



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRBa2590/1  
CMH&FFK:all

**ASSEMBLY AMENDMENT 2,  
TO SENATE SUBSTITUTE AMENDMENT 2,  
TO ASSEMBLY BILL 843**

March 22, 2018 - Offered by Representatives HEBL, POPE, BILLINGS, KOLSTE, SARGENT, OHNSTAD, SUBECK, GOYKE, NEUBAUER, CONSIDINE, KESSLER, SPREITZER and C. TAYLOR.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 1, line 9: delete the material beginning with "open" and ending with  
3 "screening;" on line 11.

4 **2.** Page 2, line 1: delete the material beginning with that line and ending with  
5 page 15, line 2, and substitute:

6 "SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place,  
7 insert the following amounts for the purposes indicated:

**2017-18      2018-19**

8 **20.255 Public instruction, department of**

9 (1) EDUCATIONAL LEADERSHIP

**2017-18      2018-19**

1	(er) Wisconsin safe and healthy				
2	schools center	GPR	A	-0-	1,000,000
3	(2) AIDS FOR LOCAL EDUCATIONAL PROGRAMMING				
4	(dh) Violence prevention and reduc-				
5	tion grants	GPR	A	-0-	24,000,000

6           **SECTION 2.** 20.255 (1) (er) of the statutes is created to read:  
 7           20.255 (1) (er) *Wisconsin safe and healthy schools center.* The amounts in the  
 8 schedule for the program under s. 115.28 (38).

9           **SECTION 3.** 20.255 (2) (ap) of the statutes is created to read:  
 10           20.255 (2) (ap) *School safety aid.* A sum sufficient for school safety aid under  
 11 s. 115.434.

12           **SECTION 4.** 20.255 (2) (dh) of the statutes is created to read:  
 13           20.255 (2) (dh) *Violence prevention and reduction grants.* The amounts in the  
 14 schedule for grants to school districts under s. 115.369.

15           **SECTION 5.** 20.455 (2) (gr) of the statutes is amended to read:  
 16           20.455 (2) (gr) *Handgun Firearm purchaser record check; checks for licenses or*  
 17 *certifications to carry concealed weapons.* All moneys received as fee payments under  
 18 ss. 175.35 (2i) (a), 175.49 (5m), and 175.60 (7) (c) and (d), (13), and (15) (b) 4. a. and  
 19 b. to provide services under ss. 175.35, 175.49, and 175.60.

20           **SECTION 5c.** 49.45 (23) (a) of the statutes is amended to read:  
 21           49.45 (23) (a) The department shall request a waiver from the secretary of the  
 22 federal department of health and human services to permit the department to  
 23 conduct a demonstration project to provide health care coverage to adults who are

1 under the age of 65, who have family incomes not to exceed ~~100~~ 133 percent of the  
2 poverty line ~~before application of the 5 percent income disregard under 42 CFR~~  
3 ~~435.603 (d)~~, except as provided in s. 49.471 (4g), and who are not otherwise eligible  
4 for medical assistance under this subchapter, the Badger Care health care program  
5 under s. 49.665, or Medicare under 42 USC 1395 et seq.

6 **SECTION 5d.** 49.471 (1) (cr) of the statutes is created to read:

7 49.471 (1) (cr) “Enhanced federal medical assistance percentage” means a  
8 federal medical assistance percentage described under 42 USC 1396d (y) or (z).

9 **SECTION 5e.** 49.471 (4) (a) 4. b. of the statutes is amended to read:

10 49.471 (4) (a) 4. b. The Except as provided in sub. (4g), the individual’s family  
11 income does not exceed ~~100~~ 133 percent of the poverty line ~~before application of the~~  
12 ~~5 percent income disregard under 42 CFR 435.603 (d)~~.

13 **SECTION 5f.** 49.471 (4g) of the statutes is created to read:

14 49.471 (4g) MEDICAID EXPANSION; FEDERAL MEDICAL ASSISTANCE PERCENTAGE. (a)  
15 For services provided to individuals described under sub. (4) (a) 4. and s. 49.45 (23),  
16 the department shall comply with all federal requirements to qualify for the highest  
17 available enhanced federal medical assistance percentage. The department shall  
18 submit any amendment to the state medical assistance plan, request for a waiver of  
19 federal Medicaid law, or other approval request required by the federal government  
20 to provide services to the individuals described under sub. (4) (a) 4. and s. 49.45 (23)  
21 and qualify for the highest available enhanced federal medical assistance  
22 percentage.

23 (b) If the department does not qualify for an enhanced federal medical  
24 assistance percentage, or if the enhanced federal medical assistance percentage  
25 obtained by the department is lower than printed in federal law as of July 1, 2013,

1 for individuals eligible under sub. (4) (a) 4. or s. 49.45 (23), the department shall  
2 submit to the joint committee on finance a fiscal analysis comparing the cost to  
3 maintain coverage for adults who are not pregnant and not elderly with family  
4 incomes up to 133 percent of the poverty line to the cost of limiting eligibility to those  
5 adults with family incomes up to 100 percent of the poverty line. The department  
6 may reduce income eligibility for adults who are not pregnant and not elderly from  
7 family incomes of up to 133 percent of the poverty line to family incomes of up to 100  
8 percent of the poverty line only if this reduction in income eligibility levels is  
9 approved by the joint committee on finance.

10 **SECTION 6.** 115.28 (38) of the statutes is created to read:

11 115.28 (38) WISCONSIN SAFE AND HEALTHY SCHOOLS CENTER; EMERGENCY  
12 PREPAREDNESS AND SCHOOL VIOLENCE. Provide, in cooperation with a cooperative  
13 educational service agency, a program to provide training and technical assistance  
14 to school district employees on emergency preparedness and school violence.

15 **SECTION 7.** 115.364 (1) (a), (am) and (b) of the statutes, as created by 2017  
16 Wisconsin Act 59, are amended to read:

17 115.364 (1) (a) “Eligible independent charter school” is a school under contract  
18 with one of the entities under s. 118.40 (2r) (b) 1. or with the director under s. 118.40  
19 (2x) that increased the amount it expended in the preceding school year to employ,  
20 hire, or retain ~~social workers~~ pupil services personnel over the amount it expended  
21 in the school year immediately preceding the preceding school year to employ, hire,  
22 or retain ~~social workers~~ pupil services personnel.

23 (am) “Eligible private school” means a private school participating in a  
24 parental choice program under s. 118.60 or 119.23 that increased the amount it  
25 expended in the preceding school year to employ, hire, or retain ~~social workers~~ pupil

1 services personnel over the amount it expended in the school year immediately  
2 preceding the preceding school year to employ, hire, or retain ~~social workers~~ pupil  
3 services personnel.

4 (b) "Eligible school district" is a school district that increased the amount it  
5 expended in the preceding school year to employ, hire, or retain ~~social workers~~ pupil  
6 services personnel over the amount it expended in the school year immediately  
7 preceding the preceding school year to employ, hire, or retain ~~social workers~~ pupil  
8 services personnel.

9 **SECTION 8.** 115.364 (1) (c) of the statutes is created to read:

10 115.364 (1) (c) "Pupil services personnel" means school counselors, school social  
11 workers, school psychologists, and school nurses.

12 **SECTION 9.** 115.364 (2) (a) 1., 2. and 3. of the statutes, as created by 2017  
13 Wisconsin Act 59, are amended to read:

14 115.364 (2) (a) 1. Subject to par. (b), from the appropriation under s. 20.255 (2)  
15 (da), pay to an eligible school district an amount equal to 50 percent of the amount  
16 by which the school district increased its expenditures in the preceding school year  
17 to employ, hire, or retain ~~social workers~~ pupil services personnel over the amount it  
18 expended in the school year immediately preceding the preceding school year to  
19 employ, hire, or retain ~~social workers~~ pupil services personnel.

