

2013 DRAFTING REQUEST

Assembly Amendment (AA-AB727)

Received: 2/7/2014 Received By: chanaman
Wanted: As time permits Same as LRB:
For: Jim Ott (608) 266-0486 By/Representing: Ginger
May Contact: Drafter: chanaman
Subject: Courts - garn/injunct Addl. Drafters:
Criminal Law - guns and weapons Extra Copies:
Criminal Law - law enforcement

Submit via email: YES
Requester's email: Rep.OttJ@legis.wisconsin.gov
Carbon copy (CC) to: RinehartMW@DOJ.STATE.WI.US

Pre Topic:

No specific pre topic given

Topic:

Add enabling language to mental health statutes

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>
/P1	chanaman 2/10/2014	kfollett 2/10/2014	jmurphy 2/7/2014	_____	srose 2/7/2014		
/1			jmurphy 2/10/2014	_____	lparisi 2/10/2014	lparisi 2/10/2014	

FE Sent For:

<END>

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/P1	chanaman 2/7/2014	kfollett 2/7/2014	jmurphy 2/7/2014	_____	srose 2/7/2014		
FE Sent For:		11/5 2/10	11/5 2/10	Jm 2/10			<END>

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/P1	chanaman	1/PIKF 2/7		_____			

FE Sent For: *jm 2/7*

<END>

Hanaman, Cathlene

From: Rinehart, Mark W. <RinehartMW@DOJ.STATE.WI.US>
Sent: Friday, February 07, 2014 10:39 AM
To: Hanaman, Cathlene
Subject: FW: amendment to AB 727
Attachments: Fwd 2013 AB 727 - DOJ Providing Mental Commitment and Guardianship Information for Injunction Cases

Hi Cathlene,

Ginger asked that I send this amendment request directly to you. Thanks.

Mark Rinehart, DOJ

From: Mueller, Virginia [mailto:Virginia.Mueller@legis.wisconsin.gov]
Sent: Friday, February 07, 2014 10:36 AM
To: Rinehart, Mark W.
Subject: RE: amendment to AB 727

Mark

I am on my way in...can you submit this to LRB for drafting?

----- Original message -----

From: "Rinehart, Mark W." <RinehartMW@DOJ.STATE.WI.US>
Date: 02/07/2014 10:22 AM (GMT-06:00)
To: "Mueller, Virginia" <Virginia.Mueller@legis.wisconsin.gov>
Subject: amendment to AB 727

Hi Ginger,

As noted by the attached email from the courts, Ch. 51.20 (13)(cv) 4, 51.45 (13)(i) 4, 54.10 (3)(f) 4, and 55.12 (10)(b) 3 all contain restrictive language such as; "The department of justice may disclose information under this paragraph only as part of a firearms restriction record search under s. 175.35 (2g)(c) or under rules the department of justice promulgates under s. 175.35 (2g)(d)." The courts suggest amended language in their email, but we like our language below (indicated in red) better because they specify sub (3) only, which pertains to the courts, and it does not account for sub (4) which is the law enforcement check. We think using 165.63 is cleaner.

51.20(13)(cv)

51.20(13)(cv)1.1. If the court makes the disposition under par. (a) 3., 4., 4m., or 5., the court shall order the individual not to possess a firearm, order the seizure of any firearm owned by the individual, and inform the individual of the requirements and penalties under s. 941.29 if the court determines that the individual is prohibited, under 18 USC 922 (g) (4), from possessing a firearm.

51.20(13)(cv)1m. 1m.

51.20(13)(cv)1m.a.a. If a court orders an individual under subd. 1., or ordered an individual under s. 51.20 (13) (cv) 1., 2007 stats., not to possess a firearm, the individual may petition that court or the court in the county where the individual resides to cancel the order.

51.20(13)(cv)1m.b. b. The court considering the petition under subd. 1m. a. shall grant the petition if the court determines that the circumstances regarding the disposition under par. (a) 3., 4., 4m., or 5. and the individual's record and reputation indicate that the individual is not likely to act in a manner dangerous to public safety and that the granting of the petition would not be contrary to public interest.

