

**2013 DRAFTING REQUEST**

**Bill**

Received:	2/12/2014	Received By:	chanaman
Wanted:	As time permits	Same as LRB:	-1962
For:	Jerry Petrowski (608) 266-2502	By/Representing:	Tim Fiocchi
May Contact:		Drafter:	chanaman
Subject:	Courts - garn/injunct Criminal Law - guns and weapons	Addl. Drafters:	
		Extra Copies:	

Submit via email: YES  
Requester's email: Sen.Petrowski@legis.wisconsin.gov  
Carbon copy (CC) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Firearm seizure process under certain injunctions

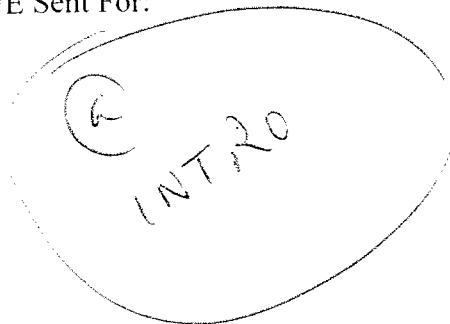
**Instructions:**

No specific instructions given

**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 2/12/2014	scalvin 2/12/2014	jmurphy 2/12/2014	_____	lparisi 2/12/2014	lparisi 2/12/2014	State S&L

FE Sent For:



<END>

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/1	chanaman	/1 sac 02/12/2014	/1 sac 02/12/2014	_____	_____	_____	State S&L

FE Sent For: *Jon* 2/12

<END>

PLEASE  
JACKET  
FOR  
SEN

## Hanaman, Cathlene

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**From:** Fiocchi, Tim  
**Sent:** Wednesday, February 12, 2014 3:56 PM  
**To:** Hanaman, Cathlene  
**Cc:** Bruce, Cory  
**Subject:** AB 464

Hi Cathlene,

Can you send me a Senate jacket for a companion bill to AB 464/ LRB 1962?

Thank you,

Tim

Tim Fiocchi  
Chief of Staff, Senator Jerry Petrowski  
29th Senate District  
(608) 266-2502



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1062/1

CMH:eev:fs

Stays - 4268/1

**2013 ASSEMBLY BILL 464**

*Redraft companion  
Mikes  
now*

October 25, 2013 - Introduced by Representatives BIES, BERCEAU, BERNARD SCHABER, BERNIER, BEWLEY, BILLINGS, BROOKS, HEBL, HINTZ, JACQUE, JOHNSON, MURPHY, A. OTT and RICHARDS, cosponsored by Senators L. TAYLOR, CARPENTER, HANSEN, HARRIS, LEHMAN, RISSER and SHILLING. Referred to Committee on Public Safety and Homeland Security.

*repeal*

1 **AN ACT to repeal** 813.122 (5m) (am), 813.122 (5m) (aw), 813.122 (5m) (b) and (c),  
2 813.125 (4m) (cm), 813.125 (4m) (cw) and 813.125 (4m) (d) and (e); **to renumber**  
3 813.122 (2); **to renumber and amend** 813.12 (4m) (am), 813.12 (4m) (aw),  
4 813.12 (4m) (b) and 813.12 (4m) (c); **to amend** 48.25 (6), 813.12 (4m) (a) 1.,  
5 813.12 (4m) (a) 2., 813.122 (5m) (a) 1., 813.122 (5m) (a) 2., 813.125 (4) (a) 2.,  
6 813.125 (4m) (c) 1., 813.125 (4m) (c) 2., 813.125 (6) (c) and 938.25 (6); and **to**  
7 **create** 785.01 (1) (bp) and (br), 813.12 (2) (c), 813.122 (2) (b), 813.125 (4) (a) 2.  
8 a., b. and c. and 813.1285 of the statutes; **relating to:** providing notice of  
9 firearm prohibition when serving notice for certain injunction hearings and  
10 process for surrendering firearms following the granting of certain injunctions.

