March 3, 2016 – Introduced by Senator L. TAYLOR, cosponsored by Representatives BERCEAU, KESSLER and SINICKI. Referred to Committee on Judiciary and Public Safety.

AN ACT to amend 175.35 (1) (at) and 175.60 (9g) (a) 2.; and to create 165.63 (2) (c), 165.8286 and 941.29 (1m) (h) of the statutes; relating to: prohibiting persons on the federal no fly list from possessing a firearm and providing a criminal penalty.

Analysis by the Legislative Reference Bureau

Under this bill, a person who is on the federal “no fly” list is prohibited from possessing a firearm and is guilty of a Class G felony for violating the prohibition. This bill requires the Department of Justice to maintain an updated list of such persons and to check the list when conducting background checks related to handgun purchases or licenses to carry a concealed weapon.

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

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

SECTION 1. 165.63 (2) (c) of the statutes is created to read:

165.63 (2) (c) Individuals prohibited from possessing a firearm because they are on the list maintained by the department of justice under s. 165.8286.
SECTION 2. 165.8286 of the statutes is created to read:

165.8286 Identification of persons on the federal no fly list. The department of justice shall maintain an updated list that is identical to the list that the federal bureau of investigation maintains of people who are not permitted to board a commercial aircraft. The department of justice shall include a search of its list to respond to a request under s. 165.63, as part of a firearms restrictions record search under s. 175.35 (2g) (c), or as part of a background check under s. 175.60 (9g) (a).

SECTION 3. 175.35 (1) (at) of the statutes is amended to read:

175.35 (1) (at) “Firearms restrictions record search” means a search of department of justice records to determine whether a person seeking to purchase a handgun is prohibited from possessing a firearm under s. 941.29. “Firearms restrictions record search” includes a criminal history record search, a search to determine whether a person is prohibited from possessing a firearm because he or she is on the list maintained by the department of justice under s. 165.8286, a search to determine whether a person is prohibited from possessing a firearm under s. 51.20 (13) (cv) 1., 2007 stats., a search in the national instant criminal background check system to determine whether a person has been ordered not to possess a firearm under s. 51.20 (13) (cv) 1., 51.45 (13) (i) 1., 54.10 (3) (f) 1., or 55.12 (10) (a), a search to determine whether the person is subject to an injunction under s. 813.12 or 813.122, or a tribal injunction, as defined in s. 813.12 (1) (e), issued by a court established by any federally recognized Wisconsin Indian tribe or band, except the Menominee Indian tribe of Wisconsin, that includes notice to the respondent that he or she is subject to the requirements and penalties under s. 941.29 and that has been filed with the circuit court under s. 806.247 (3), and a search to determine whether
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the person is prohibited from possessing a firearm under s. 813.123 (5m) or 813.125 (4m).

SECTION 4. 175.60 (9g) (a) 2. of the statutes is amended to read:

175.60 (9g) (a) 2. The department shall conduct a criminal history record search and shall search its records and conduct a search in the national instant criminal background check system to determine whether the applicant is prohibited from possessing a firearm under federal law; whether the applicant is prohibited from possessing a firearm under s. 941.29; whether the applicant is prohibited from possessing a firearm because he or she is on the list maintained by the department of justice under s. 165.8286; whether the applicant is prohibited from possessing a firearm under s. 51.20 (13) (cv) 1., 2007 stats.; whether the applicant has been ordered not to possess a firearm under s. 51.20 (13) (cv) 1., 51.45 (13) (i) 1., 54.10 (3) (f) 1., or 55.12 (10) (a); whether the applicant is subject to an injunction under s. 813.12 or 813.122, or a tribal injunction, as defined in s. 813.12 (1) (e), issued by a court established by any federally recognized Wisconsin Indian tribe or band, except the Menominee Indian tribe of Wisconsin, that includes notice to the respondent that he or she is subject to the requirements and penalties under s. 941.29 and that has been filed with the circuit court under s. 806.247 (3); and whether the applicant is prohibited from possessing a firearm under s. 813.123 (5m) or 813.125 (4m); and to determine if the court has prohibited the applicant from possessing a dangerous weapon under s. 969.02 (3) (c) or 969.03 (1) (c) and if the applicant is prohibited from possessing a dangerous weapon as a condition of release under s. 969.01.

SECTION 5. 941.29 (1m) (h) of the statutes is created to read:
941.29 (1m) (h) The person is currently on the list maintained by the department of justice under s. 165.8286.

(END)