



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2015 Senate Bill 35

Senate Amendment 1

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CURRENT LAW

Under current law, when a federally licensed firearms dealer sells a handgun, he or she may not transfer possession of the handgun to any other person until all of the following has occurred:

- The transferee has provided photo identification.
- The transferee has completed a notification form requiring the transferee to provide his or her name, date of birth, gender, race and Social Security number and other identification necessary to permit an accurate firearms restriction record search.
- The firearms dealer has conveyed the information from the completed notification form to the Department of Justice (DOJ) and requested a firearms restrictions record search.
- Forty-eight hours have elapsed from the time that the firearms dealer has received a confirmation number regarding the firearms restrictions record search from DOJ and the firearms dealer has not been notified that the transferee is prohibited from possessing a firearm.

Also under current law, if the firearms restrictions record search indicates a felony charge with no recorded disposition, the deadline for DOJ to complete the search is extended to the end of the third working day commencing after the day on which the finding is made.

2015 SENATE BILL 35

2015 Senate Bill 35 eliminates the requirement that a federally licensed firearm dealer wait forty-eight hours after submitting a request for a firearm restrictions search to DOJ to

transfer the handgun to the transferee. Under Senate Bill 35, a federally licensed firearm dealer may transfer the firearm once the dealer has received an approval number from DOJ regarding the firearm restrictions search. The bill also provides that if the search indicates a felony charge without a recorded disposition, the department shall make every reasonable effort to determine the disposition of the charge and notify the firearms dealer of the result within three working days.

SENATE AMENDMENT 1

Senate Amendment 1 modifies the provision that extends the amount of time DOJ must complete a firearms restrictions search in the event further research is needed to determine the disposition of a charge. The amendment provides that when it is unclear whether the person is prohibited under state or federal law from possessing a firearm and the department needs more time to make the determination, DOJ shall notify the dealer as soon as practicable, but no later than five working days after the search was requested.

BILL HISTORY

Senate Amendment 1 to 2015 Senate Bill 35 was introduced by Senator Wanggaard on March 11, 2015. On March 12, 2015, the Senate Committee on Judiciary and Public Safety recommended adoption of Senate Amendment 1 on a vote of Ayes, 5; Noes, 0, and passage of Senate Bill 35, as amended, on a vote of Ayes, 3; Noes, 2.

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