

**2013 DRAFTING REQUEST**

**Bill**

Received: **8/27/2013** Received By: **chanaman**  
Wanted: **As time permits** Same as LRB:  
For: **Glenn Grothman (608) 266-7513** By/Representing: **Anne Sappenfield**  
May Contact: Drafter: **chanaman**  
Subject: **Criminal Law - guns and weapons** Addl. Drafters:  
**Justice - criminal** Extra Copies:  
  
Submit via email: **YES**  
Requester's email: **Sen.Grothman@legis.wisconsin.gov**  
Carbon copy (CC) to: **Anne.Sappenfield@legis.wisconsin.gov**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Background checks for purchase of handgun; update communications.

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**Instructions:**

See attached

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**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 8/27/2013	evinz 8/27/2013	rschluet 8/27/2013	_____			
/1				_____	sbasford 8/27/2013	sbasford 9/9/2013	

FE Sent For:

↳ Not  
Needed

<END>

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<END>



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-0686/P1

CMH:wlj/ph

2003/1  
fepv

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

today or  
Wednesday  
please

1 AN ACT <sup>(regu)</sup> 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 (suggested as remedial legislation  
 5 by the Department of Justice)

***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 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.

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Justice and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

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

1 toll-free telephone number, the firearms dealer shall mail the duplicate copy of each  
2 completed notification form to the department of justice. If, under sub. (2g) (c) 1., the  
3 firearms dealer conveys the information from the notification form using the  
4 alternative means, the firearms dealer shall transmit, using a means the  
5 department approves, each completed notification form to the department of justice.

6 **SECTION 4.** 175.35 (2k) (ar) 2. of the statutes is amended to read:

7 175.35 **(2k)** (ar) 2. Check each ~~duplicate~~ notification form received under sub.  
8 (2j) against the information recorded by the department regarding the corresponding  
9 request for a firearms restrictions record search under sub. (2g). If the department  
10 previously provided a unique approval number regarding the request and nothing  
11 in the ~~duplicate~~ completed notification form indicates that the transferee is  
12 prohibited from possessing a firearm under s. 941.29, the department shall destroy  
13 all records regarding that firearms restrictions record search within 30 days after  
14 receiving the ~~duplicate~~ notification form.

15 (END)

**Basford, Sarah**

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**From:** Sen.Grothman  
**Sent:** Monday, September 09, 2013 10:02 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -3003/1 Topic: Background checks for purchase of handgun; update communications.

Please Jacket LRB -3003/1 for the SENATE.