20 2. Subject to par. (b), from the appropriation under s. 20.255 (2) (da), pay to an  
21 eligible independent charter school an amount equal to 50 percent of the amount by  
22 which the independent charter school increased its expenditures in the preceding  
23 school year to employ, hire, or retain ~~social workers~~ pupil services personnel over the  
24 amount it expended in the school year immediately preceding the preceding school  
25 year to employ, hire, or retain ~~social workers~~ pupil services personnel.

1           3. Subject to par. (b), from the appropriation under s. 20.255 (2) (da), pay to an  
2 eligible private school an amount equal to 50 percent of the amount by which the  
3 private school increased its expenditures in the preceding school year to employ, hire,  
4 or retain ~~social workers~~ pupil services personnel over the amount it expended in the  
5 school year immediately preceding the preceding school year to employ, hire, or  
6 retain ~~social workers~~ pupil services personnel.

7           **SECTION 10.** 115.364 (2) (b) 2. a. of the statutes, as created by 2017 Wisconsin  
8 Act 59, is amended to read:

9           115.364 (2) (b) 2. a. Subject to subd. 2. b., if, after making the payments  
10 required under par. (a), moneys remain in the appropriation account under s. 20.255  
11 (2) (da), the state superintendent shall reimburse eligible school districts, private  
12 schools, and independent charter schools for an amount equal to expenditures made  
13 by the school district, private school, or independent charter school in the preceding  
14 school year to employ, hire, or retain ~~social workers~~ pupil services personnel less the  
15 amount of increased expenditures for which the school district, private school, or  
16 independent charter school was reimbursed under par. (a).

17           **SECTION 11.** 115.367 (3) of the statutes, as created by 2017 Wisconsin Act 59,  
18 is amended to read:

19           115.367 (3) AWARDS. The department shall award grants under this section  
20 beginning in the 2018-19 school year. From the appropriation under s. 20.255 (2)  
21 (dt), the department shall award at least ~~\$3,250,000~~ \$10,250,000 in grants under  
22 this section each school year.

23           **SECTION 12.** 115.369 of the statutes is created to read:

24           **115.369 Violence prevention and reduction grants.** (1) Beginning in the  
25 2018-19 school year, the department shall award grants on a competitive basis to

1 school districts to develop and implement programs to prevent and reduce violence  
2 in schools.

3 (2) A school district may not expend proceeds of a grant received under this  
4 section on school district personnel costs.

5 (3) The department shall promulgate rules to implement and administer this  
6 section, including all of the following:

7 (a) Rules that specify eligibility criteria for receiving a grant under this section.

8 (b) Rules that specify eligible uses of grant proceeds, including funding any of  
9 the following school violence prevention activities:

10 1. Developing and implementing conflict resolution or dispute management  
11 strategies, including restorative justice and student leadership programs.

12 2. Providing character education, asset building, peer mediation, antibullying,  
13 and equity programs.

14 3. Developing and implementing suicide risk screening, intervention, and  
15 prevention efforts.

16 4. Implementing behavioral systems of support.

17 5. Developing and implementing violence prevention curricula.

18 6. Providing wraparound services for pupils, community schools, and family  
19 engagement activities.

20 7. Providing school threat or risk assessments.

21 8. Developing and implementing safety, violence prevention, emergency  
22 preparedness, and all-hazards school plans.

23 9. Providing trainings with local community or law enforcement partners.

24 **SECTION 13.** 115.434 of the statutes is created to read:

25 **115.434 School safety aid.** (1) In this section:

1           (a) “Local law enforcement agency” means a governmental unit of one or more  
2 persons employed full time by a city, town, village, or county in this state for the  
3 purpose of preventing and detecting crime and enforcing state laws or local  
4 ordinances, employees of which unit are authorized to make arrests for crimes while  
5 acting within the scope of their authority.

6           (b) “Number of pupils enrolled” has the meaning given in s. 121.90 (1) (intro.)  
7 and includes 40 percent of the summer enrollment.

8           **(2)** A school district is eligible for aid under this section if all of the following  
9 apply:

10           (a) The school board and a local law enforcement agency jointly develop a school  
11 safety expenditure plan that satisfies all of the following criteria:

12           1. The plan is consistent with the school board’s school safety plan under s.  
13 118.07 (4).

14           2. The plan covers each school in the school district.

15           3. The plan describes how the school board will use aid under this section.

16           (b) The school board approves and submits the school safety expenditure plan  
17 to the department.

18           **(3)** Beginning in the 2018-19 school year, from the appropriation under s.  
19 20.255 (2) (ap), the department shall pay each school district that is eligible under  
20 sub. (2) an amount equal to \$100 times the number of pupils enrolled in the school  
21 district or \$40,000, whichever is greater, for the purpose of covering compensation  
22 costs associated with providing security officers in the school district, purchasing  
23 safety equipment, and improving school safety.

24           **SECTION 14.** 118.07 (4) (b) of the statutes is amended to read:

1           118.07 (4) (b) ~~A school safety plan shall be created~~ Each school board and the  
2 governing body of each private school shall establish a school safety team. The school  
3 board or governing body shall create the school safety plan with the active  
4 participation of appropriate parties, ~~as specified by the school board or governing~~  
5 ~~body of the private school.~~ The appropriate parties the school safety team. The  
6 school safety team may include local law enforcement officers, fire fighters, school  
7 administrators, teachers, pupil services professionals, as defined in s. 118.257 (1) (c),  
8 parents, pupils, community members, and mental health professionals. A school  
9 safety plan shall include general guidelines specifying procedures for emergency  
10 prevention and mitigation, preparedness, response, and recovery. The plan shall  
11 specify one individual employed by the school board or governing body who is  
12 responsible for implementing the school safety plan. The plan shall also specify the  
13 process for reviewing the methods for conducting drills required to comply with the  
14 plan.

15           **SECTION 15.** 118.07 (4) (d) of the statutes is amended to read:

16           118.07 (4) (d) Each school board and the governing body of each private school  
17 shall review the school safety plan at least once every 3 years after the plan goes into  
18 effect. At least once every 3 years, each school board and the governing body of each  
19 private school shall conduct a comprehensive security site assessment of each school  
20 building and facility that is owned or leased by the school board or governing body.

21           **SECTION 16.** 118.07 (4) (e) of the statutes is created to read:

22           118.07 (4) (e) The department shall promulgate rules to establish minimum  
23 standards for conducting comprehensive security site assessments and for  
24 establishing school safety teams.

1           **SECTION 17.** 119.04 (1) of the statutes, as affected by 2017 Wisconsin Act 59,  
2 is amended to read:

3           119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),  
4 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,  
5 115.345, 115.363, 115.364, 115.365 (3), 115.367, 115.369, 115.38 (2), 115.415, 115.434,  
6 115.445, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12,  
7 118.125 to 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164,  
8 118.18, 118.19, 118.196, 118.20, 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and  
9 (10), 118.245, 118.255, 118.258, 118.291, 118.292, 118.293, 118.30 to 118.43, 118.46,  
10 118.50, 118.51, 118.52, 118.53, 118.55, 118.56, 120.12 (2m), (4m), (5), and (15) to (27),  
11 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), (38),  
12 and (39), 120.137, 120.14, 120.20, 120.21 (3), and 120.25 are applicable to a 1st class  
13 city school district and board but not, unless explicitly provided in this chapter or in  
14 the terms of a contract, to the commissioner or to any school transferred to an  
15 opportunity schools and partnership program.

