



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-0892/2
CMH:eev&ahe

2015 SENATE BILL 729

February 11, 2016 – Introduced by Senator L. TAYLOR, cosponsored by Representatives YOUNG and KESSLER. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT to create** 175.36 and 941.285 of the statutes; **relating to:** creating a
2 microstamping requirement for certain handguns, certification of compliance
3 with the microstamping requirement, requiring the exercise of rule-making
4 authority, and providing criminal penalties.

Analysis by the Legislative Reference Bureau

This bill prohibits a gun manufacturer or a firearms dealer from transferring a semiautomatic handgun that does not produce an identifying code (microstamp) on each cartridge case it expends if both of the following apply: 1) the handgun was manufactured on or after January 1, 2017; and 2) the handgun has not previously been transferred to a person that is not a manufacturer or dealer (new handgun). This bill also prohibits a manufacturer in this state from manufacturing, on or after January 1, 2017, a semiautomatic handgun that does not produce a microstamp. A person that violates one of these prohibitions is subject to a fine of up to \$1,000 or imprisonment for up to nine months, or both.

The bill also requires manufacturers and dealers who transfer a handgun that is required to produce microstamps to certify that the handgun, if it is a new handgun, produces microstamps and that the manufacturer of the handgun will disclose to a law enforcement agency that has collected a microstamp from an expended cartridge during a criminal investigation the make, model, and serial number of the handgun that expended the cartridge.

This bill prohibits a person from modifying a semiautomatic handgun that produces microstamps if the person intends to prevent law enforcement from being

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able to access the microstamp on an expended cartridge. A person who violates this prohibition is guilty of a misdemeanor and is subject to a fine of up to \$1,000 or imprisonment for not more than 90 days, or both. A person who transfers a semiautomatic handgun that he or she knows has been modified in violation of this prohibition is subject to a fine of up to \$1,000 or imprisonment for not more than nine months, or both.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 175.36 of the statutes is created to read:

2 **175.36 Semiautomatic handgun identification.** (1) In this section:

3 (a) “Department” means the department of justice.

4 (b) “Firearms dealer” has the meaning given in s. 175.35 (1) (ar).

5 (c) “Handgun” has the meaning given in s. 175.35 (1) (b) except that “handgun”
6 does not include a revolver.

7 (cm) “Law enforcement agency” has the meaning given in s. 165.83 (1) (b) and
8 includes a district attorney’s office.

9 (d) “Manufacturer” means a person who possesses a federal license to
10 manufacture firearms or ammunition for sale or distribution.

11 (e) “Microstamp” means a unique code on at least 2 locations on each expended
12 cartridge case that identifies the make, model, and serial number of the handgun
13 that expended the cartridge.

14 (f) “Semiautomatic” means capable of using a portion of the energy of a firing
15 cartridge to extract the fired cartridge case and deliver another cartridge to the firing
16 chamber, if a separate pull of the trigger is required to fire each cartridge.

17 (g) “Transfer” has the meaning given in s. 939.22 (40).

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1 **(2)** (a) No manufacturer or firearms dealer may transfer a semiautomatic
2 handgun manufactured on or after January 1, 2017, to a firearms dealer in this state
3 unless the semiautomatic handgun produces microstamps.

4 (b) No manufacturer may manufacture a semiautomatic handgun in this state
5 on or after January 1, 2017, unless the semiautomatic handgun produces
6 microstamps.

7 (c) 1. If a manufacturer or a firearms dealer transfers to a firearms dealer a
8 semiautomatic handgun that was manufactured on or after January 1, 2017, the
9 firearms dealer that received the semiautomatic handgun may not transfer the
10 semiautomatic handgun in this state unless the manufacturer or the firearms dealer
11 that transferred the semiautomatic handgun has certified under sub. (3) (a) that the
12 semiautomatic handgun produces microstamps.

13 2. If a person that is not a manufacturer or a firearms dealer transfers to a
14 firearms dealer a semiautomatic handgun that was manufactured on or after
15 January 1, 2017, and that was designed to produce microstamps, the firearms dealer
16 may, unless the firearms dealer knows that the transfer would violate sub. (5),
17 transfer the semiautomatic handgun in this state without certifying under sub. (3)
18 (a) that the semiautomatic handgun produces microstamps.

19 **(3)** (a) A manufacturer or a firearms dealer that transfers a semiautomatic
20 handgun that was manufactured on or after January 1, 2017, to a firearms dealer
21 in this state shall certify, in the manner specified in the rules developed under sub.
22 (6) and subject to prosecution for false swearing under s. 946.32, all of the following
23 conditions:

24 1. Except as provided in par. (b), that the semiautomatic handgun produces
25 microstamps.

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1 2. That the manufacturer shall disclose to a law enforcement agency, when
2 presented with a microstamp code from an expended cartridge the law enforcement
3 agency collected during a criminal investigation, the make, model, and serial
4 number of the semiautomatic handgun that expended the cartridge.

5 (b) Paragraph (a) 1. does not apply to a firearms dealer that transfers a
6 semiautomatic handgun to another firearms dealer in this state if the semiautomatic
7 handgun was previously transferred to a person that is not a firearms dealer.

8 (4) (a) If a resident of this state acquired, while not a resident of this state
9 through legal means outside of this state, a semiautomatic handgun that was
10 manufactured on or after January 1, 2017, and that does not produce microstamps,
11 he or she may transfer the semiautomatic handgun only to a firearms dealer.

12 (b) A firearms dealer that is transferred a semiautomatic handgun under par.
13 (a) may not transfer the semiautomatic handgun to any person in this state.

14 (5) No person may transfer a semiautomatic handgun that the person knows
15 has been modified in violation of s. 941.285 (2).

16 (6) The department shall promulgate rules that do all of the following:

17 (a) Identify the conditions necessary for a manufacturer to disclose to a law
18 enforcement agency, when presented with a microstamp code from an expended
19 cartridge the law enforcement agency collected during a criminal investigation, the
20 make, model, and serial number of the semiautomatic handgun that expended the
21 cartridge.

22 (b) Specify the manner in which a manufacturer must certify under sub. (3) the
23 conditions under sub. (3) (a) 1. and 2.

24 (7) Any person who violates sub. (2), (4), or (5) may be fined not more than
25 \$1,000 or may be imprisoned for not more than 9 months, or both.

