

2017 DRAFTING REQUEST

Bill

For: **Melissa Sargent (608) 266-0960** Drafter: **chanaman**
 By: **Britt** Secondary Drafters:
 Date: **11/28/2017** May Contact:

Same as LRB:

Submit via email: **YES**
 Requester's email: **Rep.Sargent@legis.wisconsin.gov**
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Reporting to victim attempts to purchase handgun by persons prohibited from possessing a firearm

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 12/5/2017	kmochal 12/6/2017			
/P1			mbarman 12/6/2017		
/1			mbarman 1/31/2018	dwalker 1/31/2018	

FE Sent For:

Not Needed

<END>

Hanaman, Cathlene

From: Cudaback, Britt
Sent: Tuesday, November 21, 2017 3:40 PM
To: Hanaman, Cathlene
Subject: Drafting Request Gun Purchase Notification

Cathlene,

I know I owe you an email re: homeless youth citation—I'm checking with Rep. Sargent to see if she has any thoughts. In the meantime, checking to see if we can get a bill drafted similar to a bill signed into law in Washington State earlier this year relating to gun purchase notification.

We'd like the bill to require the DOJ to make a reasonable attempt to notify crime victims if the person who committed or allegedly committed the crime against them attempts to purchase a handgun (I assume there's no way to include firearms generally given long gun purchases are ran federally, correct?). I think Washington limited their bill exclusively to victims of domestic abuse, but I think it makes sense to include persons who have injunctions under s. 813.12, 813.122, and maybe 813.125 if the victim alleges domestic violence behavior in 813.12(1)(am)(1)-(6) or stalking behavior in 940.32, as well as crime victims of stalking, sexual assault, kidnapping, and trafficking (and any other similar offenses you think I'm missing here). It seems duplicative to create an entirely new system for this purpose as Washington did given DOJ already has a system that flags firearm purchases, but could be convinced otherwise.

I thought maybe 950 would be a good mechanism for this, but I'm open to alternatives and suggestions if you have them. If you have any questions, please let me know. I'll be around yet today and tomorrow, otherwise next week is fine, too. Thanks!

Best,

Britt Cudaback

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Britt Cudaback
Legislative Aide
Representative Melissa Sargent
48th Assembly District
(608) 237-9317



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-4939/7

CMH:...

PI
kcm

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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AN ACT ...; **relating to:** notifying victims of felonies and petitioners in certain injunction actions when the perpetrator of the felony or the subject of the injunction attempts to illegally purchase a handgun.

Analysis by the Legislative Reference Bureau

This bill requires the attorney general to notify law enforcement if, during a background check that the Department of Justice must conduct on persons purchasing a handgun, DOJ determines that the person who is attempting to purchase the handgun is prohibited from possessing a firearm due to the commission of a felony or due to being subject to certain injunctions, such as a domestic abuse injunction. Under this bill, the law enforcement agency receiving the notice must notify the victim of the felony that led to the prohibition or the petitioner in the injunction process. Current law allows, but does not require, the attorney general to so notify law enforcement and does not require the victim or petitioner to be notified of the attempted purchase.

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

SECTION 1. 175.35 (2k) (g) of the statutes is renumbered 175.35 (2m) (b) and amended to read:

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

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; 2015 a. 22, 352.

SECTION 2. 175.35 (2k) (h) of the statutes is renumbered 175.35 (2m) (d).

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; 2015 a. 22, 352.

SECTION 3. 175.35 (2m) (a) and (c) of the statutes are created to read:

175.35 (2m) (a) If a search conducted under sub. (2g) indicates that the transferee is prohibited from possessing a firearm under s. 941.29 (1) (a), (b), (bm), (c), or (d), the attorney general or his or her designee shall disclose to a law enforcement agency that the transferee has attempted to obtain a handgun. The law enforcement agency shall notify each victim of the crime that resulted in the transferee being subject to s. 941.29 (1) (a), (b), (bm), (c), or (d) of the attempt and may use the Wisconsin Statewide Victim Notification service or another service notification system administered by the department of corrections that enables the victim to receive an automated notification.

(c) If a search conducted under sub. (2g) indicates that the transferee is prohibited from possessing a firearm under s. 941.29 (1) (f) or (g), the attorney general or his or her designee shall disclose to a law enforcement agency that the transferee has attempted to obtain a handgun. The law enforcement agency shall notify the petitioner of the attempt and may use the Wisconsin Statewide Victim Notification service or another service notification system administered by the department of corrections that enables the petitioner to receive an automated notification.

SECTION 4. 950.04 (1v) (gp) of the statutes is created to read:

950.04 (1v) (gp) To have reasonable attempts made to notify the victim of attempts to purchase a handgun, as provided under s. 175.35 (2m) (a).

(END)



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-4939/P1
CMH:klm

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

No
change

1 **AN ACT** *to renumber* 175.35 (2k) (h); *to renumber and amend* 175.35 (2k) (g);
2 and *to create* 175.35 (2m) (a) and (c) and 950.04 (1v) (gp) of the statutes;
3 **relating to:** notifying victims of felonies and petitioners in certain injunction
4 actions when the perpetrator of the felony or the subject of the injunction
5 attempts to illegally purchase a handgun.

Analysis by the Legislative Reference Bureau

This bill requires the attorney general to notify law enforcement if, during a background check that the Department of Justice must conduct on persons purchasing a handgun, DOJ determines that the person who is attempting to purchase the handgun is prohibited from possessing a firearm due to the commission of a felony or due to being subject to certain injunctions, such as a domestic abuse injunction. Under this bill, the law enforcement agency receiving the notice must notify the victim of the felony that led to the prohibition or the petitioner in the injunction process. Current law allows, but does not require, the attorney general to so notify law enforcement and does not require the victim or petitioner to be notified of the attempted purchase.

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

1 **SECTION 4.** 950.04 (1v) (gp) of the statutes is created to read:

2 950.04 (1v) (gp) To have reasonable attempts made to notify the victim of
3 attempts to purchase a handgun, as provided under s. 175.35 (2m) (a).

4 **(END)**

Walker, Dan

From: Cudaback, Britt
Sent: Wednesday, January 31, 2018 9:37 AM
To: LRB.Legal
Subject: Draft Review: LRB -4939/1

Please Jacket LRB -4939/1 for the ASSEMBLY.