16           **SECTION 18.** 165.63 (3) of the statutes is amended to read:

17           165.63 (3) REQUESTS FROM COURTS. In making a determination required under  
18 s. 813.124 (8) (a), 813.1285 (7) (a), or 968.20 (1m) (d) 1., a judge or court commissioner  
19 shall request information under sub. (2) from the department or from a law  
20 enforcement agency or law enforcement officer as provided in sub. (4) (d).

21           **SECTION 19.** 165.63 (4) (d) of the statutes is amended to read:

22           165.63 (4) (d) Aid the court in making a determination required under s.  
23 813.124 (8) (a), 813.1285 (7) (a), or 968.20 (1m) (d) 1. or aid an entity in making a  
24 determination required under s. 968.20 (1m) (d) 2.

25           **SECTION 20.** 175.33 of the statutes is created to read:

1           **175.33 Transfer of firearms. (1)** In this section:

2           (a) “Family member” means a spouse, parent, grandparent, sibling, child, or  
3 grandchild. The relationship may be by blood, marriage, or adoption.

4           (b) “Firearms dealer” has the meaning given in s. 175.35 (1) (ar).

5           **(2)** No person may sell or transfer ownership of a firearm, or purchase or obtain  
6 ownership of a firearm, unless one of the following applies:

7           (a) The seller or transferor is a firearms dealer.

8           (b) The seller or transferor makes the sale or transfer to or through a firearms  
9 dealer and obtains a receipt under s. 175.35 (2j) (b).

10          (c) The sale or transfer of ownership of the firearm is one of the transfers listed  
11 under s. 175.35 (2t).

12          (d) The transferor is transferring ownership of the firearm to a family member  
13 by gift, bequest, sale, or inheritance, the transferee is not prohibited from possessing  
14 a firearm under s. 941.29, and the transferee is at least 18 years of age.

15          (e) The transferor is transferring ownership of the firearm with the intent that  
16 the transfer be temporary, neither the transferor nor the transferee is prohibited  
17 from possessing a firearm under s. 941.29, and the purpose of the transfer is not  
18 prohibited by law.

19          **(3)** Any person who intentionally violates sub. (2) is guilty of a misdemeanor  
20 and shall be fined not less than \$500 nor more than \$10,000 and may be imprisoned  
21 for not more than 9 months. The person is also prohibited under s. 941.29 from  
22 possessing a firearm for a period of 2 years.

23           **SECTION 21.** 175.35 (title) of the statutes is amended to read:

24           **175.35 (title) Purchase Waiting period for the purchase of handguns**  
25 **firearms.**

1           **SECTION 22.** 175.35 (1) (at) of the statutes is amended to read:

2           175.35 (1) (at) “Firearms restrictions record search” means a search of  
3 department of justice records to determine whether a person seeking to purchase a  
4 handgun firearm is prohibited from possessing a firearm under s. 941.29. “Firearms  
5 restrictions record search” includes a criminal history record search, a search to  
6 determine whether a person is prohibited from possessing a firearm under s. 51.20  
7 (13) (cv) 1., 2007 stats., a search in the national instant criminal background check  
8 system to determine whether a person has been ordered not to possess a firearm  
9 under s. 51.20 (13) (cv) 1., 51.45 (13) (i) 1., 54.10 (3) (f) 1., or 55.12 (10) (a), a search  
10 to determine whether the person is subject to an injunction under s. 813.12 or  
11 813.122, or a tribal injunction, as defined in s. 813.12 (1) (e), issued by a court  
12 established by any federally recognized Wisconsin Indian tribe or band, except the  
13 Menominee Indian tribe of Wisconsin, that includes notice to the respondent that he  
14 or she is subject to the requirements and penalties under s. 941.29 and that has been  
15 filed with the circuit court under s. 813.128 (3g), and a search to determine whether  
16 the person is prohibited from possessing a firearm under s. 813.123 (5m), 813.124 (3)  
17 or (4), or 813.125 (4m).

18           **SECTION 23.** 175.35 (1) (b) of the statutes is repealed.

19           **SECTION 24.** 175.35 (2) (intro.) of the statutes is renumbered 175.35 (2) (am)  
20 and amended to read:

21           175.35 (2) (am) When a firearms dealer sells or transfers a handgun firearm,  
22 he or she may not transfer possession of that handgun firearm to any other person  
23 until all of the following have occurred: requirements under par. (cm) have been met.

24           **SECTION 25.** 175.35 (2) (a), (b), (c) and (d) of the statutes are renumbered 175.35  
25 (2) (cm) 1., 2., 3. and 4., and 175.35 (2) (cm) 4., as renumbered, is amended to read:

1           175.35 (2) (cm) 4. The Forty-eight hours have elapsed from the time that the  
2           firearms dealer has received ~~an approval~~ a confirmation number regarding the  
3           firearms restrictions record search under sub. (2g) (c) from the department of justice  
4           and the firearms dealer has not been notified that the person is prohibited under  
5           state or federal law from possessing a firearm or that the department needs an  
6           extension under sub. (2g) (c) 4. c.

7           **SECTION 26.** 175.35 (2) (bm) of the statutes is created to read:

8           175.35 (2) (bm) When a person sells a firearm or transfers ownership of a  
9           firearm through a firearms dealer, the person may not transfer possession of that  
10          firearm to any person other than the firearms dealer, and the firearms dealer may  
11          not transfer or authorize the transfer of possession of that firearm to any person,  
12          until all of the requirements of par. (cm) have been met. This paragraph does not  
13          apply if a person sells a firearm, or transfers ownership of a firearm, to a firearms  
14          dealer.

15          **SECTION 27.** 175.35 (2) (cm) (intro.) of the statutes is created to read:

16          175.35 (2) (cm) (intro.) All of the following must occur before a sale or transfer  
17          of a firearm occurs under par. (am) or (bm):

18          **SECTION 28.** 175.35 (2g) (a) of the statutes is amended to read:

19          175.35 (2g) (a) The department of justice shall promulgate rules prescribing  
20          procedures for use under sub. (2) (cm) 1. for a transferee to provide and a firearms  
21          dealer to inspect identification containing a photograph of the transferee.

22          **SECTION 29.** 175.35 (2g) (b) of the statutes is amended to read:

23          175.35 (2g) (b) The department of justice shall promulgate rules prescribing  
24          a notification form for use under sub. (2) (cm) 2. and 3. requiring the transferee to  
25          provide his or her name, date of birth, gender, race and social security number, and

1 other identification necessary to permit an accurate firearms restrictions record  
2 search under par. (c) 3. and the required notification under par. (c) 4. The department  
3 of justice shall make the forms available at locations throughout the state.

4 **SECTION 30.** 175.35 (2g) (c) 4. c. of the statutes is amended to read:

5 175.35 **(2g)** (c) 4. c. If the search indicates that it is unclear whether the person  
6 is prohibited under state or federal law from possessing a firearm and the  
7 department needs more time than provided under sub. (2) (cm) 4. to make the  
8 determination, the department shall make every reasonable effort to determine  
9 whether the person is prohibited under state or federal law from possessing a firearm  
10 and notify the firearms dealer of the results as soon as practicable but no later than  
11 5 working days after the search was requested.