51.20(13)(cv)1m.c. c. If the court grants the petition under subd. 1m. b., the court shall cancel the order under subd. 1., or the order under s. 51.20 (13) (cv) 1., 2007 stats., whichever is appropriate, and order the return of any firearm ordered seized under subd. 1. or s. 51.20 (13) (cv) 1., 2007 stats, after the court has determined that the person is not prohibited from possessing a firearm under any state or federal law or by the order of any federal court or state court, other than an order from which the judge or circuit court commissioner is competent to grant relief.

51.20(13)(cv)3. 3. In lieu of ordering the seizure under subd. 1., the court may designate a person to store the firearm until the order has been canceled under subd. 1m. c.

51.20(13)(cv)4. 4. If the court orders a subject individual not to possess a firearm under subd. 1. or cancels under subd. 1m. c. an order issued under subd. 1. or under s. 51.20 (13) (cv) 1., 2007 stats., the court clerk shall notify the department of justice of that fact and provide any information identifying the subject individual that is necessary to permit an accurate firearms restrictions record search under s. 175.35 (2g) (c). No other information from the subject individual's court records may be disclosed to the department of justice except by order of the court. The department of justice may disclose information provided under this subdivision only as part of a firearms restrictions record search under s. 175.35 (2g) (c) or under rules the department of justice promulgates under s. 175.35 (2g) (d) or to provide access to firearm prohibition orders under 165.63.

51.45 (13) (i)

51.45(13)(i)1.1. If a court orders commitment of a person under this subsection, the court shall determine if, under 18 USC 922 (g) (4), the person is prohibited from possessing a firearm. If the person is prohibited, the court shall order the person not to possess a firearm, order the seizure of any firearm owned by the person, and inform the person of the requirements and penalties under s. 941.29.

51.45(13)(i)2. 2.

51.45(13)(i)2.a.a. If a court orders a person under subd. 1. not to possess a firearm, the person may petition that court or the court in the county where the person resides to cancel the order.

51.45(13)(i)2.b.b. The court considering the petition under subd. 2. a. shall grant the petition if the court determines that the circumstances regarding the commitment under this subsection and the person's record and reputation indicate that the person is not likely to act in a manner dangerous to public safety and that the granting of the petition would not be contrary to public interest.

51.45(13)(i)2.c. c. If the court grants the petition under subd. 2. b., the court shall cancel the order under subd. 1. and order the return of any firearm ordered seized under subd. 1. after the court has determined that the person is not prohibited from possessing a firearm under any state or federal law or by the order of any federal court or state court, other than an order from which the judge or circuit court commissioner is competent to grant relief.

51.45(13)(i)3. **3.** In lieu of ordering the seizure under subd. 1., the court may designate a person to store the firearm until the order under subd. 1. is canceled under subd. 2. c.

51.45(13)(i)4. **4.** If the court orders under subd. 1. a person not to possess a firearm or cancels under subd. 2. c. an order issued under subd. 1., the court clerk shall notify the department of justice of the order or cancellation and provide any information identifying the person that is necessary to permit an accurate firearms restrictions record search under s. 175.35 (2g) (c). No other information from the person's court records may be disclosed to the department of justice except by order of the court. The department of justice may disclose information provided under this subdivision only as part of a firearms restrictions record search under s. 175.35 (2g) (c) or under rules the department of justice promulgates under s. 175.35 (2g) (d), or to provide access to firearm prohibition orders under 165.63.

54.10(3)(f)

54.10(3)(f)1. **1.** If the court appoints a guardian of the person under this subsection, the court shall determine if, under 18 USC 922 (g) (4), the individual is prohibited from possessing a firearm. If the individual is prohibited, the court shall order the individual not to possess a firearm, order the seizure of any firearm owned by the individual, and inform the individual of the requirements and penalties under s. 941.29.

54.10(3)(f)2. **2.**

54.10(3)(f)2.a.a. If a court orders under subd. 1. an individual not to possess a firearm, the individual may petition that court or the court in the county where the individual resides to cancel the order.

