



2013 SENATE BILL 295

September 10, 2013 - Introduced by Senator GROTHMAN, cosponsored by Representative J. OTT. Referred to Committee on Judiciary and Labor.

1 **AN ACT to amend** 175.35 (2g) (c) 1., 175.35 (2g) (c) 4. (intro.), 175.35 (2j) and
2 175.35 (2k) (ar) 2. of the statutes; **relating to:** conveyance of information from
3 a firearms dealer to the Department of Justice to request a firearms restrictions
4 record search before transferring a handgun.

Analysis by the Legislative Reference Bureau

Under current law, a firearms dealer must request the Department of Justice (DOJ) to perform a firearms restrictions record search on a person seeking to purchase a handgun before the dealer may complete the sale. DOJ must promulgate rules for firearms restrictions record searches including a procedure that permits a firearms dealer to use a toll-free telephone number to convey to DOJ the information the purchaser provides on a form such as his or her name, date of birth, and other identification information that permits DOJ to perform an accurate firearms restrictions record search. The dealer must mail a duplicate copy of the form to DOJ so that, if DOJ found nothing in the original search that indicated the person was prohibited from possessing a firearm, DOJ may check the information on the duplicate form against the information DOJ recorded from the telephone call to ensure that nothing on the duplicate form indicates the purchaser is prohibited from possessing a firearm.

Under this bill, the rules DOJ promulgates may allow an alternative means, in addition to the toll-free number provided by DOJ, for a firearms dealer to convey to DOJ the information necessary for a firearms restrictions record search. If the dealer uses the alternative means, the dealer must transmit the notification form to DOJ

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using a means DOJ provides. This bill also requires DOJ to check the information transmitted against the information DOJ used to conduct the firearms restrictions record search to ensure that nothing in the transmitted information indicates that the purchaser is prohibited from possessing a firearm.

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

1 **SECTION 1.** 175.35 (2g) (c) 1. of the statutes is amended to read:

2 175.35 (2g) (c) 1. A firearms dealer to convey the information from a completed
3 notification form to the department using either a toll-free telephone number
4 provided by the department or an alternative means the department provides.

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

6 175.35 (2g) (c) 4. (intro.) The department to notify the dealer, ~~either during the~~
7 ~~initial telephone call or as soon thereafter~~ after receiving the information under
8 subd. 1. as practicable, of the results of the firearms restrictions record search as
9 follows:

10 **SECTION 3.** 175.35 (2j) of the statutes is amended to read:

11 175.35 (2j) A firearms dealer shall maintain the original record of all completed
12 notification forms and a record of all confirmation numbers and corresponding
13 approval or nonapproval numbers that he or she receives regarding firearms
14 restrictions record searches under sub. (2g). ~~The~~ If, under sub. (2g) (c) 1., the
15 firearms dealer conveys the information from the notification form using the
16 toll-free telephone number, the firearms dealer shall mail the duplicate copy of each
17 completed notification form to the department of justice. ~~If, under sub. (2g) (c) 1., the~~
18 firearms dealer conveys the information from the notification form using the
19 alternative means, the firearms dealer shall transmit, using a means the
20 department approves, each completed notification form to the department of justice.

