

2013 DRAFTING REQUEST

Senate Amendment (SA-SSA(LRBs0315/1)-SB605)

Received: 2/17/2014 Received By: chanaman
 Wanted: As time permits Same as LRB: a1813
 For: Jerry Petrowski (608) 266-2502 By/Representing: Lane
 May Contact: Drafter: chanaman
 Subject: Courts - garn/injunct Addl. Drafters:
 Criminal Law - guns and weapons 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:

Reconcile AB-727 into ASA1

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 2/17/2014	wjackson 2/17/2014	jmurphy 2/17/2014	_____	srose 2/17/2014	srose 2/17/2014	

FE Sent For:

<END>

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/1	chanaman 2/17/2014	1 Wlj 2/17		_____			

FE Sent For:

<END>

Hanaman, Cathlene

To: Ruhland, Lane
Subject: RE: AB 464

From: Ruhland, Lane
Sent: Monday, February 17, 2014 12:09 PM
To: Hanaman, Cathlene
Cc: Bruce, Cory
Subject: AB 464

Cathlene,

Could you please draft a senate version of the amendment requested by Rep. Bies to Assembly Substitute Amendment 1 of ab 464. It deals with adding individuals-at-risk to the bill.

Thank you!

Lane



Senate *Senate* *to*

**ASSEMBLY AMENDMENT I,
TO ASSEMBLY SUBSTITUTE AMENDMENT I,
TO ASSEMBLY BILL 464**

50215/1
re draft comp run

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x 4268/1

February 17, 2014 – Offered by Representative BIES.

AUTHORS SUBJECT TO CHANGE

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

2 **1.** Page 2, line 10: after that line insert:

3 “SECTION 1d. 165.63 (3) and (4) (d) of the statutes, as created by 2013 Wisconsin
4 Act (Assembly Bill 727), are amended to read:

5 165.63 (3) REQUESTS FOR INJUNCTIONS. In making a determination required
6 under s. ~~813.12 (4m) (b), 813.122 (5m) (b), 813.123 (5m) (g), or 813.125 (4m) (d)~~
7 813.1285 (7) (a), a judge or court commissioner shall request information under sub.
8 (2) from the department or from a law enforcement agency or law enforcement officer
9 as provided in sub. (4) (d).

10 (4) (d) Aid the court in making a determination required under s. ~~813.12 (4m)~~
11 ~~(b), 813.122 (5m) (b), 813.123 (5m) (g), or 813.125 (4m) (d)~~ 813.1285 (7) (a).”

12 **2.** Page 7, line 16: after that line insert:

1 **SECTION 18g.** 813.123 (4) (c) of the statutes is amended to read:

2 813.123 (4) (c) The temporary restraining order is in effect until a hearing is
3 held on issuance of an injunction under sub. (5), except that the court may extend the
4 temporary restraining order under s. 813.1285. A judge shall hold a hearing on
5 issuance of an injunction within 14 days after the temporary restraining order is
6 issued, unless the time is extended upon the written consent of the parties or
7 extended once for 14 days upon a finding that the respondent has not been served
8 with a copy of the temporary restraining order although the petitioner has exercised
9 due diligence.

10 **SECTION 18i.** 813.123 (5) (a) 2. of the statutes is renumbered 813.123 (5) (a) 2.
11 (intro.) and amended to read:

12 813.123 (5) (a) 2. (intro.) The petitioner serves upon the respondent a copy of
13 the petition and notice of the time for hearing on the issuance of the injunction, or
14 the respondent serves upon the petitioner notice of the time for hearing on the
15 issuance of the injunction. The notice served under this subdivision shall inform the
16 respondent that, if the judge or circuit court commissioner issues an injunction, the
17 judge or circuit court commissioner may also order the respondent not to possess a
18 firearm while the injunction is in effect. The person who serves the respondent with
19 the notice shall also provide the respondent with all of the following information:

20 **SECTION 18k.** 813.123 (5) (a) 2. a., b. and c. of the statutes are created to read:

21 813.123 (5) (a) 2. a. Notice of the requirements and penalties under s. 941.29
22 (1) (g) and (2) (d) and notice of any similar applicable federal laws and penalties.