54.10(3)(f)2.b. **b.** The court considering the petition under subd. 2. a. shall grant the petition if the court determines that the circumstances regarding the appointment of a guardian under this subsection and the individual's record and reputation indicate that the individual is not likely to act in a manner dangerous to public safety and that the granting of the petition would not be contrary to public interest.

54.10(3)(f)2.c. **c.** If the court grants the petition under subd. 2. b., the court shall cancel the order under subd. 1. and order the return of any firearm ordered seized under subd. 1. after the court has determined that the person is not prohibited from possessing a firearm under any state or federal law or by the order of any federal court or state court, other than an order from which the judge or circuit court commissioner is competent to grant relief.

54.10(3)(f)3. **3.** In lieu of ordering the seizure under subd. 1., the court may designate a person to store the firearm until the order under subd. 1. is canceled under subd. 2. c.

54.10(3)(f)4. **4.** If the court orders under subd. 1. an individual not to possess a firearm or cancels under subd. 2. c. an order issued under subd. 1., the court clerk shall notify the department of justice of the order or cancellation and provide any information identifying the individual that is necessary to permit an accurate firearms restrictions record search under s. 175.35 (2g) (c). No other information from the individual's court records may be disclosed to the department of justice except by order of the court. The department of justice may disclose information provided under this subdivision only as part of a firearms restrictions record search under s. 175.35 (2g) (c) or under rules the department of justice promulgates under s. 175.35 (2g) (d), or to provide access to firearm prohibition orders under 165.63.

55.12 (10)

55.12(10)(a)(a) If a court orders protective services or protective placement of an individual under this section and if an order has not been made under s. 54.10 (3) (f) for the individual, the court shall determine if, under 18 USC 922 (g) (4),

the individual is prohibited from possessing a firearm. If the individual is prohibited, the court shall order the individual not to possess a firearm, order the seizure of any firearm owned by the individual, and inform the individual of the requirements and penalties under s. 941.29.

55.12(10)(b) (b)

55.12(10)(b)1.1. If a court orders under par. (a) an individual not to possess a firearm, the individual may petition that court or the court in the county where the individual resides to cancel the order.

55.12(10)(b)2. 2. The court considering the petition under subd. 1. shall grant the petition if the court determines that the circumstances regarding the protective services or protective placement order under this section and the individual's record and reputation indicate that the individual is not likely to act in a manner dangerous to public safety and that the granting of the petition would not be contrary to public interest.

55.12(10)(b)3. 3. If the court grants the petition under subd. 2., the court shall cancel the order under par. (a) and order the return of any firearm ordered seized under par. (a), after the court has determined that the person is not prohibited from possessing a firearm under any state or federal law or by the order of any federal court or state court, other than an order from which the judge or circuit court commissioner is competent to grant relief.

55.12(10)(c) (c) In lieu of ordering the seizure under par. (a), the court may designate a person to store the firearm until the order under par. (a) is canceled under par. (b) 3.

55.12(10)(d) (d) If the court orders under par. (a) an individual not to possess a firearm or cancels under par. (b) 3. an order issued under par. (a), the court clerk shall notify the department of justice of the order or cancellation and provide any information identifying the individual that is necessary to permit an accurate firearms restrictions record search under s. 175.35 (2g) (c). No other information from the individual's court records may be disclosed to the department of justice except by order of the court. The department of justice may disclose information provided under this paragraph only as part of a firearms restrictions record search under s. 175.35 (2g) (c) or under rules the department of justice promulgates under s. 175.35 (2g) (d), or to provide access to firearm prohibition orders under 165.63.

In the email from the courts they also recommend changes (highlighted in purple) to page 3 of the bill. We agree with those changes.

Finally, we noticed that Ch 51, 54, and 55 allow for return of weapons by the court, but does not require the court to do a check to ascertain if the petitioner has picked up a different prohibition order, felony, or DV since the surrender order. We put in a suggestion of language similar to Ch 813. Importantly, we believe we would also need to include an allowance to access the information under 165.63 (3). This will clean up the ability of the court to comply with the requirement they determine if the individual is prohibited under 18 USC 922 (g)(4), which is a prohibition on those adjudicated as mentally defective. We think the change would be entirely consistent with the public policy and legislative intent of the bill.

