

2015 DRAFTING REQUEST

Bill

Received: 12/15/2014 Received By: chanaman
 Wanted: As time permits Same as LRB:
 For: Van Wanggaard (608) 266-1832 By/Representing: Scott
 May Contact: Drafter: chanaman
 Subject: Justice - civil Addl. Drafters:
 Extra Copies:

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

Pre Topic:

No specific pre topic given

Topic:

Eliminate 48-hour waiting period

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 1/7/2015	wjackson 1/7/2015	jmurphy 1/7/2015	_____	sbasford 1/7/2015		
/1				_____		sbasford 1/7/2015	

FE Sent For:

none needed

<END>

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/P1	chanaman 12/15/2014	wjackson 12/15/2014	rschluet 12/16/2014	_____	sbasford 12/16/2014		

FE Sent For:

1Wj/17

*JW
17*

<END>

*Please
Jacket
for
~~Scott~~
Senate*

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/P1	chanaman	/plwj 12/15		12/17			

FE Sent For:

<END>



Two 12/14 if possible

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

regulate

1 **AN ACT ...; relating to:** waiting period for handgun 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:

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

3 **175.35 (title) ~~Waiting period for purchase~~ Purchase of handguns.**

History: 1975 c. 167; 1991 a. 11; 1993 a. 16, 195, 196; 1995 a. 71, 77, 159, 306; 2005 a. 155, 344; 2009 a. 28, 258; 2013 a. 20, 109; 2013 a. 168 s. 21; 2013 a. 223.

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

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

5 **History:** 1975 c. 167; 1991 a. 11; 1993 a. 16, 195, 196; 1995 a. 71, 77, 159, 306; 2005 a. 155, 344; 2009 a. 28, 258; 2013 a. 20, 109; 2013 a. 168 s. 21; 2013 a. 223.

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

6 175.35 (2) (d) ~~Forty-eight hours, subject to extension under sub. (2g) (c) 4. c.,~~
7 ~~have elapsed from the time that the~~ The firearms dealer has received ~~a confirmation~~
8 an approval number regarding the firearms restrictions record search under sub.
9 (2g) (c) from the department of justice ~~and the firearms dealer has not been notified~~
10 ~~that the transfer would be in violation of s. 941.29.~~

11 **History:** 1975 c. 167; 1991 a. 11; 1993 a. 16, 195, 196; 1995 a. 71, 77, 159, 306; 2005 a. 155, 344; 2009 a. 28, 258; 2013 a. 20, 109; 2013 a. 168 s. 21; 2013 a. 223.

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

12 175.35 (2g) (c) 4. c. If the search indicates a felony charge without a recorded
13 disposition, ~~the deadline under sub. (2) (d) is extended to the end of the 3rd complete~~
14 ~~working day commencing after the day on which the finding is made. The~~
15 ~~department shall notify the firearms dealer of the extension as soon as practicable.~~
16 ~~During the extended period, the department shall make every reasonable effort to~~
17 ~~determine the disposition of the charge and notify the firearms dealer of the results~~
18 ~~as soon as practicable~~ within 3 working days.

19 **History:** 1975 c. 167; 1991 a. 11; 1993 a. 16, 195, 196; 1995 a. 71, 77, 159, 306; 2005 a. 155, 344; 2009 a. 28, 258; 2013 a. 20, 109; 2013 a. 168 s. 21; 2013 a. 223.

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

20 941.237 (1) (cm) “Firearms dealer” means any person engaged in the business
21 of importing, manufacturing or dealing in firearms and having a license as an
22 importer, manufacturer or dealer issued by the U.S. department of the treasury
23 federal government.

History: 1993 a. 95, 491; 1995 a. 461; 2007 a. 27; 2011 a. 35.

Basford, Sarah

From: Hanaman, Cathlene
Sent: Tuesday, December 16, 2014 9:55 AM
To: Basford, Sarah
Subject: FW: 48 hour time tax repeal
Attachments: repeal 48 hour time tax.docx

Sarah—Can you forward that Wanggard draft to Scott Kelly? Wendy is coming back with it.

From: Kelly, Scott
Sent: Monday, December 15, 2014 11:43 AM
To: Hanaman, Cathlene
Subject: 48 hour time tax repeal

Hi Cathlene –

Please see the attached word doc. We'd like this (or a close facsimile thereof) as a 2015 Senate Bill for Senator-Elect Wanggaard.

Please contact me with questions.

Scott Kelly
Legislative Director
Senator Mike Ellis
Senate President
608-266-0718
scott.kelly@legis.wi.gov

Done
12/16



State of Wisconsin
2015 - 2016 LEGISLATURE



LRB-0923/P1
CMH:wlj:rs

stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

No changes

refer ct

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.

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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.**

Rose, Stefanie

From: Hanaman, Cathlene
Sent: Monday, February 02, 2015 10:33 AM
To: Parisi, Lori; Barman, Mike; Rose, Stefanie; Basford, Sarah
Subject: FW: Submitted: LRB -0923/1 Topic: Eliminate 48-hour waiting period?body=

Can you put this in the file?

From: Koenen, Kyle
Sent: Monday, February 02, 2015 10:11 AM
To: Hanaman, Cathlene
Cc: Rep.Quinn
Subject: Submitted: LRB -0923/1 Topic: Eliminate 48-hour waiting period?body=

Cathlene,
Representative Quinn will be our Assembly lead on this bill. Can you grant them drafting privileges for LRB – 0923?
Thanks! We'll probably want it jacketed for them by Wednesday.

Kyle Koenen

Policy Advisor & Committee Clerk
Senate Committee on Judiciary and Public Safety
Office of Senator Van Wanggaard
P: (608) 266-1832
E: kyle.koenen@legis.wisconsin.gov