



2015 SENATE BILL 35

February 13, 2015 – Introduced by Senators WANGGAARD, TIFFANY, LAZICH, LEMAHIEU, MOULTON and NASS, cosponsored by Representatives QUINN, KREMER, CZAJA, THIESFELDT, ALLEN, AUGUST, BRANDTJEN, E. BROOKS, R. BROOKS, CRAIG, GANNON, HORLACHER, JARCHOW, KAPENGA, KATZMA, KLEEFISCH, KNODL, KRUG, KULP, T. LARSON, MACCO, MURSAU, MURTHA, NEYLON, A. OTT, SANFELIPPO, SCHRAA, SKOWRONSKI, STEFFEN, SWEARINGEN, TAUCHEN and WEATHERSTON. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT** *to amend* 175.35 (title), 175.35 (1) (ar), 175.35 (2) (d), 175.35 (2g) (c) 4.
2 c. and 941.237 (1) (cm) of the statutes; **relating to:** waiting period for handgun
3 purchases.

Analysis by the Legislative Reference Bureau

Current law provides that a federally licensed firearms dealer must request the Department of Justice (DOJ) to conduct a background check of a prospective purchaser before the dealer may transfer a handgun after a sale. Current law also requires the firearms dealer to wait 48 hours after receiving notice that DOJ received the request for a background check, without receiving notice that state or federal law prohibits the purchaser from possessing a firearm, before transferring the handgun to the purchaser. This bill eliminates the 48-hour waiting period. Under this bill, the dealer may transfer the handgun immediately after receiving notice from DOJ that the background check indicates that the purchaser is not prohibited from possessing a firearm.

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

4 **SECTION 1.** 175.35 (title) of the statutes is amended to read:
5 **175.35 (title) ~~Waiting period for purchase~~ Purchase of handguns.**

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1 **SECTION 2.** 175.35 (1) (ar) of the statutes is amended to read:

2 175.35 (1) (ar) “Firearms dealer” means any person engaged in the business
3 of importing, manufacturing or dealing in firearms and having a license as an
4 importer, manufacturer or dealer issued by the U.S. department of the treasury
5 federal government.

6 **SECTION 3.** 175.35 (2) (d) of the statutes is amended to read:

7 175.35 (2) (d) ~~Forty-eight hours, subject to extension under sub. (2g) (c) 4. c.,~~
8 ~~have elapsed from the time that the The firearms dealer has received a confirmation~~
9 ~~an approval number regarding the firearms restrictions record search under sub.~~
10 ~~(2g) (c) from the department of justice and the firearms dealer has not been notified~~
11 ~~that the transfer would be in violation of s. 941.29.~~

12 **SECTION 4.** 175.35 (2g) (c) 4. c. of the statutes is amended to read:

13 175.35 (2g) (c) 4. c. If the search indicates a felony charge without a recorded
14 disposition, ~~the deadline under sub. (2) (d) is extended to the end of the 3rd complete~~
15 ~~working day commencing after the day on which the finding is made. The~~
16 ~~department shall notify the firearms dealer of the extension as soon as practicable.~~
17 ~~During the extended period, the department shall make every reasonable effort to~~
18 ~~determine the disposition of the charge and notify the firearms dealer of the results~~
19 ~~as soon as practicable within 3 working days.~~

20 **SECTION 5.** 941.237 (1) (cm) of the statutes is amended to read:

21 941.237 (1) (cm) “Firearms dealer” means any person engaged in the business
22 of importing, manufacturing or dealing in firearms and having a license as an
23 importer, manufacturer or dealer issued by the U.S. department of the treasury
24 federal government.

25 **SECTION 6. Initial applicability.**