***Analysis by the Legislative Reference Bureau***

Under current law, a person is prohibited from possessing a firearm and must surrender any firearm he or she possesses if he or she is subject to a domestic abuse injunction, a child abuse injunction, or, if the court determines that he or she may use a firearm to harm another or endanger public safety, a harassment injunction (injunction). A person who is subject to an injunction (respondent) must surrender

**ASSEMBLY BILL 464**

his or her firearm to a sheriff or to a third party approved by the court and is guilty of a Class G felony if convicted of possessing a firearm while subject to the injunction. This bill creates a procedure for notifying a person, when the person is served with a petition for an injunction hearing, of the prohibition against possessing a firearm and of the requirement to surrender any firearm.

The bill also creates a procedure for surrendering firearms after the court grants an injunction. If the respondent is present at the injunction hearing, he or she must provide the court with a completed firearm possession form, which requests information such as whether the respondent possesses, or has possessed in the previous six months, any firearm and, if so, the quantity and the make and model of the firearm. If the respondent is not present at the injunction hearing, the court must provide the petitioner the opportunity to inform the court, orally or in writing, whether he or she believes that the respondent possesses a firearm. If the court is satisfied that the respondent does not possess a firearm, the court must file the firearm possession form. If the firearm possession form or the petitioner indicates that the respondent possesses a firearm, or if the court is not satisfied that the respondent does not possess a firearm, the court must schedule a hearing to surrender firearms to occur with one week of the injunction hearing. The court must dismiss the hearing if the respondent surrenders his or her firearms to a sheriff within 48 hours or, if the respondent appeared at the injunction hearing and the court approves of the surrender, to another person who also appeared at the injunction hearing, who testifies under oath that the person received all of the firearms on the firearm possession form, who is not prohibited by law from possessing a firearm, and who is informed of the penalties for furnishing a firearm to a person who is prohibited by law from possessing a firearm (qualified person).

If the court does not dismiss the hearing to surrender firearms, the respondent must attend the hearing. A respondent who fails is in contempt of court and the court must issue an arrest warrant. At the hearing to surrender firearms the court must verify all of the information on the firearm possession form and either permit the surrender to a qualified person or order the respondent to surrender his or her firearms to the sheriff within 48 hours. A respondent who fails to comply with an order to surrender his or her firearms to a sheriff is in contempt of court and the court must issue an arrest warrant.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

- 1           **SECTION 1.** 48.25 (6) of the statutes is amended to read:
- 2           48.25 (6) If a proceeding is brought under s. 48.13, any party to or any
- 3           governmental or social agency involved in the proceeding may petition the court to

**ASSEMBLY BILL 464**

1 issue a temporary restraining order and injunction as provided in s. 813.122 or  
2 813.125. The court exercising jurisdiction under this chapter shall follow the  
3 procedure under s. 813.122 or 813.125 except that the court may combine hearings  
4 authorized under s. 813.122 or 813.125 and this chapter, the petitioner for the  
5 temporary restraining order and injunction is not subject to the limitations under s.  
6 813.122 (2) (a) or 813.125 (2) and no fee is required regarding the filing of the petition  
7 under s. 813.122 or 813.125.

8 **SECTION 2.** 785.01 (1) (bp) and (br) of the statutes are created to read:

9 785.01 (1) (bp) Failure to attend a hearing to surrender firearms as required  
10 under s. 813.1285 (4) (a);

11 (br) Violation of an order under s. 813.1285 (4) (b) 2.;

12 **SECTION 3.** 813.12 (2) (c) of the statutes is created to read:

13 813.12 (2) (c) When the respondent is served with the petition under this  
14 subsection, the person who serves the respondent shall also provide the respondent  
15 all of the following information:

16 1. Notice of the requirements and penalties under s. 941.29 (1) (f) and (2) (e)  
17 and notice of any similar applicable federal laws and penalties.

18 2. An explanation of s. 813.1285, including the procedures for surrendering a  
19 firearm and the circumstances listed under s. 813.1285 under which a respondent  
20 must appear at a hearing to surrender firearms.

21 3. A firearm possession form developed under s. 813.1285 (5) (a), with  
22 instructions for completing and returning the form.

23 **SECTION 4.** 813.12 (4m) (a) 1. of the statutes is amended to read:

**ASSEMBLY BILL 464****SECTION 4**

1           813.12 (4m) (a) 1. Inform the respondent named in the petition of the  
2 requirements and penalties under s. 941.29 and any similar applicable federal laws  
3 and penalties.