12 **SECTION 31.** 175.35 (2i) of the statutes is renumbered 175.35 (2i) (a) and  
13 amended to read:

14 175.35 **(2i)** (a) The department shall charge a firearms dealer a \$10 fee for each  
15 firearms restrictions record search that the firearms dealer requests under sub. (2)  
16 ~~(e)~~ (cm) 3.

17 (b) 1. The firearms dealer may collect the fee under par. (a) from the transferee.

18 (c) The department may refuse to conduct firearms restrictions record searches  
19 for any firearms dealer who fails to pay any fee under ~~this subsection~~ par. (a) within  
20 30 days after billing by the department.

21 **SECTION 32.** 175.35 (2i) (b) 2. of the statutes is created to read:

22 175.35 **(2i)** (b) 2. If the transfer is made under sub. (2) (bm), the firearms dealer  
23 may collect from the transferor the fee under par. (a) and any additional amount to  
24 cover any costs he or she incurs in processing the transfer.

25 **SECTION 33.** 175.35 (2j) of the statutes is renumbered 175.35 (2j) (a).

1           **SECTION 34.** 175.35 (2j) (b) of the statutes is created to read:

2           175.35 **(2j)** (b) If a person sells a firearm or transfers ownership of a firearm  
3 through a firearms dealer under sub. (2) (bm), or sells a firearm or transfers  
4 ownership of a firearm to a firearms dealer, the firearms dealer shall provide the  
5 person a written receipt documenting the dealer's participation in the sale or  
6 transfer.

7           **SECTION 35.** 175.35 (2k) (ar) 2. of the statutes is amended to read:

8           175.35 **(2k)** (ar) 2. Check each notification form received under sub. (2j) (a)  
9 against the information recorded by the department regarding the corresponding  
10 request for a firearms restrictions record search under sub. (2g). If the department  
11 previously provided a unique approval number regarding the request and nothing  
12 in the completed notification form indicates that the transferee is prohibited from  
13 possessing a firearm under s. 941.29, the department shall destroy all records  
14 regarding that firearms restrictions record search within 30 days after receiving the  
15 notification form.

16           **SECTION 36.** 175.35 (2k) (c) 2. a. of the statutes is amended to read:

17           175.35 **(2k)** (c) 2. a. A statement that the Wisconsin law enforcement agency  
18 is conducting an investigation of a crime in which a handgun firearm was used or was  
19 attempted to be used or was unlawfully possessed.

20           **SECTION 37.** 175.35 (2k) (c) 2. b. of the statutes is amended to read:

21           175.35 **(2k)** (c) 2. b. A statement by a division commander or higher authority  
22 within the Wisconsin law enforcement agency that he or she has a reasonable  
23 suspicion that the person who is the subject of the information request has obtained  
24 or is attempting to obtain a handgun firearm.

25           **SECTION 38.** 175.35 (2k) (g) of the statutes is amended to read:

1           175.35 (2k) (g) If a search conducted under sub. (2g) indicates that the  
2 transferee is prohibited from possessing a firearm under s. 941.29, the attorney  
3 general or his or her designee ~~may~~ shall disclose to a law enforcement agency that  
4 the transferee has attempted to obtain a ~~handgun~~ firearm.

5           **SECTION 39.** 175.35 (2k) (h) of the statutes is amended to read:

6           175.35 (2k) (h) If a search conducted under sub. (2g) indicates a felony charge  
7 without a recorded disposition and the attorney general or his or her designee has  
8 reasonable grounds to believe the transferee may pose a danger to himself, herself  
9 or another, the attorney general or his or her designee may disclose to a law  
10 enforcement agency that the transferee has obtained or has attempted to obtain a  
11 ~~handgun~~ firearm.

12           **SECTION 40.** 175.35 (2L) of the statutes is amended to read:

13           175.35 (2L) The department of justice shall promulgate rules providing for the  
14 review of nonapprovals under sub. (2g) (c) 4. a. Any person who is denied the right  
15 to purchase a ~~handgun~~ firearm because the firearms dealer received a nonapproval  
16 number under sub. (2g) (c) 4. a. may request a firearms restrictions record search  
17 review under those rules. If the person disagrees with the results of that review, the  
18 person may file an appeal under rules promulgated by the department.

19           **SECTION 41.** 175.35 (2t) (a), (b) and (c) of the statutes are amended to read:

20           175.35 (2t) (a) Transfers of any ~~handgun~~ firearm classified as an antique by  
21 regulations of the U.S. department of the treasury.

22           (b) Transfers of any ~~handgun~~ firearm between firearms dealers or between  
23 wholesalers and dealers.

24           (c) Transfers of any ~~handgun~~ firearm to law enforcement or armed services  
25 agencies.

1           **SECTION 42.** 175.60 (7) (d) of the statutes is amended to read:

2           175.60 (7) (d) A fee for a background check that is equal to the fee charged under  
3 s. 175.35 (2i) (a).

4           **SECTION 43.** 175.60 (9g) (a) 2. of the statutes is amended to read:

5           175.60 (9g) (a) 2. The department shall conduct a criminal history record  
6 search and shall search its records and conduct a search in the national instant  
7 criminal background check system to determine whether the applicant is prohibited  
8 from possessing a firearm under federal law; whether the applicant is prohibited  
9 from possessing a firearm under s. 941.29; whether the applicant is prohibited from  
10 possessing a firearm under s. 51.20 (13) (cv) 1., 2007 stats.; whether the applicant  
11 has been ordered not to possess a firearm under s. 51.20 (13) (cv) 1., 51.45 (13) (i) 1.,  
12 54.10 (3) (f) 1., or 55.12 (10) (a); whether the applicant is subject to an injunction  
13 under s. 813.12 or 813.122, or a tribal injunction, as defined in s. 813.12 (1) (e), issued  
14 by a court established by any federally recognized Wisconsin Indian tribe or band,  
15 except the Menominee Indian tribe of Wisconsin, that includes notice to the  
16 respondent that he or she is subject to the requirements and penalties under s.  
17 941.29 and that has been filed with the circuit court under s. 813.128 (3g); and  
18 whether the applicant is prohibited from possessing a firearm under s. 813.123 (5m),  
19 813.124 (3) or (4), or 813.125 (4m); and to determine if the court has prohibited the  
20 applicant from possessing a dangerous weapon under s. 969.02 (3) (c) or 969.03 (1)  
21 (c) and if the applicant is prohibited from possessing a dangerous weapon as a  
22 condition of release under s. 969.01.

23           **SECTION 44.** 175.60 (15) (b) 4. b. of the statutes is amended to read:

24           175.60 (15) (b) 4. b. A fee for a background check that is equal to the fee charged  
25 under s. 175.35 (2i) (a).

1           **SECTION 45.** 757.69 (1) (j) of the statutes is amended to read:

2           757.69 (1) (j) Hold hearings, make findings and issue temporary restraining  
3 orders under s. 813.122 ~~or~~, 813.123, or 813.124.

4           **SECTION 46.** 801.50 (5s) of the statutes is amended to read:

5           801.50 (5s) Venue of an action under s. 813.122, 813.124, or 813.125 shall be  
6 in the county in which the cause of action arose or where the petitioner or the  
7 respondent resides.

8           **SECTION 47.** 813.06 of the statutes is amended to read:

9           **813.06 Security for damages.** In proceedings under s. 767.225 the court or  
10 judge may, and in all other proceedings except proceedings under ss. 813.12, 813.122,  
11 813.124, 813.125 and 823.113 the court or judge shall, require a bond of the party  
12 seeking an injunction, with sureties, to the effect that he or she will pay to the party  
13 enjoined such damages, not exceeding an amount to be specified, as he or she may  
14 sustain by reason of the injunction if the court finally decides that the party was not  
15 entitled thereto. Copies of such bond, affidavit or other pleading shall be served upon  
16 the party enjoined and the officer serving the same shall, within 8 days after such  
17 service, file his or her return in the office of the clerk of the court.

