **SECTION 35tk.** 175.35 (2t) (a) of the statutes is amended to read:

1 175.35 (2t) (a) Transfers of any ~~handgun~~ firearm classified as an antique by
2 regulations of the U.S. department of the treasury.

3 **SECTION 35tL.** 175.35 (2t) (b) of the statutes is amended to read:

4 175.35 (2t) (b) Transfers of any ~~handgun~~ firearm between firearms dealers or
5 between wholesalers and dealers.

6 **SECTION 35tm.** 175.35 (2t) (c) of the statutes is amended to read:

7 175.35 (2t) (c) Transfers of any ~~handgun~~ firearm to law enforcement or armed
8 services agencies.

9 **SECTION 35v.** 175.35 (3) of the statutes is renumbered 175.35 (3) (b) and
10 amended to read:

11 175.35 (3) (b) Any person who intentionally violates sub. ~~(2)~~, (2e), (2f) or (2j)
12 shall be fined not less than \$500 nor more than \$10,000 and may be imprisoned for
13 not more than 9 months.

14 **SECTION 35w.** 175.35 (3) (a) of the statutes is created to read:

15 175.35 (3) (a) Any person who intentionally violates sub. (2) or (2b) is guilty of
16 a Class G felony.”

17 **5.** Page 30, line 4: delete “(1) (f)” and substitute “(1m) (f)”.

18 **6.** Page 43, line 3: after that line insert:

19 **SECTION 47g.** 938.341 of the statutes is amended to read:

20 **938.341 Delinquency adjudication; restriction on firearm possession.**

21 Whenever a court adjudicates a juvenile delinquent for an act that if committed by
22 an adult in this state would be a felony or a violent nonfelony offense, as defined in
23 s. 941.29 (1g), the court shall inform the juvenile of the requirements and penalties
24 under s. 941.29.

INS
1-5-11

INS
3-10
B

1 **SECTION 47r.** 938.396 (2g) (d) of the statutes is amended to read:

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

12 **7.** Page 43, line 6: after “felony” insert “or a violent nonfelony offense, as
13 defined in s. 941.29 (1g).”.

14 ~~**8.** Page 49, line 4: after that line insert:~~

15 **SECTION 64b.** 941.29 (1) of the statutes is renumbered 941.29 (1m) and
16 amended to read:

17 941.29 **(1m)** A person is ~~subject to the requirements and penalties of this~~
18 ~~section if he or she has been~~ who possesses a firearm is guilty of a Class G felony if
19 any of the following apply:

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

21 (b) ~~Convicted~~ The person has been convicted of a crime elsewhere that would
22 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~~ is subject to an order not to possess a firearm under s. 51.20 (13) (cv)
11 1., 2007 stats.

12 (em) ~~Ordered~~ The person has been ordered not to possess a firearm under s.
13 51.20 (13) (cv) 1., 51.45 (13) (i) 1., 54.10 (3) (f) 1., or 55.12 (10) (a).

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

20 (g) ~~Ordered~~ The person is subject to an order not to possess a firearm under s.
21 813.125 (4m).

22 **SECTION 64c.** 941.29 (1g) of the statutes is created to read:

23 941.29 (1g) “Violent nonfelony offense” means any of the following:

24 (a) A misdemeanor violation of s. 940.19, 940.195, 940.225, 940.42, 940.44,
25 941.20, 941.237, 941.38, 941.39, 947.013, 948.10, 948.55, or 948.60.

1 (b) A violation of a temporary restraining order or injunction issued under s.
2 813.12 (3) or (4), 813.122 (4) or (5), or 813.125 (3) or (4).

3 (c) Any misdemeanor crime for which the maximum term of imprisonment has
4 been increased under s. 939.63.

5 **SECTION 64d.** 941.29 (1m) (ag) of the statutes is created to read:

6 941.29 (1m) (ag) The person has been convicted on or after the effective date
7 of this paragraph [LRB inserts date], of a violent nonfelony offense.

8 **SECTION 64e.** 941.29 (1m) (bg) of the statutes is created to read:

9 941.29 (1m) (bg) The person has been convicted elsewhere on or after the
10 effective date of this paragraph [LRB inserts date], of a crime that would be a
11 violent nonfelony offense if committed in this state.

12 **SECTION 64f.** 941.29 (1m) (br) of the statutes is created to read:

13 941.29 (1m) (br) The person has been adjudicated delinquent on or after the
14 effective date of this paragraph [LRB inserts date], for an act that if committed
15 by an adult in this state would be a violent nonfelony offense.

16 **SECTION 64g.** 941.29 (1m) (cg) of the statutes is created to read:

17 941.29 (1m) (cg) On or after the effective date of this paragraph [LRB inserts
18 date], the person has been found not guilty by reason of mental disease or defect of
19 a violent nonfelony offense in this state.

20 **SECTION 64h.** 941.29 (1m) (dg) of the statutes is created to read:

21 941.29 (1m) (dg) On or after the effective date of this paragraph [LRB
22 inserts date], the person has been found not guilty of, or not responsible for, by reason
23 of insanity or mental disease, defect, or illness, a crime elsewhere that would be a
24 violent nonfelony offense in this state.

25 **SECTION 64i.** 941.29 (2) of the statutes is repealed.