4           **SECTION 5.** 813.12 (4m) (a) 2. of the statutes is amended to read:

5           813.12 (4m) (a) 2. Except as provided in par. (ag), require in writing the  
6 respondent to surrender any firearms ~~that he or she owns or has in his or her~~  
7 ~~possession to the sheriff of the county in which the action under this section was~~  
8 ~~commenced, to the sheriff of the county in which the respondent resides or to another~~  
9 ~~person designated by the respondent and approved by the judge or circuit court~~  
10 ~~commissioner. The judge or circuit court commissioner shall approve the person~~  
11 ~~designated by the respondent unless the judge or circuit court commissioner finds~~  
12 ~~that the person is inappropriate and places the reasons for the finding on the record.~~  
13 ~~If a firearm is surrendered to a person designated by the respondent and approved~~  
14 ~~by the judge or circuit court commissioner, the judge or circuit court commissioner~~  
15 ~~shall inform the person to whom the firearm is surrendered of the requirements and~~  
16 ~~penalties under s. 941.29 (4) in accordance with s. 813.1285.~~

17           **SECTION 6.** 813.12 (4m) (am) of the statutes is renumbered 813.1285 (6) and  
18 amended to read:

19           813.1285 (6) (a) When a respondent surrenders a firearm under ~~par. (a) 2. sub.~~  
20 ~~(3) (b) or (4) (b) 2.~~ to a sheriff, the sheriff who is receiving the firearm shall prepare  
21 a receipt for each firearm surrendered to him or her. The receipt shall include the  
22 date on which the firearm was surrendered and the manufacturer, model, and serial  
23 number of the firearm surrendered to the sheriff and shall be signed by the  
24 respondent and by the sheriff to whom the firearm is surrendered.

**ASSEMBLY BILL 464**

1 (b) The sheriff shall keep the original of a receipt prepared under ~~subd. 1. par.~~  
2 ~~(a)~~ and shall provide ~~an exact copy~~ 2 copies of the receipt to the respondent. The  
3 respondent shall provide one copy of the receipt to the clerk of courts within 48 hours  
4 of the order to surrender firearms. When the firearm covered by the receipt is  
5 returned to the respondent under ~~par. (b) sub. (7)~~, the sheriff shall surrender to the  
6 respondent the original receipt and all of his or her copies of the receipt.

7 (c) A receipt prepared under ~~subd. 1. par. (a)~~ is conclusive proof that the  
8 respondent owns the firearm for purposes of returning the firearm covered by the  
9 receipt to the respondent under ~~par. (b) sub. (7)~~.

10 (d) The sheriff may not enter any information contained on a receipt prepared  
11 under ~~subd. 1. par. (a)~~ into any computerized or direct electronic data transfer system  
12 in order to store the information or, except as provided in par. (b), disseminate or  
13 provide access to the information.

14 **SECTION 7.** 813.12 (4m) (aw) of the statutes is renumbered 813.1285 (6) (e) 1.  
15 and amended to read:

16 813.1285 (6) (e) 1. A sheriff may store a firearm surrendered to him or her  
17 under ~~par. (a) 2. sub. (3) (b) or (4) (b) 2.~~ in a warehouse that is operated by a public  
18 warehouse keeper licensed under ch. 99. If a sheriff stores a firearm at a warehouse  
19 under this paragraph subdivision, the respondent shall pay the costs charged by the  
20 warehouse for storing that firearm.

21 **SECTION 8.** 813.12 (4m) (b) of the statutes is renumbered 813.1285 (7) (a), and  
22 813.1285 (7) (a) (intro.) and 1., as renumbered, are amended to read:

23 813.1285 (7) (a) (intro.) A firearm surrendered under ~~par. (a) 2.~~ this section may  
24 not be returned to the respondent until the respondent completes a petition for the



**ASSEMBLY BILL 464****SECTION 8**

1 return of firearms and a judge or circuit court commissioner determines all of the  
2 following:

3 1. That the injunction issued under ~~sub. (4) s. 813.12 (4), 813.122 (5), or 813.125~~  
4 (4), whichever required the surrender of the firearm, has been vacated or has expired  
5 and not been extended.