18           **SECTION 48.** 813.124 of the statutes is created to read:

19           **813.124 Lethal violence protective orders and injunctions. (1)**

20           DEFINITIONS. In this section:

21           (a) “Firearms dealer” has the meaning given in s. 175.35 (1) (ar).

22           (b) “Law enforcement officer” has the meaning given in s. 165.85 (2) (c).

23           (c) “Reasonable grounds” means more likely than not that a specific event will  
24 occur.

1           **(2) COMMENCEMENT OF ACTION AND RESPONSE.** (a) No action under this section  
2           may be commenced by complaint and summons. An action under this section may  
3           be commenced only by a petition described under sub. (5) (a). The action commences  
4           with the sheriff serving the petition on the respondent if a copy of the petition is filed  
5           before service or promptly after service. If the judge or a circuit court commissioner  
6           extends the time for a hearing under sub. (3) (c) and the petitioner files an affidavit  
7           with the court stating that personal service by the sheriff under s. 801.11 (1) (a) or  
8           (b) was unsuccessful because the respondent is avoiding service by concealment or  
9           otherwise, the judge or circuit court commissioner shall inform the petitioner that  
10          he or she may serve the respondent by publication of a summary of the petition as  
11          a class 1 notice, under ch. 985, and by mailing or sending a facsimile if the  
12          respondent's post-office address or facsimile number is known or can with due  
13          diligence be ascertained. The mailing or sending of a facsimile may be omitted if the  
14          post-office address or facsimile number cannot be ascertained with due diligence.  
15          A summary of the petition published as a class 1 notice shall include the name of the  
16          respondent and of the petitioner, notice of the temporary restraining order, and  
17          notice of the date, time, and place of the hearing regarding the injunction. The court  
18          shall inform the petitioner in writing that the petitioner should contact the sheriff  
19          to verify the proof of service of the petition.

20           (b) Section 813.06 does not apply to an action under this section. The  
21          respondent may respond to the petition either in writing before or at the hearing on  
22          the issuance of the injunction or orally at that hearing.

23           (c) When the respondent is served with the petition under this subsection, the  
24          respondent shall be provided notice of the requirements and penalties under s.  
25          941.29.

1           **(2m)** TWO-PART PROCEDURE. Procedure for an action under this section is in 2  
2 parts. First, if the petitioner requests a temporary restraining order, the court shall  
3 issue or refuse to issue that order. Second, the court shall hold a hearing under sub.  
4 (4) on whether to issue an injunction, which is the final relief. If the court issues a  
5 temporary restraining order, the order shall set forth the date for the hearing on an  
6 injunction. If the court does not issue a temporary restraining order, the date for the  
7 hearing shall be set upon motion by either party.

8           **(3)** TEMPORARY RESTRAINING ORDER. (a) 1. A judge or circuit court commissioner  
9 shall issue a temporary restraining order prohibiting the respondent from  
10 possessing a firearm and ordering the respondent to surrender all of his or her  
11 firearms if the judge or circuit court commissioner finds reasonable grounds to  
12 believe that the respondent is substantially likely to injure himself or herself or  
13 another person if the respondent possesses a firearm.

14           2. The judge or circuit court commissioner shall base the finding under subd.

15           1. on the following:

16           a. Any testimony.

17           b. The petition.

18           c. A recent threat of violence or act of violence by the respondent directed  
19 toward himself or herself or another person.

20           d. A pattern of violent acts or violent threats by the respondent within the past  
21 12 months, including threats of violence or acts of violence directed toward himself  
22 or herself or another person.

23           3. The judge or circuit court commissioner may base the finding under subd.

24           1. on any factors in addition to those under subd. 2., including any of the following:

1           a. Any unlawful or reckless use, display, or brandishing of a firearm by the  
2 respondent.

3           b. The respondent's history of use, attempted use, or threatened use of physical  
4 force against himself or herself or another person.

5           c. A prior arrest of the respondent for a felony.

6           d. Evidence that the respondent has abused controlled substances or alcohol.

7           e. Evidence that the respondent has recently acquired firearms, ammunition,  
8 or other dangerous weapons.

9           (am) The order issued under par. (a) requires one of the following:

10           1. If the respondent is present at the hearing, the respondent to immediately  
11 surrender all firearms that he or she has in his or her possession to the sheriff of the  
12 county in which the action under this section was commenced or to the sheriff of the  
13 county in which the respondent resides. The sheriff to whom the firearms are  
14 surrendered may, at the request of the respondent, arrange for the sale of the  
15 firearms to a firearms dealer.

16           2. One of the following:

17           a. If the respondent is not present at the hearing and the sheriff personally  
18 serves the respondent with the order issued under par. (a), the sheriff to request the  
19 respondent to immediately surrender all firearms in his or her possession. The  
20 sheriff may, at the request of the respondent, arrange for the sale of the firearms to  
21 a firearms dealer.

22           b. If the respondent is not present at the hearing and the sheriff does not  
23 personally serve the respondent with the order issued under par. (a), the respondent  
24 to, within 24 hours of service, surrender all firearms in his or her possession to the  
25 sheriff or sell all firearms in his or her possession to a firearms dealer. Within 48

1 hours of service, the respondent shall file with the court that issued the order under  
2 par. (a) a receipt from the sheriff or firearms dealer indicating that the respondent  
3 surrendered the firearms.

4 (an) If the respondent does not comply with par. (am) and a law enforcement  
5 officer has probable cause to believe that the respondent possesses a firearm, the law  
6 enforcement officer shall request a search warrant to seize the firearms and may use  
7 information contained in the petition to establish probable cause.

8 (b) Notice need not be given to the respondent before issuing a temporary  
9 restraining order under this subsection. A temporary restraining order may be  
10 entered only against the respondent named in the petition.

11 (c) A temporary restraining order issued under this subsection is in effect until  
12 a hearing is held on issuance of an injunction under sub. (4). A judge or circuit court  
13 commissioner shall hold a hearing on issuance of an injunction under sub. (4) within  
14 14 days after the temporary restraining order is issued, unless the time is extended  
15 once for up to 14 days upon the written consent of the parties or upon a finding that  
16 the respondent has not been served with a copy of the temporary restraining order  
17 although the petitioner has exercised due diligence. A judge or court commissioner  
18 may not extend the temporary restraining order in lieu of ruling on the issuance of  
19 an injunction.

20 (d) The judge or circuit court commissioner shall advise the petitioner of the  
21 right to serve the respondent the petition by published notice if with due diligence  
22 the respondent cannot be served as provided under s. 801.11 (1) (a) or (b). The clerk  
23 of the circuit court shall assist the petitioner with the preparation of the notice and  
24 filing of the affidavit of printing.

1           **(4) INJUNCTION.** (a) A judge may grant an injunction prohibiting the respondent  
2 from possessing a firearm and, if the respondent was not subject to a temporary  
3 restraining order under sub. (3), ordering the respondent to surrender his or her  
4 firearms if all of the following occur:

5           1. The petitioner files a petition alleging the elements set forth under sub. (5)  
6 (a).

7           2. The petitioner serves upon the respondent a copy or summary of the petition  
8 and notice of the time for hearing on the issuance of the injunction, or the respondent  
9 serves upon the petitioner notice of the time for hearing on the issuance of the  
10 injunction.