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

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

3 **SECTION 18n.** 813.123 (5m) (c) 1. of the statutes, as created by 2013 Wisconsin
4 Act (Assembly Bill 727), is amended to read:

5 813.123 (5m) (c) 1. Inform the respondent named in the petition of the
6 requirements and penalties under s. 941.29 and any similar applicable federal laws
7 and penalties.

8 **SECTION 18p.** 813.123 (5m) (c) 2. of the statutes, as created by 2013 Wisconsin
9 Act (Assembly Bill 727), is amended to read:

10 813.123 (5m) (c) 2. Except as provided in par. (d), require in writing the
11 respondent to surrender any firearms that he or she owns or has in his or her
12 possession to the sheriff of the county in which the action under this section was
13 commenced, to the sheriff of the county in which the respondent resides, or to another
14 person designated by the respondent and approved by the judge or circuit court
15 commissioner. ~~The judge or circuit court commissioner shall approve the person~~
16 ~~designated by the respondent unless the judge or circuit court commissioner finds~~
17 ~~that the person is inappropriate and places the reasons for the finding on the record.~~
18 ~~If a firearm is surrendered to a person designated by the respondent and approved~~
19 ~~by the judge or circuit court commissioner, the judge or circuit court commissioner~~
20 ~~shall inform the person to whom the firearm is surrendered of the requirements and~~
21 ~~penalties under s. 941.29 (4), in accordance with s. 813.1285.~~

22 **SECTION 18r.** 813.123 (5m) (e), (f), (g) and (h) of the statutes, as created by 2013
23 Wisconsin Act (Assembly Bill 727), are repealed.

24 **SECTION 18t.** 813.123 (9) (c) of the statutes is amended to read:

1 813.123 (9) (c) A respondent who does not appear at a hearing at which the
2 court orders an injunction under sub. (5) but who has been served with a copy of the
3 petition and notice of the time for hearing under sub. (5) (a) 2. that includes the
4 information required under sub. (5) (a) 2. a., b., and c. has constructive knowledge
5 of the existence of the injunction and may be arrested for violation of the injunction
6 regardless of whether he or she has been served with a copy of the injunction.”.

7 **3.** Page 10, line 1: delete lines 1 to 4 and substitute:

8 “(am) “Injunction” means an injunction issued under s. 813.12 (4) or 813.122
9 (5); an injunction issued under s. 813.123 if the court has required the individual to
10 surrender his or her firearms under s. 813.123 (5m); or an injunction issued under
11 s. 813.125 if the court has required the individual to surrender his or her firearms
12 under s. 813.125 (4m). “Injunction” includes an injunction that has been stayed
13 under this section.”.

14 **4.** Page 16, line 21: after that line insert:

15 “Adult-at-risk petition”.

16 **5.** Page 19, line 15: after that line insert:

17 “**SECTION 30g. Nonstatutory provisions.**

18 (1) If 2013 Wisconsin Act (Assembly Bill 727), as affected by 2013 Assembly
19 Amendment 2 to Assembly Bill 727, is not enacted into law then the treatment of
20 sections 165.63 (3) and (4) (d) and 813.123 (4) (c), (5m) (c) 1. and 2., (e), (f), (g), and
21 (h), and (9) (c) of the statutes, the renumbering and amendment of section 813.123
22 (5) (a) 2. of the statutes, and the creation of section 813.123 (5) (a) 2. a., b. and c. of

1 the statutes and items 3. and 4. of assembly amendment (LRBa1813/1) to
2 Assembly Substitute Amendment 1 to Assembly Bill 464 are void.”.

3 (END)