6 **SECTION 9.** 813.12 (4m) (c) of the statutes is renumbered 813.1285 (7) (b) and  
7 amended to read:

8 813.1285 (7) (b) If a respondent surrenders a firearm under ~~par. (a) 2.~~ this  
9 section that is owned by a person other than the respondent, the person who owns  
10 the firearm may apply for its return to the circuit court for the county in which the  
11 person to whom the firearm was surrendered is located. The court shall order such  
12 notice as it considers adequate to be given to all persons who have or may have an  
13 interest in the firearm and shall hold a hearing to hear all claims to its true  
14 ownership. If the right to possession is proved to the court's satisfaction, it shall  
15 order the firearm returned. If the court returns a firearm under this paragraph, the  
16 court shall inform the person to whom the firearm is returned of the requirements  
17 and penalties under s. 941.29 (4).

18 **SECTION 10.** 813.122 (2) of the statutes is renumbered 813.122 (2) (a).

19 **SECTION 11.** 813.122 (2) (b) of the statutes is created to read:

20 813.122 (2) (b) When the respondent is served with the petition under this  
21 subsection, the person who serves the respondent shall also provide the respondent  
22 with all of the following information:

23 1. Notice of the requirements and penalties under s. 941.29 (1) (f) and (2) (e)  
24 and notice of any similar applicable federal laws and penalties.

**ASSEMBLY BILL 464**

1           2. An explanation of s. 813.1285, including the procedures for surrendering a  
2 firearm and the circumstances listed under s. 813.1285 under which a respondent  
3 must appear at a hearing to surrender firearms.

4           3. A firearm possession form developed under s. 813.1285 (5), with instructions  
5 for completing and returning the form.

6           **SECTION 12.** 813.122 (5m) (a) 1. of the statutes is amended to read:

7           813.122 (5m) (a) 1. Inform the respondent named in the petition of the  
8 requirements and penalties under s. 941.29 and any similar applicable federal laws  
9 and penalties.

10          **SECTION 13.** 813.122 (5m) (a) 2. of the statutes is amended to read:

11          813.122 (5m) (a) 2. Except as provided in par. (ag), require in writing the  
12 respondent to surrender any firearms that ~~he or she owns or has in his or her~~  
13 ~~possession to the sheriff of the county in which the action under this section was~~  
14 ~~commenced, to the sheriff of the county in which the respondent resides or to another~~  
15 ~~person designated by the respondent and approved by the judge or circuit court~~  
16 ~~commissioner. The judge or circuit court commissioner shall approve the person~~  
17 ~~designated by the respondent unless the judge or circuit court commissioner finds~~  
18 ~~that the person is inappropriate and places the reasons for the finding on the record.~~  
19 ~~If a firearm is surrendered to a person designated by the respondent and approved~~  
20 ~~by the judge or circuit court commissioner, the judge or circuit court commissioner~~  
21 ~~shall inform the person to whom the firearm is surrendered of the requirements and~~  
22 ~~penalties under s. 941.29 (4) in accordance with s. 813.1285.~~

23          **SECTION 14.** 813.122 (5m) (am) of the statutes is repealed.

24          **SECTION 15.** 813.122 (5m) (aw) of the statutes is repealed.

25          **SECTION 16.** 813.122 (5m) (b) and (c) of the statutes are repealed.

**ASSEMBLY BILL 464****SECTION 17**

1           **SECTION 17.** 813.125 (4) (a) 2. of the statutes is amended to read:

2           813.125 (4) (a) 2. The petitioner serves upon the respondent a copy of a  
3           restraining order obtained under sub. (3) and notice of the time for the hearing on  
4           the issuance of the injunction under sub. (3) (c). The restraining order or notice of  
5           hearing served under this subdivision shall inform the respondent that, if the judge  
6           or circuit court commissioner issues an injunction, the judge or circuit court  
7           commissioner may also order the respondent not to possess a firearm while the  
8           injunction is in effect. The person who serves the respondent with the order or notice  
9           shall also provide the respondent with all of the following information:

10          **SECTION 18.** 813.125 (4) (a) 2. a., b. and c. of the statutes are created to read:

11          813.125 (4) (a) 2. a. Notice of the requirements and penalties under s. 941.29  
12          (1) (g) and (2) (d) and notice of any similar applicable federal laws and penalties.