11           3. The judge finds reasonable grounds to believe that the respondent is  
12 substantially likely to injure himself or herself or another person if the respondent  
13 possesses a firearm.

14           4. The judge or circuit court commissioner shall base the finding under subd.  
15 3. on the following:

16           a. Any testimony.

17           b. The petition.

18           c. Any recent threat of violence or act of violence by the respondent directed  
19 toward himself or herself or another person.

20           d. Any pattern of violent acts or violent threats by the respondent within the  
21 past 12 months, including threats of violence or acts of violence directed toward  
22 himself or herself or another person.

23           5. The judge or circuit court commissioner may base the finding under subd.  
24 3. on any factors in addition to those under subd. 4., including any of the following:

1           a. Any unlawful or reckless use, display, or brandishing of a firearm by the  
2 respondent.

3           b. The respondent's history of use, attempted use, or threatened use of physical  
4 force against himself or herself or another person.

5           c. A prior arrest of the respondent for a felony.

6           d. Evidence that the respondent has abused controlled substances or alcohol.

7           e. Evidence that the respondent has recently acquired firearms, ammunition,  
8 or other dangerous weapons.

9           (b) The judge may enter an injunction only against the respondent named in  
10 the petition.

11           (c) 1. An injunction under this subsection is effective for 180 days unless a judge  
12 vacates the injunction under par. (d).

13           2. When an injunction expires, the court shall extend the injunction, upon  
14 petition, for 180 days if the judge finds reasonable grounds to believe that the  
15 respondent is substantially likely to injure himself or herself or another person if the  
16 respondent possesses a firearm. There is no limit to the number of extensions that  
17 may be made under this subdivision.

18           (d) A respondent who is subject to an injunction that has been extended under  
19 par. (c) may request a judge to vacate the injunction during any injunction period  
20 other than the initial injunction period. If a respondent files a request under this  
21 paragraph, the petitioner shall be notified of the request before the judge considers  
22 the request. The judge shall vacate the injunction if the judge does not find  
23 reasonable grounds to believe that the respondent is substantially likely to injure  
24 himself or herself or another person if the respondent possesses a firearm.

1 (e) An injunction issued under this subsection shall inform the respondent  
2 named in the petition of the requirements and penalties under s. 941.29.

3 **(5) PETITION.** (a) The petition shall allege facts sufficient to show the following:

4 1. The name of the petitioner and, unless the petitioner is a law enforcement  
5 officer, his or her relationship to the respondent, as provided under par. (c) 2. to 7.

6 2. The name of the respondent.

7 3. That the respondent is substantially likely to injure himself or herself or  
8 another person if the respondent possesses a firearm.

9 4. The name of at least one adult who has personal knowledge of the conduct  
10 of the respondent, who is not the petitioner, and who is able to testify that the  
11 respondent is substantially likely to injure himself or herself or another person if the  
12 respondent possesses a firearm.

13 5. If the petitioner knows, the number, types, and locations of any firearms that  
14 the respondent possesses.

15 (b) The clerk of the circuit court shall provide simplified forms to help a person  
16 file a petition.

17 (c) Only the following persons may prepare and file a petition under this  
18 section:

19 1. A law enforcement officer.

20 2. A spouse, sibling, parent, or child of the respondent.

21 3. A household member, as defined in s. 813.12 (1) (c), of the respondent.

22 4. A person with whom the respondent has or had a dating relationship, as  
23 defined in s. 813.12 (1) (ag).

24 5. An adult who is a close friend of the respondent. A court shall determine if  
25 an adult is a close friend by considering the length of the relationship, the type of the

1 relationship, and the frequency of the interaction between the adult individuals  
2 involved in the relationship.

3 6. A coworker of the respondent.

4 7. A resident assistant employed by a postsecondary institution if the resident  
5 assistant would have necessary knowledge of the respondent, as determined by the  
6 court.

7 **(6) ENFORCEMENT ASSISTANCE.** (a) 1. If an injunction is issued, extended, or  
8 vacated under sub. (4), the clerk of the circuit court shall notify the department of  
9 justice of the action and shall provide the department of justice with information  
10 concerning the period during which the injunction is in effect or the date on which  
11 the injunction is vacated and with information necessary to identify the respondent  
12 for purposes of responding to a request under s. 165.63 or for purposes of a firearms  
13 restrictions record search under s. 175.35 (2g) (c) or a background check under s.  
14 175.60 (9g) (a).

15 2. Except as provided in subd. 3., the department of justice may disclose  
16 information that it receives under subd. 1. only to respond to a request under s.  
17 165.63 or as part of a firearms restrictions record search under s. 175.35 (2g) (c) or  
18 a background check under s. 175.60 (9g) (a).

19 3. The department of justice shall disclose any information that it receives  
20 under subd. 1. to a law enforcement agency when the information is needed for law  
21 enforcement purposes.

22 (b) Within one business day after an order or injunction is issued, extended, or  
23 vacated under this section, the clerk of the circuit court shall send a copy of the order  
24 or injunction, or of the order extending or vacating an order or injunction, to the

1 sheriff or to any other local law enforcement agency which is the central repository  
2 for orders and injunctions and which has jurisdiction over the petitioner's premises.

3 (c) No later than 24 hours after receiving the information under par. (b), the  
4 sheriff or other appropriate local law enforcement agency under par. (b) shall enter  
5 the information concerning an order or injunction issued, extended, or vacated under  
6 this section into the transaction information for management of enforcement system.  
7 The sheriff or other appropriate local law enforcement agency shall also make  
8 available to other law enforcement agencies, through a verification system,  
9 information on the existence and status of any order or injunction issued under this  
10 section. The information need not be maintained after the order or injunction is no  
11 longer in effect.

12 **(7) PENALTY.** Whoever files a petition under this section for a temporary  
13 restraining order or injunction knowing the information in the petition to be false or  
14 with the intent to harass shall be fined not more than \$10,000 or imprisoned for not  
15 more than 9 months or both.

16 **(8) RETURN OF FIREARMS AND FORM.** (a) A firearm surrendered under this section  
17 may not be returned to the respondent until the respondent completes a petition for  
18 the return of firearms under par. (c) and a judge or circuit court commissioner  
19 determines all of the following:

20 1. That the temporary restraining order or injunction has been vacated or has  
21 expired and not been extended.

22 2. That the person is not prohibited from possessing a firearm under any state  
23 or federal law or by the order of any federal court or state court, other than an order  
24 from which the judge or circuit court commissioner is competent to grant relief. The

1 court or commissioner shall use the information provided under s. 165.63 to aid in  
2 making the determination under this subdivision.

3 (b) If a respondent surrenders under this section a firearm that is owned by a  
4 person other than the respondent, the person who owns the firearm may apply for  
5 its return to the circuit court for the county in which the person to whom the firearm  
6 was surrendered is located. The court shall order such notice as it considers  
7 adequate to be given to all persons who have or may have an interest in the firearm  
8 and shall hold a hearing to hear all claims to its true ownership. If the right to  
9 possession is proved to the court's satisfaction, it shall order the firearm returned.  
10 If the court returns a firearm under this paragraph, the court shall inform the person  
11 to whom the firearm is returned of the requirements and penalties under s. 941.29  
12 (4).

13 (c) The director of state courts shall develop a petition for the return of firearms  
14 in substantially the following form:

15 STATE OF WISCONSIN

16 IN CIRCUIT COURT FOR .... COUNTY

17 Petition to Return Firearm(s)

18 In re the Return of Firearms to (name of person required to surrender firearms  
19 in an action under s. 813.124)

20 Requesting person's information: date of birth, sex, race, height, weight, hair  
21 color, eye color, address, and phone number.