938.396 (2g)(n) & (o) both restrict DOJ's use of information release under those sections.

- **(n) Firearms restrictions record search or background check.** If a juvenile is adjudged delinquent for an act that would be a felony if committed by an adult, the court clerk shall notify the department of justice of that fact. No other information from the juvenile's court records may be disclosed to the department of justice except by order of the court, or as otherwise provided by law. The department of justice may disclose any information provided under this subsection only as part of a firearms restrictions record search under s. 175.35 (2g) (c) or a background check under s. 175.60 (9g) (a), or to provide access to firearm prohibition orders under 165.63.

- 938.396(2g)(o) (o) *Criminal history record search*. If a juvenile is adjudged delinquent for committing a serious crime, as defined in s. 48.685 (1) (c), the court clerk shall notify the department of justice of that fact. No other information from the juvenile's court records may be disclosed to the department of justice except by order of the court, or as otherwise provided by law. The department of justice may disclose any information provided under this subsection only as part of a criminal history record search under s. 48.685 (2) (am) 1. or (b) 1. a., or as otherwise provided by law.

Thank you. If the drafter has questions, we have people available today to help answer questions.

Hanaman, Cathlene

From: Peterson, Amber M. <amber.peterson@wicourts.gov>
Sent: Thursday, February 06, 2014 2:36 PM
To: Rottier, Nancy M.
Subject: Fwd: 2013 AB 727 - DOJ Providing Mental Commitment and Guardianship Information for Injunction Cases

Hi Nancy,

As requested, I'm forwarding you the email I previously sent with my proposed language for amending AB 727. That language is in purple below.

Also, here are the statutes in Chapter 51 and 54 that will have to be modified: Wis. Stat. 51.20(13)(cv)4., Wis. Stat. 51.45(13)(i)4., and Wis. Stat. 54.10(3)(f)4. Currently, these statutes only allow DOJ to release information related to mental commitments and guardianships under this section "as part of a firearms restrictions record search under s. 175.35 (2g) (c) or under rules the department of justice promulgates under s. 175.35 (2g) (d)." These statutes could simply be amended to say "or as part of a part of a response to a request under 165.63(3)" (which is the new statute in AB 727).

Please let me know if you have any other questions. I'm happy to look over proposed drafts.

Amber

Amber Peterson
Circuit Court Policy and Procedures Advisor
Director of State Courts - Office of Court Operations
Ph: (608) 267-7764
Fax: (608) 267-0911
110 E. Main Street, Suite 410
Madison, WI 53703

>>> Amber Peterson 2/5/2014 3:39 PM >>>

Dear Nancy,

I am writing to summarize our conversation regarding 2013 AB 727 (<https://docs.legis.wisconsin.gov/2013/related/proposals/ab727.pdf>). We are in support of DOJ providing information regarding mental commitment and guardianship cases for purposes of the court determining whether respondents should have their firearms returned in injunction cases. However, the proposed language creates a procedural problem for the courts.

Under current procedure, the court relies on law enforcement to run background checks on respondents when respondents request to have firearms returned. The court completes form CV-434, Order to Sheriff for Firearms Record Check/Response of Sheriff (<http://www.wicourts.gov/formdisplay/CV-434.pdf?formNumber=CV-434&formType=Form&formatId=2&language=en>), and uses the information provided from the sheriff to either grant or deny the respondent's request to return firearms. Under the proposed bill, DOJ is only allowed to release information regarding mental commitment and guardianship cases to the court for injunction purposes, but cannot release the same information to law enforcement for injunction purposes (see AB 727, page 3, lines 5-15). Practically, this creates a problem because the court would be responsible for contacting DOJ to get some background check information related to the return of firearms, but would still have to rely on law enforcement to do the remaining background check.

Ideally, law enforcement would be able to do the complete background check and provide that information to the court. To that end, I propose the following two changes to AB 727:

(1) Page 3, change lines 5-8 to read: "(3) REQUEST FOR INJUNCTIONS. To make a determination as required under s. 813.12 (4m) (b), 813.122 (5m) (b), 813.123 (5m) (g), or 813.125 (4m) (d), a judge or court commissioner shall request information under sub. (2) as provided in sub. (4) (d) or from the department."