13          b. An explanation of s. 813.1285, including the procedures for surrendering a  
14          firearm and the circumstances listed under s. 813.1285 under which a respondent  
15          must appear at a hearing to surrender firearms.

16          c. A firearm possession form developed under s. 813.1285 (5), with instructions  
17          for completing and returning the form.

18          **SECTION 19.** 813.125 (4m) (c) 1. of the statutes is amended to read:

19          813.125 (4m) (c) 1. Inform the respondent named in the petition of the  
20          requirements and penalties under s. 941.29 and any similar applicable federal laws  
21          and penalties.

22          **SECTION 20.** 813.125 (4m) (c) 2. of the statutes is amended to read:

23          813.125 (4m) (c) 2. Except as provided in par. (cg), require in writing the  
24          respondent to surrender any firearms that he or she owns ~~or has in his or her~~  
25          ~~possession to the sheriff of the county in which the action under this section was~~

## ASSEMBLY BILL 464

1 commenced, to the sheriff of the county in which the respondent resides or to another  
2 person designated by the respondent and approved by the judge or circuit court  
3 commissioner. The judge or circuit court commissioner shall approve the person  
4 designated by the respondent unless the judge or circuit court commissioner finds  
5 that the person is inappropriate and places the reasons for the finding on the record.  
6 If a firearm is surrendered to a person designated by the respondent and approved  
7 by the judge or circuit court commissioner, the judge or circuit court commissioner  
8 shall inform the person to whom the firearm is surrendered of the requirements and  
9 penalties under s. 941.29 (4) in accordance with s. 813.1285.

10 SECTION 21. 813.125 (4m) (cm) of the statutes is repealed.

11 SECTION 22. 813.125 (4m) (cw) of the statutes is repealed.

12 SECTION 23. 813.125 (4m) (d) and (e) of the statutes are repealed.

13 SECTION 24. 813.125 (6) (c) of the statutes is amended to read:

14 813.125 (6) (c) A respondent who does not appear at a hearing at which the  
15 court orders an injunction under sub. (4) but who has been served with a copy of the  
16 petition and notice of the time for hearing under sub. (4) (a) 2. that includes the  
17 information required under sub. (4) (a) 2. a., b., and c. has constructive knowledge  
18 of the existence of the injunction and shall be arrested for violation of the injunction  
19 regardless of whether he or she has been served with a copy of the injunction.

20 SECTION 25. 813.1285 of the statutes is created to read:

21 **813.1285 Notice and process for firearm surrender.** (1) DEFINITIONS. In  
22 this section:

23 (a) "Firearm possession form" means the form developed under sub. (5) (a).

24 (b) "Petitioner" means an individual who is applying for, or for whom a court  
25 has granted, an injunction under s. 813.12 (4), 813.122 (5), or 813.125 (4).

**ASSEMBLY BILL 464****SECTION 25**

1 (c) "Petition for the return of firearms" means a petition developed under sub.  
2 (5) (b).

3 (d) "Respondent" means the individual who is the subject of an injunction  
4 issued under s. 813.12 (4) or 813.122 (5), or, if the court has required the individual  
5 to surrender his or her firearms under s. 813.125 (4m), under s. 813.125 (4).

6 **(2) FIREARM POSSESSION DETERMINATION.** (a) If the respondent is present at the  
7 injunction hearing, the respondent shall provide the court a completed firearm  
8 possession form. The court shall verify the information on the firearm possession  
9 form and shall make an inquiry on the record as to the contents of the firearm  
10 possession form.

11 (b) If the respondent is not present at the injunction hearing, the court shall  
12 provide the petitioner with an opportunity to inform the court orally or in writing  
13 whether he or she believes that the respondent possesses a firearm. If the petitioner  
14 informs the court that the respondent possesses a firearm, the court shall request the  
15 petitioner to inform the court orally or in writing how many firearms he or she  
16 believes the respondent possesses and the make and model of any firearm he or she  
17 believes the respondent possesses.