22 Under oath I state that:

23 1. The court issued a temporary restraining order or injunction against me on  
24 (date of order or injunction).

1           2. The court ordered me to surrender any firearms I had in my possession, and  
2 I surrendered the firearms to the sheriff of this county or the sheriff of the county in  
3 which I resided, which is (name of county).

4           3. I surrendered the following firearms as provided in item 2 and have attached  
5 a receipt from the sheriff.

6           4. The temporary restraining order or injunction has (been vacated) (expired  
7 and has not been extended).

8           5. I (have) (have not) been convicted of a misdemeanor crime of domestic  
9 violence.

10          6. I (have) (have not) been convicted of a felony.

11          7. I am not prohibited from possessing a firearm under any state or federal law  
12 or by the order of any federal court or state court, other than an order from which a  
13 judge or court commissioner is competent to grant relief.

14          I request that the court enter an order directing that the sheriff named under  
15 item 2 return to me those firearms that were surrendered under the order of the  
16 court.

17          Subscribed and sworn to before me on (date)

18          (Signature of person requesting return of firearms)

19          (Signature of notary public, state of Wisconsin)

20          My commission expires on (date)

21          Dated this .... day of ....., .... (year)

22          Distribution:

23          1. Court - original 2. Petitioner in action under s. 813.124 3. Sheriff to whom  
24 firearm(s) were surrendered

25          **SECTION 49.** 813.126 (1) of the statutes is amended to read:

1           813.126 (1) TIME LIMITS. If a party seeks to have the judge conduct a hearing  
2 de novo under s. 757.69 (8) of a determination, order, or ruling entered by a court  
3 commissioner in an action under s. 813.12, 813.122, 813.123, 813.124, or 813.125,  
4 including a denial of a request for a temporary restraining order, the motion  
5 requesting the hearing must be filed with the court within 30 days after the circuit  
6 court commissioner issued the determination, order, or ruling. The court shall hold  
7 the de novo hearing within 30 days after the motion requesting the hearing is filed  
8 with the court unless the court finds good cause for an extension. Any determination,  
9 order, or ruling entered by a court commissioner in an action under s. 813.12,  
10 813.122, 813.123, 813.124, or 813.125 remains in effect until the judge in the de novo  
11 hearing issues his or her final determination, order, or ruling.

12           **SECTION 50.** 813.127 of the statutes is amended to read:

13           **813.127 Combined actions; domestic abuse, child abuse, lethal**  
14 **violence, and harassment.** A petitioner may combine in one action 2 or more  
15 petitions under one or more of the provisions in ss. 813.12, 813.122, 813.124, and  
16 813.125 if the respondent is the same person in each petition. In any such action,  
17 there is only one fee applicable under s. 814.61 (1) (a). In any such action, the  
18 hearings for different types of temporary restraining orders or injunctions may be  
19 combined.

20           **SECTION 51.** 813.128 (2g) (b) of the statutes is amended to read:

21           813.128 (2g) (b) A foreign protection order or modification of the foreign  
22 protection order that meets the requirements under this section has the same effect  
23 as an order issued under s. 813.12, 813.122, 813.123, 813.124, or 813.125, except that  
24 the foreign protection order or modification shall be enforced according to its own  
25 terms.

1           **SECTION 52.** 938.208 (1) (b) of the statutes is amended to read:

2           938.208 (1) (b) Probable cause exists to believe that the juvenile possessed,  
3 used or threatened to use a handgun, as defined in s. ~~175.35 (1) (b)~~ 941.237 (1) (d),  
4 short-barreled rifle, as defined in s. 941.28 (1) (b), or short-barreled shotgun, as  
5 defined in s. 941.28 (1) (c), while committing a delinquent act that would be a felony  
6 under ch. 940 if committed by an adult.

7           **SECTION 53.** 938.34 (4m) (b) 2. of the statutes is amended to read:

8           938.34 (4m) (b) 2. The juvenile has possessed, used or threatened to use a  
9 handgun, as defined in s. ~~175.35 (1) (b)~~ 941.237 (1) (d), short-barreled rifle, as  
10 defined in s. 941.28 (1) (b), or short-barreled shotgun, as defined in s. 941.28 (1) (c),  
11 while committing a delinquent act that would be a felony under ch. 940 if committed  
12 by an adult.

13           **SECTION 54.** 938.341 of the statutes is amended to read:

14           **938.341 Delinquency adjudication; restriction on firearm possession.**

15 Whenever a court adjudicates a juvenile delinquent for an act that if committed by  
16 an adult in this state would be a felony or for a violation under s. 175.33 (3), the court  
17 shall inform the juvenile of the requirements and penalties under s. 941.29.

18           **SECTION 55.** 941.237 (1) (d) of the statutes is amended to read:

19           941.237 (1) (d) "Handgun" ~~has the meaning given in s. 175.35 (1) (b)~~ means any  
20 weapon designed or redesigned, or made or remade, and intended to be fired while  
21 held in one hand and to use the energy of an explosive to expel a projectile through  
22 a smooth or rifled bore.

23           **SECTION 56.** 941.285 of the statutes is created to read:

24           **941.285 Possession of firearm accessories that accelerate the rate of**  
25 **fire.** (1) No person may import, sell or offer to sell, purchase, manufacture, transfer,

1 use, or possess a trigger crank, a bump-fire device, or any part, combination of parts,  
2 component, device, attachment, or accessory that is added after manufacture that is  
3 designed or functions to accelerate the rate of fire of a semiautomatic firearm.

4 (2) Any person violating sub. (1) is guilty of a Class G felony.

5 (3) Subsection (1) does not apply to the importation, sale, purchase,  
6 manufacture, transfer, use, or possession by or under the authority of the federal  
7 government or a state or local government.

8 **SECTION 57.** 941.29 (1g) (a) of the statutes is amended to read:

9 941.29 (1g) (a) "Violent felony" means any felony under s. 943.23 (1m), 1999  
10 stats., or s. 943.23 (1r), 1999 stats., this section, or s. 940.01, 940.02, 940.03, 940.05,  
11 940.06, 940.08, 940.09, 940.10, 940.19, 940.195, 940.20, 940.201, 940.203, 940.21,  
12 940.225, 940.23, 940.235, 940.285 (2), 940.29, 940.295 (3), 940.30, 940.302, 940.305,  
13 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20, 941.26, 941.28, 941.285, 941.292,  
14 941.30, 941.327 (2) (b) 3. or 4., 943.02, 943.04, 943.06, 943.10 (2), 943.23 (1g), 943.32,  
15 943.87, 946.43, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.051, 948.06,  
16 948.07, 948.08, 948.085, or 948.30.

17 **SECTION 58.** 941.29 (1m) (dm), (dn) and (do) of the statutes are created to read:

18 941.29 (1m) (dm) The person has been convicted of a misdemeanor under s.  
19 175.33 (3), unless at least 2 years have passed since the conviction.

20 (dn) The person has been adjudicated delinquent for a violation under s. 175.33  
21 (3), unless at least 2 years have passed since the adjudication.

22 (do) The person has been found not guilty of a misdemeanor under s. 175.33 (3)  
23 by reason of mental disease or defect, unless at least 2 years have passed since the  
24 finding.

25 **SECTION 59.** 941.29 (1m) (g) of the statutes is amended to read:

1           941.29 (1m) (g) The person is subject to an order not to possess a firearm under  
2 s. 813.123 (5m), 813.124 (3) or (4), or 813.125 (4m).