1 **SECTION 64j.** 941.29 (3) of the statutes is amended to read:

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

4 **SECTION 64k.** 941.29 (4) of the statutes is amended to read:

5 941.29 **(4)** A person is concerned with the commission of a crime, as specified
6 in s. 939.05 (2) (b), in violation of this section if he or she knowingly furnishes a person
7 with a firearm in violation of ~~sub. (2)~~ this section.

8 **SECTION 64L.** 941.29 (5) (intro.) of the statutes is amended to read:

9 941.29 **(5)** (intro.) This section does not apply to any person specified in sub.
10 ~~(1)~~ (1m) who:

11 **SECTION 64m.** 941.29 (5) (a) of the statutes is amended to read:

12 941.29 **(5)** (a) Has received a pardon with respect to the crime or felony specified
13 in sub. ~~(1) and has been~~ (1m) and the pardon expressly authorized authorizes the
14 person to possess a firearm ~~under 18 USC app. 1203~~; or

15 **SECTION 64n.** 941.29 (8) of the statutes is amended to read:

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

21 **SECTION 64o.** 941.29 (9) of the statutes is repealed.

22 **SECTION 64p.** 941.29 (10) (intro.) of the statutes is amended to read:

23 941.29 **(10)** (intro.) The prohibition against firearm possession under this
24 section does not apply to a person specified in sub. ~~(1)~~ (1m) (f) if the person satisfies
25 any of the following:

1 **SECTION 64q.** 941.29 (11) of the statutes is created to read:

2 941.29 **(11)** Subsection (1m) (ag), (bg), (br), (cg), and (dg) does not apply if the
3 conviction, adjudication, or finding occurred more than 5 years before the date on
4 which the person possesses the firearm.

5 **9.** Page 58, line 12: after that line insert:

6 **"SECTION 97m.** 971.17 (1g) of the statutes is amended to read:

7 971.17 **(1g)** If the defendant under sub. (1) is found not guilty of a felony or a
8 violent nonfelony offense, as defined in s. 941.29 (1g), by reason of mental disease or
9 defect, the court shall inform the defendant of the requirements and penalties under
10 s. 941.29."

11 **10.** Page 59, line 2: after that line insert:

12 **"SECTION 99p.** 973.176 (1) of the statutes is amended to read:

13 973.176 **(1)** FIREARM POSSESSION. Whenever a court imposes a sentence or
14 places a defendant on probation regarding a felony conviction for a felony or for a
15 violent nonfelony offense, as defined in s. 941.29 (1g), the court shall inform the
16 defendant of the requirements and penalties under s. 941.29."

17 **11.** Page 60, line 1: before that line insert:

18 **"SECTION 100m. Initial applicability.**

19 (1) The treatment of sections 175.33 and 175.35 (2) (intro.) and (a) to (d), (2b),
20 (2c) (a) (intro.) and (b), (2g) (c) (intro.) and 4. c., (2i), and (2k) (aL) 1. and 3., (ar) (intro),
21 1., and 2., (b) 2. a. and b., and (h) of the statutes, the renumbering of section 175.35
22 (2j) of the statutes, the renumbering and amendment of section 175.35 (2g) (b) and
23 (3) of the statutes, and the creation of section 175.35 (2g) (b) 2., (2j) (b), and (3) (a)

MS
5-15

1 of the statutes first apply to sales or transfers of ownership of firearms that occur on
2 the effective date of this subsection.

3 (2) The treatment of sections 938.341, 938.396 (2g) (n), 971.17 (1g), and 973.176
4 (1) of the statutes first applies to delinquency adjudications, findings of not guilty by
5 reason of mental disease or defect, and convictions occurring on the effective date of
6 this subsection.”.

7 (END)



ASSEMBLY AMENDMENT,
TO 2011 SENATE BILL 93

INS 1-5
B

1 At the locations indicated, amend the bill, as shown by senate substitute
2 amendment 2, as follows:

3 **1.** Page 37, line 24: after that line insert:

4 "(15p) REQUIRED POSTING. A person who organizes an outdoor festival, on public
5 or privately owned property, shall post notice of the prohibition under sub. (16) (a)
6 ^{29.} in a manner that is substantially similar to posting requirements under s. 943.13
7 (2) (bm) 2. c.".

8 **2.** Page 38, line 16: after that line insert:

9 ^{29.} "Any place that is used for an outdoor festival."

INS
3-5
B

10 ^{29. A zoo.} **3.** Page 39, line 15: after "sub." insert "(15p) or".

11 **4.** Page 51, line 9: after "admission." insert "'Special event' does not include
12 an outdoor festival under s. 175.60 (16) (a) 9.".

13 (END)

INS
3-10 A



ASSEMBLY AMENDMENT ,
TO 2011 SENATE BILL 93

1 At the locations indicated, amend the bill, as shown by senate substitute
2 amendment 2, as follows:

3 **1.** ~~Page 38, line 16: after that line insert:~~

INS
3-5
R

4 ~~1.~~ ^{25.} Any building or place that is used for Summerfest.

5 ~~2.~~ ^{26.} Miller Park stadium.

6 ~~3.~~ ^{27.} Any place that is a building on or a place on the grounds of State Fair Park.

7 **2.** Page 51, line 9: after "admission." insert "'Special event" does not include
8 Summerfest, an event in Miller Park stadium, ^{or} an event held at State Fair Park."

INS
4-17

(END)

or on outdoor
festival under
s. 175.60 (16)
(a) 29.