February 9, 2016 – Introduced by Representatives SUBECK, BERCEAU, JOHNSON, SINICKI and C. TAYLOR, cosponsored by Senator C. LARSON. Referred to Committee on Criminal Justice and Public Safety.

AN ACT to repeal and recreate 948.55 of the statutes; relating to: storage of a firearm in residence if child is present and providing a criminal penalty.

Analysis by the Legislative Reference Bureau

This bill prohibits a person from storing or leaving a firearm at his or her residence in any place other than in a securely locked box or container or other secure locked location or with a trigger lock engaged if the person resides with a child who is under the age of 18 or if the person knows a child who is under the age of 18 will be present in the person’s residence. A person who violates this requirement is guilty of a Class A misdemeanor for a first offense and a Class I felony for a second or subsequent offense. This replaces the current law that penalizes a person who recklessly stores or leaves a loaded firearm within reach of a child who is under 14 if the child obtains it and does one of the following: 1) discharges the firearm and causes bodily harm or death (Class A misdemeanor) or 2) possesses or exhibits the firearm in a public place or endangers public safety (Class C misdemeanor).

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

SECTION 1. 948.55 of the statutes is repealed and recreated to read:

948.55 Storage of firearm if children present. (1) In this section, “child” means a person who has not attained the age of 18 years.
(2) Whoever resides with a child, or knows a child will be present in his or her residence, may not store or leave a firearm at his or her residence in any place other than in a securely locked box or container or in a locked location that a reasonable person would believe to be secure or unless a trigger lock is engaged on the firearm. This prohibition does not apply to a person who is carrying the firearm.

(3) A person who violates sub. (2) is guilty of the following:

(a) For a first violation, a Class A misdemeanor.
(b) For a 2nd or subsequent violation, a Class I felony.