

**2013 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-AB464)**

Received: 2/14/2014 Received By: chanaman  
Wanted: As time permits Same as LRB:  
For: Garey Bies (608) 266-5350 By/Representing: Cory  
May Contact: Drafter: chanaman  
Subject: Courts - garn/injunct Addl. Drafters:  
Criminal Law - guns and weapons Extra Copies:

Submit via email: YES  
Requester's email: Rep.Bies@legis.wisconsin.gov

Carbon copy (CC) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Reconcile AB-727 into ASA1

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**Instructions:**

No specific instructions given

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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>
/P1	chanaman 2/14/2014	csicilia 2/17/2014	jmurphy 2/17/2014	_____			
/1				_____	srose 2/17/2014	srose 2/17/2014	

FE Sent For:

<END>

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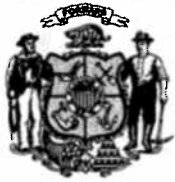
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/P1	chanaman	1 wlj 2/17 14					

FE Sent For: *Jan 2/17*

<END>



LRBa1813/P1  
CMH/.....  
w/j

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**  
**ASSEMBLY AMENDMENT ,**  
**TO ASSEMBLY SUBSTITUTE AMENDMENT 1,**  
**TO ASSEMBLY BILL 464**

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. A judge or court commissioner shall  
6 request information under sub. (2) from the department to aid in making a  
7 determination required under s. 813.12 (4m) (b), 813.122 (5m) (b), 813.123 (5m) (g),  
8 or 813.125 (4m) (d) 813.1285 (7) (a). *INS. 1-8*

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

11 **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.

History: 1993 a. 445; 1995 a. 71, 306; 1997 a. 27; 2001 a. 61; 2005 a. 264, 377, 388; 2007 a. 45, 96, 124; 2009 a. 262.

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 (12) 813.123 (5) (a) 2. <sup>(intro.)</sup> The petitioner serves upon the respondent a copy of the  
13 petition and notice of the time for hearing on the issuance of the injunction, or the  
14 respondent serves upon the petitioner notice of the time for hearing on the issuance  
15 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: ✓

STET

History: 1993 a. 445; 1995 a. 71, 306; 1997 a. 27; 2001 a. 61; 2005 a. 264, 387, 388; 2007 a. 45, 96, 124; 2009 a. 262.

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.

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

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

8       813.123 (5m) (c) 1. Inform the respondent named in the petition of the  
9 requirements and penalties under s. 941.29 and any similar applicable federal laws  
10 and penalties. √

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

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

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

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

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

STET

History: 1993 a. 445; 1995 a. 71, 306; 1997 a. 27; 2001 a. 61; 2005 a. 264, 387, 388; 2007 a. 45, 96, 124; 2009 a. 262.

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

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

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

18           “Adult-at-risk petition”.

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

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

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

1 section 813.123 (5) (a) 2. of the statutes, and the creation of section 813.123 (5) (a)  
 2 2. a., b. and c. of the statutes and ~~Items 33 and 46~~ of assembly amendment ....  
 3 (LRBa1813/1) to Assembly Substitute Amendment 1 to Assembly Bill 464 are void.”.

STET

4 (END)

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

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

5 55.12 (10) (d) If the court orders under par. (a) an individual not to possess a  
 6 firearm or cancels under par. (b) 3. an order issued under par. (a), the court clerk shall  
 7 notify the department of justice of the order or cancellation and provide any  
 8 information identifying the individual that is necessary to permit an accurate  
 9 firearms restrictions record search under s. 175.35 (2g) (c), a background check  
 10 under s. 175.60 (9g) (a), or an accurate response under s. 165.63. No other  
 11 information from the individual's court records may be disclosed to the department  
 12 of justice except by order of the court. The department of justice may disclose  
 13 information provided under this paragraph only to respond to a request under s.  
 14 165.63, as part of a firearms restrictions record search under s. 175.35 (2g) (c) or,  
 15 under rules the department of justice promulgates under s. 175.35 (2g) (d), or as part  
 16 of a background check under s. 175.60 (9g) (a)."

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

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

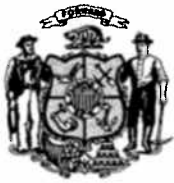
20 **4.** Page 3, line 8: after "(d)" insert ", a judge or court commissioner shall request  
 21 information under sub. (2) from the department or from a law enforcement agency  
 22 or law enforcement officer as provided in sub. (4) (d)".

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

↑  
plain  
text

TWJ 1-8





**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION  
ASSEMBLY AMENDMENT ,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO ASSEMBLY BILL 464**

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).”.

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

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

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

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

13           813.123 (5) (a) 2. (intro.) The petitioner serves upon the respondent a copy of  
14 the petition and notice of the time for hearing on the issuance of the injunction, or  
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16 issuance of the injunction. The notice served under this subdivision shall inform the  
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17 person designated by the respondent and approved by the judge or circuit court  
18 commissioner. ~~The judge or circuit court commissioner shall approve the person~~  
19 ~~designated by the respondent unless the judge or circuit court commissioner finds~~  
20 ~~that the person is inappropriate and places the reasons for the finding on the record.~~  
21 ~~If a firearm is surrendered to a person designated by the respondent and approved~~  
22 ~~by the judge or circuit court commissioner, the judge or circuit court commissioner~~  
23 ~~shall inform the person to whom the firearm is surrendered of the requirements and~~  
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21           (1) If 2013 Wisconsin Act .... (Assembly Bill 727), as affected by 2013 Assembly  
22 Amendment 2 to Assembly Bill 727, is not enacted into law then the treatment of  
23 sections 165.63 (3) and (4) (d) and 813.123 (4) (c), (5m) (c) 1. and 2., (e), (f), (g), and  
24 (h), and (9) (c) of the statutes, the renumbering and amendment of section 813.123

1 (5) (a) 2. of the statutes, and the creation of section 813.123 (5) (a) 2. a., b. and c. of  
2 the statutes and items 3. and 4. of assembly amendment ... (LRBa1813/1) to  
3 Assembly Substitute Amendment 1 to Assembly Bill 464 are void.”

4 (END)