

**2015 DRAFTING REQUEST**

**Bill**

Received: 12/11/2014 Received By: chanaman  
For: Lena Taylor (608) 266-5810 Same as LRB:  
May Contact: By/Representing: Jim  
Subject: Criminal Law - guns and weapons Drafter: chanaman  
Justice - civil Addl. Drafters:  
Extra Copies:

Submit via email: YES  
Requester's email: Sen.Taylor@legis.wisconsin.gov  
Carbon copy (CC) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Microstamping information for semiautomatic pistols

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**Instructions:**

See attached-- direct questions to Lowell

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 12/11/2014	evinz 12/12/2014	_____			
/1	chanaman 10/12/2015	aernstr 10/12/2015	_____	srose 12/12/2014		State S&L Crime
/2			_____	sbasford 10/12/2015	sbasford 12/11/2015	State S&L

FE Sent For:

@  
INTRO

<END>

## Bill Request Form

**DATE:** 12/9/2014

**Legislator:** Senator Lena C. Taylor

**Person Submitting Request (name & phone number):** Jim Smith, 266-5810

**Persons to contact for questions about this draft:** Lowell Fissinger, 266-5810

**Describe the problem, including any helpful examples. How do you want to solve the problem?**

Microstamping Bullets. Require all new models of semiautomatic pistols manufactured or sold in Wisconsin to be designed and equipped with microstamping technology.

**Please attach a copy of any correspondence or other material that may help us. If you know of any statute sections that might be affected, list them or provide a marked up copy.**

Research document attached.

**You may attach a copy of any LRB draft or provide it's number (e.g., 2005 LRB-2345/1 or 2003 AB-67).**

**Requests are confidential. May we tell other that we are working on this for you?** NO

**Do you consider this request urgent:** NO

**Should we give this request priority over any pending request of this legislator, agency or person?** NO

**Hanaman, Cathlene**

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**From:** Smith, Jim  
**Sent:** Tuesday, December 09, 2014 3:02 PM  
**To:** Hanaman, Cathlene  
**Subject:** Microstamping bullets  
**Attachments:** Justice - Microstamping Bullets.docx; 120114 Microstamping Research.docx

This is a proposal to have all guns manufactured or sold in Wisconsin to be equipped with microstamping technology.

Again, thanks for your assistance.

Jim

## MICROSTAMPING:

There is currently no federal law requiring or addressing ballistic identification or microstamping technology (in which law enforcement is able to match cartridge cases found at a crime scene to the gun's owner). There are currently very few states who have addressed the newer technology.

- California: In 2007 California became the first state to require the use of handgun microstamping, by signing into law the Crime Gun Identification Act, which requires all new models of semiautomatic pistols manufactured or sold in California to be designed and equipped with microstamping technology.
- District of Columbia: Starting January 1, 2016, the District will prohibit any licensed dealer from selling or offering for sale any semiautomatic pistol manufactured on or after January 1, 2016 that is not "microstamp-ready." Beginning January 1, 2016, a semiautomatic pistol must be microstamp-ready if it is: manufactured in the District of Columbia, manufactured on or after January 1, 2016, and delivered or caused to be delivered by any manufacturer to a firearms dealer in the District; or manufactured on or after January 1, 2016, and sold, offered for sale, loaned, given or transferred by a firearms dealer in the District
- Maryland: Requires manufacturers to test-fire all handguns shipped into the state after October 1, 2000 and provide a spent cartridge case to the purchasing firearms dealer. After the gun is sold, the dealer must forward the case to the state police for use in further investigations.
- Connecticut: There is a requirement for the Department of Emergency Services and Public Protection to establish a firearms evidence databank for use in further investigations
- New York: repealed its ballistic identification requirements in 2012.



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1046/1  
CMH:eev:jf

1/5

2013 BILL

0892/1

SAVJ

Revised

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 penalties.

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***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, 2015; 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, 2015, 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

**BILL**

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.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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

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***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.

**BILL**

1 (f) "Semiautomatic" means capable of using a portion of the energy of a firing  
2 cartridge to extract the fired cartridge case and deliver another cartridge to the firing  
3 chamber, if a separate pull of the trigger is required to fire each cartridge.

4 (g) "Transfer" has the meaning given in s. 939.22<sup>✓</sup> (40).