18 (c) 1. If the firearm possession form submitted to the court under par. (a)  
19 indicates the respondent does not possess a firearm and the court, after an inquiry,  
20 is satisfied that the respondent does not possess a firearm, the court shall file the  
21 firearm possession form.

22 2. If the firearm possession form submitted to the court under par. (a) indicates  
23 the respondent possesses a firearm, if the petitioner indicates under par. (b) that the  
24 respondent possesses a firearm, or if the court is not satisfied that the respondent  
25 does not possess a firearm, the court shall schedule a hearing to surrender firearms

**ASSEMBLY BILL 464**

1 to occur within one week of the injunction hearing. The court may schedule a hearing  
2 to surrender firearms for any other reason relevant to the surrender of firearms.

3 (3) SURRENDER OF FIREARMS. Unless the court has noted another reason that is  
4 relevant to the surrender of firearms that would require the hearing to surrender  
5 firearms to occur, the court shall dismiss the hearing to surrender firearms  
6 scheduled under sub. (2) (c) 2. if the respondent surrenders his or her firearm in one  
7 of the following manners:

8 (a) The respondent surrenders his or her firearm to another person and all of  
9 the following apply:

10 1. The respondent and the person to whom the respondent is surrendering his  
11 or her firearm appear at the injunction hearing under s. 813.12 (4), 813.122 (5), or  
12 813.125 (4), whichever is appropriate.

13 2. At the injunction hearing, the person testifies under oath that the person has  
14 received the firearms listed on the respondent's firearm possession form.

15 3. At the injunction hearing, the court determines that the person is not  
16 prohibited from possessing a firearm.

17 4. The court informs the person to whom the firearm is surrendered of the  
18 requirements and penalties under s. 941.29 (4).

19 5. The court, after considering all relevant factors and any input from the  
20 petitioner, approves the surrender of the firearm.

21 (b) The respondent surrenders his or her firearm to a sheriff no later than 48  
22 hours after the injunction hearing ordering the respondent to surrender his or her  
23 firearm and provides a copy of the receipt to the clerk of courts as provided in sub.  
24 (6) (b).

**ASSEMBLY BILL 464****SECTION 25**

1           (4) HEARING TO SURRENDER FIREARMS. (a) Unless the court dismisses the hearing  
2 to surrender firearms, a respondent for whom a hearing to surrender firearms has  
3 been scheduled must attend the hearing. If the respondent fails to attend the  
4 hearing to surrender firearms, the court shall issue an arrest warrant for the  
5 respondent and shall proceed under ch. 785 against him or her for contempt of court.

6           (b) At the hearing to surrender firearms, the court shall ensure that the  
7 respondent has completed a firearm possession form, shall verify the information  
8 provided on the firearm possession form if the information was not already verified  
9 under sub. (2) (a), shall make an inquiry on the record as to the contents of the  
10 firearm possession form, and shall do one of the following:

11           1. If the respondent wants to surrender his or her firearms to a person who is  
12 not the sheriff, permit the surrender if all of the following apply:

13           a. The respondent and the person to whom the respondent is surrendering his  
14 or her firearm appear at the hearing to surrender firearms.

15           b. At the hearing to surrender firearms, the person testifies under oath that the  
16 person has received the firearms listed on the respondent's firearm possession form.

17           c. At the hearing to surrender firearms, the court determines that the person  
18 is not prohibited from possessing a firearm.

19           d. The court informs the person to whom the firearm is surrendered of the  
20 requirements and penalties under s. 941.29 (4).

21           e. The court, after considering all relevant factors and any input from the  
22 petitioner, approves the surrender of the firearm.

23           2. Order the respondent to surrender any firearm on the respondent's firearm  
24 possession form to a sheriff in accordance with sub. (6) within 48 hours. If the  
25 respondent fails to comply with the order, the court shall issue a warrant for the

**ASSEMBLY BILL 464**

1 respondent's arrest and shall proceed under ch. 785 against him or her for contempt  
2 of court.