3           **SECTION 60.** 941.291 (1) (b) of the statutes is amended to read:

4           941.291 (1) (b) “Violent felony” means any felony, or the solicitation, conspiracy,  
5 or attempt to commit any felony, under s. 943.23 (1m) or (1r), 1999 stats., or s. 940.01,  
6 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19, 940.195, 940.20,  
7 940.201, 940.203, 940.21, 940.225, 940.23, 940.285 (2), 940.29, 940.295 (3), 940.30,  
8 940.305, 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20, 941.26, 941.28, 941.285,  
9 941.29, 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.04, 943.06,  
10 943.10 (2), 943.23 (1g), 943.32, 943.81, 943.82, 943.83, 943.85, 943.86, 943.87,  
11 943.88, 943.89, 943.90, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04,  
12 948.05, 948.06, 948.07, 948.08, 948.085, or 948.30; or, if the victim is a financial  
13 institution, as defined in s. 943.80 (2), a felony, or the solicitation, conspiracy, or  
14 attempt to commit a felony under s. 943.84 (1) or (2).

15           **SECTION 61.** 941.296 (1) (b) of the statutes is amended to read:

16           941.296 (1) (b) “Handgun” has the meaning given in s. ~~175.35 (1) (b)~~ 941.237  
17 (1) (d).

18           **SECTION 62.** 968.20 (3) (b) of the statutes is amended to read:

19           968.20 (3) (b) Except as provided in par. (a) or sub. (1m) or (4), a city, village,  
20 town or county or other custodian of a seized dangerous weapon or ammunition, if  
21 the dangerous weapon or ammunition is not required for evidence or use in further  
22 investigation and has not been disposed of pursuant to a court order at the  
23 completion of a criminal action or proceeding, shall make reasonable efforts to notify  
24 all persons who have or may have an authorized rightful interest in the dangerous  
25 weapon or ammunition of the application requirements under sub. (1). If, within 30

1 days after the notice, an application under sub. (1) is not made and the seized  
2 dangerous weapon or ammunition is not returned by the officer under sub. (2), the  
3 city, village, town or county or other custodian may retain the dangerous weapon or  
4 ammunition and authorize its use by a law enforcement agency, except that a  
5 dangerous weapon used in the commission of a homicide or a handgun, as defined  
6 in s. ~~175.35 (1) (b)~~ 941.237 (1) (d), may not be retained. If a dangerous weapon other  
7 than a firearm is not so retained, the city, village, town or county or other custodian  
8 shall safely dispose of the dangerous weapon or, if the dangerous weapon is a motor  
9 vehicle, as defined in s. 340.01 (35), sell the motor vehicle following the procedure  
10 under s. 973.075 (4). If a firearm or ammunition is not so retained, the city, village,  
11 town or county or other custodian shall ship it to the state crime laboratories and it  
12 is then the property of the laboratories. A person designated by the department of  
13 justice may destroy any material for which the laboratories have no use or arrange  
14 for the exchange of material with other public agencies. In lieu of destruction,  
15 shoulder weapons for which the laboratory has no use shall be turned over to the  
16 department of natural resources for sale and distribution of proceeds under s. 29.934  
17 or for use under s. 29.938.

18 **SECTION 63.** 971.17 (1g) of the statutes is amended to read:

19 971.17 **(1g)** NOTICE OF RESTRICTION ON FIREARM POSSESSION. If the defendant  
20 under sub. (1) is found not guilty of a felony, or of a violation under s. 175.33 (3), by  
21 reason of mental disease or defect, the court shall inform the defendant of the  
22 requirements and penalties under s. 941.29.

23 **SECTION 64.** 973.123 (1) of the statutes is amended to read:

24 973.123 **(1)** In this section, “violent felony” means any felony under s. 943.23  
25 (1m), 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 940.01, 940.02, 940.03, 940.05,

1 940.06, 940.08, 940.09, 940.10, 940.19, 940.195, 940.20, 940.201, 940.203, 940.21,  
2 940.225, 940.23, 940.235, 940.285 (2), 940.29, 940.295 (3), 940.30, 940.302, 940.305,  
3 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20, 941.26, 941.28, 941.285, 941.29,  
4 941.292, 941.30, 941.327 (2) (b) 3. or 4., 943.02, 943.04, 943.06, 943.10 (2), 943.23  
5 (1g), 943.32, 943.87, 946.43, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05,  
6 948.051, 948.06, 948.07, 948.08, 948.085, or 948.30.

7 **SECTION 65.** 973.176 (1) of the statutes is amended to read:

8 973.176 (1) FIREARM POSSESSION. Whenever a court imposes a sentence or  
9 places a defendant on probation regarding a felony conviction or regarding a  
10 conviction for a misdemeanor under s. 175.33 (3), the court shall inform the  
11 defendant of the requirements and penalties applicable to him or her under s. 941.29  
12 (1m) or (4m).

13 **SECTION 66. Nonstatutory provisions.**

14 (1) Notwithstanding section 941.285 of the statutes, no person may be subject  
15 to a penalty for violating section 941.285 (1) of the statutes with regard to the  
16 possession of any device prohibited under that section for the first 180 days after the  
17 effective date of this subsection.

18 (2) The department of public instruction may promulgate emergency rules  
19 under section 227.24 of the statutes to implement section 115.369 of the statutes.  
20 Notwithstanding section 227.24 (1) (e) 1d. of the statutes, the department of public  
21 instruction is not required to prepare a statement of the scope of the rules required  
22 under section 115.369 of the statutes if emergency rules are promulgated under this  
23 subsection. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency  
24 rules promulgated under this subsection remain in effect until July 1, 2019, or the  
25 date on which permanent rules take effect, whichever is sooner. Notwithstanding

1 section 227.24 (1) (a) and (3) of the statutes, the department is not required to provide  
2 evidence that promulgating a rule under this subsection as an emergency rule is  
3 necessary for the preservation of the public peace, health, safety, or welfare and is  
4 not required to provide a finding of emergency for a rule promulgated under this  
5 subsection.

6 **SECTION 67. Fiscal changes.**

7 (1) MENTAL HEALTH TRAINING PROGRAM. In the schedule under section 20.005 (3)  
8 of the statutes for the appropriation to the department of public instruction under  
9 section 20.255 (1) (ep) of the statutes, the dollar amount for fiscal year 2018-19 is  
10 increased by \$1,000,000 for the purposes for which the appropriation is made.

11 (1m) MEDICAID EXPANSION. In the schedule under section 20.005 (3) of the  
12 statutes for the appropriation to the department of health services under section  
13 20.435 (4) (b) of the statutes, the dollar amount for fiscal year 2018-19 is decreased  
14 by \$203,000,000 to provide Medical Assistance to certain adults with family incomes  
15 up to 133 percent of the federal poverty line.

16 (2) SCHOOL-BASED MENTAL HEALTH SERVICES GRANTS. In the schedule under  
17 section 20.005 (3) of the statutes for the appropriation to the department of public  
18 instruction under section 20.255 (2) (dt) of the statutes, the dollar amount for fiscal  
19 year 2018-19 is increased by \$7,000,000 for the purpose for which the appropriation  
20 is made.

21 (3) SCHOOL SAFETY. In the schedule under section 20.005 (3) of the statutes for  
22 the appropriation to the department of public instruction under section 20.255 (2)  
23 (da) of the statutes, the dollar amount for fiscal year 2018-19 is increased by  
24 \$17,000,000 for the purpose for which the appropriation is made.