5 (2) (a) No manufacturer or firearms dealer may transfer a semiautomatic  
6 handgun manufactured on or after January 1, 201<sup>le</sup>5, to a firearms dealer in this state  
7 unless the semiautomatic handgun produces microstamps.

8 (b) No manufacturer may manufacture a semiautomatic handgun in this state  
9 on or after January 1, 201<sup>le</sup>5, unless the semiautomatic handgun produces  
10 microstamps.

11 (c) 1. If a manufacturer or a firearms dealer transfers to a firearms dealer<sup>le</sup> a  
12 semiautomatic handgun that was manufactured on or after January 1, 201<sup>le</sup>5, the  
13 firearms dealer that received the semiautomatic handgun may not transfer the  
14 semiautomatic handgun in this state unless the manufacturer or the firearms dealer  
15 that transferred the semiautomatic handgun has certified under sub. (3) (a) that the  
16 semiautomatic handgun produces microstamps.

17 2. If a person that is not a manufacturer or a firearms dealer transfers to a  
18 firearms dealer a semiautomatic handgun that was manufactured on or after  
19 January 1, 201<sup>le</sup>5, and that was designed to produce microstamps, the firearms dealer  
20 may, unless the firearms dealer knows that the transfer would violate sub. (5),  
21 transfer the semiautomatic handgun in this state without certifying under sub. (3)  
22 (a) that the semiautomatic handgun produces microstamps.

23 (3) (a) A manufacturer or a firearms dealer that transfers a semiautomatic  
24 handgun that was manufactured on or after January 1, 201<sup>le</sup>5, to a firearms dealer  
25 in this state shall certify, in the manner specified in the rules developed under sub.



**BILL****SECTION 1**

1 (6) and subject to prosecution for false swearing under s. 946.32, all of the following  
2 conditions:

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

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

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

12 (4) (a) If a resident of this state acquired, while not a resident of this state  
13 through legal means outside of this state, a semiautomatic handgun that was  
14 manufactured on or after January 1, 2015, and that does not produce microstamps,  
15 he or she may transfer the semiautomatic handgun only to a firearms dealer.

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

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

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

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

**BILL**

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

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

5 **SECTION 2.** 941.285 of the statutes is created to read:

6 **941.285 Modifying a semiautomatic handgun.** (1) In this section:

7 (a) "Handgun" has the meaning given in s. 175.36 (1) (c).

8 (b) "Microstamp" has the meaning given in s. 175.36 (1) (e).

9 (c) "Semiautomatic" has the meaning given in s. 175.36 (1) (f).

10 (2) Any person who modifies a semiautomatic handgun, or portion of a  
11 semiautomatic handgun, that produces microstamps with the intention of  
12 preventing law enforcement from being able to access the microstamp that identifies  
13 that semiautomatic handgun is guilty of a Class B misdemeanor.

14 **SECTION 3. Initial applicability.**

15 (1) The treatment of section 941.285 of the statutes first applies to acts  
16 committed on the effective date of this subsection.

17 **SECTION 4. Effective date.**

18 (1) This act takes effect on January 1, 2015.

19

(END)

## Hanaman, Cathlene

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**From:** Bryant, Michelle  
**Sent:** Sunday, October 11, 2015 1:04 PM  
**To:** Hanaman, Cathlene  
**Subject:** Date change for LRB 0892/1

Hi Cathlene,

Could you please change every where the bill references January 1, 2016 to January 1, 2017 and send over the updated draft.

Best Regards,

Michelle Bryant  
Policy Director  
Office of Wisconsin State Senator Lena C. Taylor  
Email: [Michelle.Bryant@legis.wisconsin.gov](mailto:Michelle.Bryant@legis.wisconsin.gov)  
Phone: (608) 266-5810



2  
eave

today  
if possible  
just a year change

2015 BILL

re  
repeal

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criminal

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2017

2017

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**BILL**

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14 **SECTION 3. Initial applicability.**

15 (1) The treatment of section 941.285 of the statutes first applies to acts  
16 committed on the effective date of this subsection.

17 **SECTION 4. Effective date.**

18 (1) This act takes effect on January 1, 2016.

19 (END)



**Barman, Mike**

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**From:** Jackson, Brandon  
**Sent:** Friday, December 11, 2015 2:41 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -0892/2

Please Jacket LRB -0892/2 for the SENATE.