(2) Page 3, after line 15, create (d) that states: "Aid the court in making a determination required under s. 813.12 (4m) (b), 813.122 (5m) (b), 813.123 (5m) (g), or 813.125 (4m) (d)."

Please let me know if you have other questions.

Thank you,

Amber

Amber Peterson
Circuit Court Policy and Procedures Advisor
Director of State Courts - Office of Court Operations
Ph: (608) 267-7764
Fax: (608) 267-0911
110 E. Main Street, Suite 410
Madison, WI 53703



today if possible or Monday a.m. please

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT,
TO ASSEMBLY BILL 727

*↑
don't stay late*

1 At the locations indicated, amend the bill as follows:
2 **1.** Page 2, line 1: before that line insert:
3 **"SECTION 1d.** 51.20 (13) (cv) 4. of the statutes is amended to read:
4 51.20 (13) (cv) 4. If the court orders a subject individual not to possess a firearm
5 under subd. 1. or cancels under subd. 1m. c. an order issued under subd. 1. or under
6 s. 51.20 (13) (cv) 1., 2007 stats., the court clerk shall notify the department of justice
7 of that fact and provide any information identifying the subject individual that is
8 necessary to permit an accurate firearms restrictions record search under s. 175.35
9 (2g) (c), a background check under s. 175.60 (9g) (a), or an accurate response under
10 s. 165.63. No other information from the subject individual's court records may be
11 disclosed to the department of justice except by order of the court. The department
12 of justice may disclose information provided under this subdivision only to respond

1 to a request under s. 165.63, as part of a firearms restrictions record search under
 2 s. 175.35 (2g) (c) ~~or~~, under rules the department of justice promulgates under s.
 3 175.35 (2g) (d), or as part of a background check under s. 175.60 (9g) (a).

History: 1975 c. 430; 1977 c. 26, 29; 1977 c. 187 ss. 42, 43, 134, 135; 1977 c. 428 ss. 29 to 65, 115; 1977 c. 447, 449; Sup. Ct. Order, 83 Wis. 2d xiii; 1979 c. 32, 89; Sup. Ct. Order, eff. 1-1-80; 1979 c. 110 s. 60 (1); 1979 c. 175 s. 53; 1979 c. 300, 336, 356; 1981 c. 20, 367; 1981 c. 390 s. 252; 1983 a. 27, 219; 1983 a. 474 ss. 2 to 9m, 14; 1985 a. 29 ss. 1067 to 1071, 3200 (56), 3202 (56); 1985 a. 139, 176, 321, 332; 1987 a. 27; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 366, 394, 403; 1989 a. 31, 334; 1993 a. 98, 196, 227, 316, 451, 474; 1995 a. 77, 201, 268, 292, 440; Sup. Ct. Order No. 96-08, 207 Wis. 2d xv (1997); 1997 a. 35, 130, 237, 283; 1999 a. 83, 89, 162; 2001 a. 16 ss. 1966i to 1966n, 4034ze to 4034zh; 2001 a. 38, 61, 109; 2003 a. 33, 50, 326; 2005 a. 22, 264, 277, 387; 2007 a. 20, 45, 116; 2009 a. 137, 258, 260; 2013 a. 20.

4 **SECTION 1f. 51.45 (13) (i) 4. of the statutes is amended to read:**

5 51.45 (13) (i) 4. If the court orders under subd. 1. a person not to possess a
 6 firearm or cancels under subd. 2. c. an order issued under subd. 1., the court clerk
 7 shall notify the department of justice of the order or cancellation and provide any
 8 information identifying the person that is necessary to permit an accurate firearms
 9 restrictions record search under s. 175.35 (2g) (c), a background check under s.
 10 175.60 (9g) (a), or an accurate response under s. 165.63. No other information from
 11 the person's court records may be disclosed to the department of justice except by
 12 order of the court. The department of justice may disclose information provided
 13 under this subdivision only to respond to a request under s. 165.63, as part of a
 14 firearms restrictions record search under s. 175.35 (2g) (c) ~~or~~, under rules the
 15 department of justice promulgates under s. 175.35 (2g) (d), or as part of a background
 16 check under s. 175.60 (9g) (a).