3 (5) FIREARM POSSESSION FORM AND PETITION FOR THE RETURN OF FIREARMS. (a) The  
4 director of state courts shall develop a firearm possession form. Any false  
5 information provided on the form by the respondent may be subject to a penalty of  
6 false swearing under s. 946.32. The director of state courts shall ensure that the  
7 firearm possession form does all of the following:

8 1. Requires the respondent to list his or her name and address.

9 2. Includes space for the respondent's signature and date signed.

10 3. Requires the respondent to indicate whether he or she owns or possesses any  
11 firearm or has owned or possessed any firearm in the 6 months immediately  
12 preceding the issuance of the injunction, and, if the answer is yes, to list the quantity  
13 and the make and model of each firearm and to note whether the firearm was sold  
14 or surrendered and whether he or she has a receipt for the firearm sale or surrender.

15 4. Gives notice of the penalty for false swearing under s. 946.32.

16 (b) The director of state courts shall develop a petition for the return of firearms  
17 in substantially the following form:

18 STATE OF WISCONSIN

19 IN CIRCUIT COURT FOR ... COUNTY

20 Petition to Return Firearm(s)

21 In re the Return of Firearms to (name of person required to surrender firearms  
22 in an injunction action)

23 Requesting person's information: date of birth, sex, race, height, weight, hair  
24 color, eye color, address, and phone number.

25 Under oath I state that:



**ASSEMBLY BILL 464****SECTION 25**

1           1. The court issued an injunction against me on (date of injunction). The  
2 injunction was issued based on a:

3           Domestic Abuse petition.

4           Child Abuse petition.

5           Harassment petition.

6           2. The court ordered me to surrender any firearms I owned or had in my  
7 possession to:

8           the sheriff of this county.

9           the sheriff of the county in which I resided, which is (name of county).

10          to the following person:

11          name:

12          address:

13          3. I surrendered the following firearms as provided in item 2. and have attached  
14 a receipt from the sheriff or from the third person (if the person did not provide a  
15 receipt, attach a description of the firearm(s)):

16          4. The injunction has (been vacated) (expired and has not been extended).

17          5. I (have) (have not) been convicted of a misdemeanor crime of domestic  
18 violence.

19          6. I (have) (have not) been convicted of a felony.

20          7. I am not prohibited from possessing a firearm under any state or federal law  
21 or by the order of any federal court or state court, other than an order from which a  
22 judge or family court commissioner is competent to grant relief.

23          I request that the court enter an order directing that the person named under  
24 item 2. return to me those firearms that were surrendered under the order of the  
25 court.

**ASSEMBLY BILL 464**

1 Subscribed and sworn to before me on (date)

2 (Signature of person requesting return of firearms)

3 (Signature of notary public, state of Wisconsin)

4 My commission expires on (date)

5 Dated this .... day of ....., .... (year)

6 Distribution:

7 1. Court – original 2. Petitioner in injunction action 3. Person to whom  
8 firearm(s) were surrendered)

9 **(6) SURRENDER OF FIREARM TO SHERIFF.**

10 (e) 2. If an injunction expires and is not extended, or an injunction is vacated,  
11 a sheriff may charge the respondent for any costs incurred 30 days after the  
12 injunction expires for storage of the firearm surrendered to the sheriff due to that  
13 injunction. A sheriff may dispose of a firearm surrendered to the sheriff due to that  
14 injunction 12 months after the injunction expires or is vacated and, if the sheriff  
15 disposes of the firearm, the sheriff may charge the respondent for the costs of  
16 disposal.

17 **(7) RETURN OF FIREARM.**

18 **SECTION 26.** 938.25 (6) of the statutes is amended to read:

19 938.25 **(6) TEMPORARY RESTRAINING ORDER AND INJUNCTION.** If a proceeding is  
20 brought under s. 938.13, any party to or any governmental or social agency involved  
21 in the proceeding may petition the court to issue a temporary restraining order and  
22 injunction as provided in s. 813.122 or 813.125. The court shall follow the procedure  
23 under s. 813.122 or 813.125 except that the court may combine hearings authorized  
24 under s. 813.122 or 813.125 and this chapter, the petitioner for the temporary  
25 restraining order and injunction is not subject to the limitations under s. 813.122 (2)