History: 1973 c. 198; 1975 c. 200, 428; 1975 c. 430 s. 80; 1977 c. 29; 1977 c. 187 ss. 44, 134, 135; 1977 c. 203 s. 106; 1977 c. 428; 1977 c. 449 s. 497; Sup. Ct. Order, 83 Wis. 2d xiii (1987); 1979 c. 32 s. 92 (11); Sup. Ct. Order, eff. 1-1-80; 1979 c. 221 ss. 417, 2200 (20); 1979 c. 300, 331, 356; 1981 c. 20; 1981 c. 79 s. 17; 1981 c. 289, 314; 1983 a. 27 ss. 1116 to 1121, 2202 (20); 1985 a. 29 s. 3202 (56); 1985 a. 139; 1985 a. 176 ss. 533 to 556, 615; 1985 a. 265; 1985 a. 332 s. 251 (1); 1987 a. 339, 366; 1989 a. 31, 336, 359; 1991 a. 39; 1993 a. 16, 27, 213, 451, 490; 1995 a. 27 ss. 3268, 3269, 9145 (1); 1995 a. 77, 225; 1997 a. 27, 35, 237; 1999 a. 9; 2001 a. 61; 2005 a. 22, 387, 444; 2007 a. 20; 2009 a. 180, 258, 302.

17 **SECTION 1h. 54.10 (3) (f) 4. of the statutes is amended to read:**

18 54.10 (3) (f) 4. If the court orders under subd. 1. an individual not to possess
 19 a firearm or cancels under subd. 2. c. an order issued under subd. 1., the court clerk
 20 shall notify the department of justice of the order or cancellation and provide any
 21 information identifying the individual that is necessary to permit an accurate
 22 firearms restrictions record search under s. 175.35 (2g) (c), a background check

1 under s. 175.60 (9g) (a), or an accurate response under s. 165.63. No other
2 information from the individual's court records may be disclosed to the department
3 of justice except by order of the court. The department of justice may disclose
4 information provided under this subdivision only to respond to a request under s.
5 165.63, as part of a firearms restrictions record search under s. 175.35 (2g) (c) ~~or,~~
6 under rules the department of justice promulgates under s. 175.35 (2g) (d), or as part
7 of a background check under s. 175.60 (9g) (a).

History: 2005 a. 387; 2007 a. 45; 2009 a. 258, 319.

8 **SECTION 1j.** 55.12 (10) (d) of the statutes is amended to read:

9 55.12 (10) (d) If the court orders under par. (a) an individual not to possess a
10 firearm or cancels under par. (b) 3. an order issued under par. (a), the court clerk shall
11 notify the department of justice of the order or cancellation and provide any
12 information identifying the individual that is necessary to permit an accurate
13 firearms restrictions record search under s. 175.35 (2g) (c), a background check
14 under s. 175.60 (9g) (a), or an accurate response under s. 165.63. No other
15 information from the individual's court records may be disclosed to the department
16 of justice except by order of the court. The department of justice may disclose
17 information provided under this paragraph only to respond to a request under s.
18 165.63, as part of a firearms restrictions record search under s. 175.35 (2g) (c) ~~or,~~
19 under rules the department of justice promulgates under s. 175.35 (2g) (d), or as part
20 of a background check under s. 175.60 (9g) (a)."

History: 2005 a. 264 ss. 135, 162; 2007 a. 45; 2009 a. 258; s. 35.17 correction in (10) (d).

21 **2.** Page 2, line 1: delete "**SECTION 1**" and substitute "**SECTION 1q**".

22 **3.** Page 3, line 5: delete the material beginning with "A judge" and ending with
23 "in making" on line 6 and substitute "In making".



Today

~~PRELIMINARY DRAFT NOT READY FOR INTRODUCTION~~
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 727

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 1: before that line insert:

3 “**SECTION 1d.** 51.20 (13) (cv) 4. of the statutes is amended to read:

4 51.20 (13) (cv) 4. If the court orders a subject individual not to possess a firearm

5 under subd. 1. or cancels under subd. 1m. c. an order issued under subd. 1. or under

6 s. 51.20 (13) (cv) 1., 2007 stats., the court clerk shall notify the department of justice

7 of that fact and provide any information identifying the subject individual that is

8 necessary to permit an accurate firearms restrictions record search under s. 175.35

9 (2g) (c), a background check under s. 175.60 (9g) (a), or an accurate response under

10 s. 165.63. No other information from the subject individual’s court records may be

11 disclosed to the department of justice except by order of the court. The department

12 of justice may disclose information provided under this subdivision only to respond

1 to a request under s. 165.63, as part of a firearms restrictions record search under
2 s. 175.35 (2g) (c) ~~or~~, under rules the department of justice promulgates under s.
3 175.35 (2g) (d), or as part of a background check under s. 175.60 (9g) (a).

4 **SECTION 1f.** 51.45 (13) (i) 4. of the statutes is amended to read:

5 51.45 (13) (i) 4. If the court orders under subd. 1. a person not to possess a
6 firearm or cancels under subd. 2. c. an order issued under subd. 1., the court clerk
7 shall notify the department of justice of the order or cancellation and provide any
8 information identifying the person that is necessary to permit an accurate firearms
9 restrictions record search under s. 175.35 (2g) (c), a background check under s.
10 175.60 (9g) (a), or an accurate response under s. 165.63. No other information from
11 the person's court records may be disclosed to the department of justice except by
12 order of the court. The department of justice may disclose information provided
13 under this subdivision only to respond to a request under s. 165.63, as part of a
14 firearms restrictions record search under s. 175.35 (2g) (c) ~~or~~, under rules the
15 department of justice promulgates under s. 175.35 (2g) (d), or as part of a background
16 check under s. 175.60 (9g) (a).

17 **SECTION 1h.** 54.10 (3) (f) 4. of the statutes is amended to read:

18 54.10 (3) (f) 4. If the court orders under subd. 1. an individual not to possess
19 a firearm or cancels under subd. 2. c. an order issued under subd. 1., the court clerk
20 shall notify the department of justice of the order or cancellation and provide any
21 information identifying the individual that is necessary to permit an accurate
22 firearms restrictions record search under s. 175.35 (2g) (c), a background check
23 under s. 175.60 (9g) (a), or an accurate response under s. 165.63. No other
24 information from the individual's court records may be disclosed to the department
25 of justice except by order of the court. The department of justice may disclose

1 information provided under this subdivision only to respond to a request under s.
2 165.63, as part of a firearms restrictions record search under s. 175.35 (2g) (c) ~~or~~,
3 under rules the department of justice promulgates under s. 175.35 (2g) (d), or as part
4 of a background check under s. 175.60 (9g) (a).

5 **SECTION 1j.** 55.12 (10) (d) of the statutes is amended to read:

6 55.12 (10) (d) If the court orders under par. (a) an individual not to possess a
7 firearm or cancels under par. (b) 3. an order issued under par. (a), the court clerk shall
8 notify the department of justice of the order or cancellation and provide any
9 information identifying the individual that is necessary to permit an accurate
10 firearms restrictions record search under s. 175.35 (2g) (c), a background check
11 under s. 175.60 (9g) (a), or an accurate response under s. 165.63. No other
12 information from the individual's court records may be disclosed to the department
13 of justice except by order of the court. The department of justice may disclose
14 information provided under this paragraph only to respond to a request under s.
15 165.63, as part of a firearms restrictions record search under s. 175.35 (2g) (c) ~~or~~,
16 under rules the department of justice promulgates under s. 175.35 (2g) (d), or as part
17 of a background check under s. 175.60 (9g) (a)."

18 **2.** Page 2, line 1: delete "SECTION 1" and substitute "SECTION 1q".

19 **3.** Page 3, line 5: delete the material beginning with "A judge" and ending with
20 "in making" on line 6 and substitute "In making".

21 **4.** Page 3, line 8: after "(d)" insert ", a judge or court commissioner shall request
22 information under sub. (2) from the department or from a law enforcement agency
23 or law enforcement officer as provided in sub. (4) (d)".

24 **5.** Page 3, line 15: after that line insert:

