

2017 DRAFTING REQUEST**Senate Amendment (SA-SSA1-AB843)**For: **Jennifer Shilling (608) 266-5490**Drafter: **chanaman**By: **Danielle**

Secondary Drafters:

Date: **3/20/2018**

May Contact:

Same as LRB:

Submit via email: **YES**Requester's email: **Sen.Shilling@legis.wisconsin.gov**

Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Combined package #1; without bill; modified

Instructions:

No specific instructions given

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 3/20/2018	kmochal 3/20/2018			
/1			lparisi 3/20/2018	lparisi 3/20/2018	

FE Sent For:

<END>

Hanaman, Cathlene

From: Williams, Danielle
Sent: Tuesday, March 20, 2018 1:57 PM
To: Knepp, Fern; Hanaman, Cathlene
Cc: Gaston, Geoff
Subject: Rush redraft amendment

Please remove from 2541/1:

AB 597, AB 74, LRB 5635, Lrb 5655, Ab 111, prohibit teachers from carrying AND modify background checks to allow private sales if there is a process for background checks. (Vinehout staff should have clarified with you.)

Sent from my iPhone



2595/1

**SENATE AMENDMENT ,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 843**

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

2 **1.** Page 1, line 9: delete the material beginning with that line and ending with
3 page 12, line 12, and substitute:

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

2017-18 2018-19

6 **20.255 Public Instruction, department of**

7 (1) EDUCATIONAL LEADERSHIP

8 (er) Wisconsin safe and healthy

9 schools center

GPR A

-0- 1,000,000

2017-18 2018-19

1 (2) AIDS FOR LOCAL EDUCATIONAL PROGRAMMING

2 (dh) Violence prevention and reduc-

3 tion grants

GPR A

-0- 24,000,000

4 **SECTION 2.** 20.255 (1) (er) of the statutes is created to read: f

5 20.255 (1) (er) *Wisconsin safe and healthy schools center.* The amounts in the
6 schedule for the program under s. 115.28 (38).

7 **SECTION 3.** 20.255 (2) (ap) of the statutes is created to read:

8 20.255 (2) (ap) *School safety aid.* A sum sufficient for school safety aid under
9 s. 115.434.

10 **SECTION 4.** 20.255 (2) (dh) of the statutes is created to read:

11 20.255 (2) (dh) *Violence prevention and reduction grants.* The amounts in the
12 schedule for grants to school districts under s. 115.369.

13 **SECTION 5.** 20.455 (2) (gr) of the statutes is amended to read:

14 20.455 (2) (gr) *Handgun Firearm purchaser record check; checks for licenses or*
15 *certifications to carry concealed weapons.* All moneys received as fee payments under
16 ss. 175.35 (2i) (a), 175.49 (5m), and 175.60 (7) (c) and (d), (13), and (15) (b) 4. a. and
17 b. to provide services under ss. 175.35, 175.49, and 175.60. f

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

19 115.28 (38) WISCONSIN SAFE AND HEALTHY SCHOOLS CENTER; EMERGENCY
20 PREPAREDNESS AND SCHOOL VIOLENCE. Provide, in cooperation with a cooperative
21 educational service agency, a program to provide training and technical assistance
22 to school district employees on emergency preparedness and school violence.

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

3 115.364 (1) (a) “Eligible independent charter school” is a school under contract
4 with one of the entities under s. 118.40 (2r) (b) 1. or with the director under s. 118.40
5 (2x) that increased the amount it expended in the preceding school year to employ,
6 hire, or retain ~~social workers~~ pupil services personnel over the amount it expended
7 in the school year immediately preceding the preceding school year to employ, hire,
8 or retain ~~social workers~~ pupil services personnel.

9 (am) “Eligible private school” means a private school participating in a
10 parental choice program under s. 118.60 or 119.23 that increased the amount it
11 expended in the preceding school year to employ, hire, or retain ~~social workers~~ pupil
12 services personnel over the amount it expended in the school year immediately
13 preceding the preceding school year to employ, hire, or retain ~~social workers~~ pupil
14 services personnel.

15 (b) “Eligible school district” is a school district that increased the amount it
16 expended in the preceding school year to employ, hire, or retain ~~social workers~~ pupil
17 services personnel over the amount it expended in the school year immediately
18 preceding the preceding school year to employ, hire, or retain ~~social workers~~ pupil
19 services personnel.

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

21 115.364 (1) (c) “Pupil services personnel” means school counselors, school social
22 workers, school psychologists, and school nurses.

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

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

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

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

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

21 115.364 (2) (b) 2. a. Subject to subd. 2. b., if, after making the payments
22 required under par. (a), moneys remain in the appropriation account under s. 20.255
23 (2) (da), the state superintendent shall reimburse eligible school districts, private
24 schools, and independent charter schools for an amount equal to expenditures made
25 by the school district, private school, or independent charter school in the preceding

1 school year to employ, hire, or retain ~~social workers~~ pupil services personnel less the
2 amount of increased expenditures for which the school district, private school, or
3 independent charter school was reimbursed under par. (a).

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

6 115.367 (3) AWARDS. The department shall award grants under this section
7 beginning in the 2018-19 school year. From the appropriation under s. 20.255 (2)
8 (dt), the department shall award at least \$3,250,000 \$10,250,000 in grants under
9 this section each school year.

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

11 **115.369 Violence prevention and reduction grants.** (1) Beginning in the
12 2018-19 school year, the department shall award grants on a competitive basis to
13 school districts to develop and implement programs to prevent and reduce violence
14 in schools.

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

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

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

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

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

24 2. Providing character education, asset building, peer mediation, antibullying,
25 and equity programs.

1 3. Developing and implementing suicide risk screening, intervention, and
2 prevention efforts.

3 4. Implementing behavioral systems of support.

4 5. Developing and implementing violence prevention curricula.

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

7 7. Providing school threat or risk assessments.

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

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

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

12 **115.434 School safety aid. (1)** In this section:

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

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

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

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

24 1. The plan is consistent with the school board’s school safety plan under s.
25 118.07 (4).

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

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

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

5 **(3)** Beginning in the 2018-19 school year, from the appropriation under s.
6 20.255 (2) (ap), the department shall pay each school district that is eligible under
7 sub. (2) an amount equal to \$100 times the number of pupils enrolled in the school
8 district or \$40,000, whichever is greater, for the purpose of covering compensation
9 costs associated with providing security officers in the school district, purchasing
10 safety equipment, and improving school safety.

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

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

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

2 118.07 (4) (d) Each school board and the governing body of each private school
3 shall review the school safety plan at least once every 3 years after the plan goes into
4 effect. At least once every 3 years, each school board and the governing body of each
5 private school shall conduct a comprehensive security site assessment of each school
6 building and facility that is owned or leased by the school board or governing body.

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

8 118.07 (4) (e) The department shall promulgate rules to establish minimum
9 standards for conducting comprehensive security site assessments and for
10 establishing school safety teams.

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

13 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
14 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
15 115.345, 115.363, 115.364, 115.365 (3), 115.367, 115.369, 115.38 (2), 115.415, 115.434,
16 115.445, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12,
17 118.125 to 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164,
18 118.18, 118.19, 118.196, 118.20, 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and
19 (10), 118.245, 118.255, 118.258, 118.291, 118.292, 118.293, 118.30 to 118.43, 118.46,
20 118.50, 118.51, 118.52, 118.53, 118.55, 118.56, 120.12 (2m), (4m), (5), and (15) to (27),
21 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), (38),
22 and (39), 120.137, 120.14, 120.20, 120.21 (3), and 120.25 are applicable to a 1st class
23 city school district and board but not, unless explicitly provided in this chapter or in
24 the terms of a contract, to the commissioner or to any school transferred to an
25 opportunity schools and partnership program.

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SECTION 18. 175.33 of the statutes is created to read:

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

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

(b) "Firearms dealer" has the meaning given in s. 175.35 (1) (ar).

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

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

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

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

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

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

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

SECTION 19. 175.35 (title) of the statutes is amended to read:

1 **175.35** (title) Purchase ^{plain} Waiting period for the purchase of handguns
2 firearms.

3 **SECTION 20.** 175.35 (1) (at) of the statutes is amended to read:

4 175.35 (1) (at) "Firearms restrictions record search" means a search of
5 department of justice records to determine whether a person seeking to purchase a
6 handgun firearm is prohibited from possessing a firearm under s. 941.29. "Firearms
7 restrictions record search" includes a criminal history record search, a search to
8 determine whether a person is prohibited from possessing a firearm under s. 51.20
9 (13) (cv) 1., 2007 stats., a search in the national instant criminal background check
10 system to determine whether a person has been ordered not to possess a firearm
11 under s. 51.20 (13) (cv) 1., 51.45 (13) (i) 1., 54.10 (3) (f) 1., or 55.12 (10) (a), a search
12 to determine whether the person is subject to an injunction under s. 813.12 or
13 813.122, or a tribal injunction, as defined in s. 813.12 (1) (e), issued by a court
14 established by any federally recognized Wisconsin Indian tribe or band, except the
15 Menominee Indian tribe of Wisconsin, that includes notice to the respondent that he
16 or she is subject to the requirements and penalties under s. 941.29 and that has been
17 filed with the circuit court under s. 813.128 (3g), and a search to determine whether
18 the person is prohibited from possessing a firearm under s. 813.123 (5m) or 813.125
19 (4m).

20 **SECTION 21.** 175.35 (1) (b) of the statutes is repealed.

21 **SECTION 22.** 175.35 (2) (intro.) of the statutes is renumbered 175.35 (2) (am)
22 and amended to read:

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

1 **SECTION 23.** 175.35 (2) (a), (b), (c) and (d) of the statutes are renumbered 175.35
2 (2) (cm) 1., 2., 3. and 4., and 175.35 (2) (cm) 4., as renumbered, is amended to read:

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

9 **SECTION 24.** 175.35 (2) (bm) of the statutes is created to read:

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

17 **SECTION 25.** 175.35 (2) (cm) (intro.) of the statutes is created to read:

18 175.35 (2) (cm) (intro.) All of the following must occur before a sale or transfer
19 of a firearm occurs under par. (am) or (bm):

20 **SECTION 26.** 175.35 (2g) (a) of the statutes is amended to read:

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

24 **SECTION 27.** 175.35 (2g) (b) of the statutes is amended to read:

1 175.35 (2g) (b) The department of justice shall promulgate rules prescribing
2 a notification form for use under sub. (2) (cm) 2. and 3. requiring the transferee to
3 provide his or her name, date of birth, gender, race and social security number, and
4 other identification necessary to permit an accurate firearms restrictions record
5 search under par. (c) 3. and the required notification under par. (c) 4. The department
6 of justice shall make the forms available at locations throughout the state.

7 **SECTION 28.** 175.35 (2g) (c) 4. c. of the statutes is amended to read:

8 175.35 (2g) (c) 4. c. If the search indicates that it is unclear whether the person
9 is prohibited under state or federal law from possessing a firearm and the
10 department needs more time than provided under sub. (2) (cm) 4. to make the
11 determination, the department shall make every reasonable effort to determine
12 whether the person is prohibited under state or federal law from possessing a firearm
13 and notify the firearms dealer of the results as soon as practicable but no later than
14 5 working days after the search was requested.

15 **SECTION 29.** 175.35 (2i) of the statutes is renumbered 175.35 (2i) (a) and
16 amended to read:

17 175.35 (2i) (a) The department shall charge a firearms dealer a \$10 fee for each
18 firearms restrictions record search that the firearms dealer requests under sub. (2)
19 (e) (cm) 3.

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

21 (c) The department may refuse to conduct firearms restrictions record searches
22 for any firearms dealer who fails to pay any fee under ~~this subsection~~ par. (a) within
23 30 days after billing by the department.

24 **SECTION 30.** 175.35 (2i) (b) 2. of the statutes is created to read:

1 175.35 (2i) (b) 2. If the transfer is made under sub. (2) (bm), the firearms dealer
2 may collect from the transferor the fee under par. (a) and any additional amount to
3 cover any costs he or she incurs in processing the transfer.

4 **SECTION 31.** 175.35 (2j) of the statutes is renumbered 175.35 (2j) (a).

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

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

11 **SECTION 33.** 175.35 (2k) (ar) 2. of the statutes is amended to read:

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

20 **SECTION 34.** 175.35 (2k) (c) 2. a. of the statutes is amended to read:

21 175.35 (2k) (c) 2. a. A statement that the Wisconsin law enforcement agency
22 is conducting an investigation of a crime in which a handgun firearm was used or was
23 attempted to be used or was unlawfully possessed.

24 **SECTION 35.** 175.35 (2k) (c) 2. b. of the statutes is amended to read:

1 175.35 (2k) (c) 2. b. A statement by a division commander or higher authority
2 within the Wisconsin law enforcement agency that he or she has a reasonable
3 suspicion that the person who is the subject of the information request has obtained
4 or is attempting to obtain a handgun firearm.

5 **SECTION 36.** 175.35 (2k) (g) of the statutes is amended to read:

6 175.35 (2k) (g) If a search conducted under sub. (2g) indicates that the
7 transferee is prohibited from possessing a firearm under s. 941.29, the attorney
8 general or his or her designee ~~may~~ shall disclose to a law enforcement agency that
9 the transferee has attempted to obtain a handgun firearm.

10 **SECTION 37.** 175.35 (2k) (h) of the statutes is amended to read:

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

17 **SECTION 38.** 175.35 (2L) of the statutes is amended to read:

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

24 **SECTION 39.** 175.35 (2t) (a), (b) and (c) of the statutes are amended to read:

1 175.35 (2t) (a) Transfers of any ~~handgun~~ firearm classified as an antique by
2 regulations of the U.S. department of the treasury.

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

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

7 **SECTION 40.** 175.60 (7) (d) of the statutes is amended to read:

8 175.60 (7) (d) A fee for a background check that is equal to the fee charged under
9 s. 175.35 (2i) (a).

10 **SECTION 41.** 175.60 (15) (b) 4. b. of the statutes is amended to read:

11 175.60 (15) (b) 4. b. A fee for a background check that is equal to the fee charged
12 under s. 175.35 (2i) (a).

13 **SECTION 42.** 938.208 (1) (b) of the statutes is amended to read:

14 938.208 (1) (b) Probable cause exists to believe that the juvenile possessed,
15 used or threatened to use a handgun, as defined in s. ~~175.35 (1) (b)~~ 941.237 (1) (d),
16 short-barreled rifle, as defined in s. 941.28 (1) (b), or short-barreled shotgun, as
17 defined in s. 941.28 (1) (c), while committing a delinquent act that would be a felony
18 under ch. 940 if committed by an adult.

19 **SECTION 43.** 938.34 (4m) (b) 2. of the statutes is amended to read:

20 938.34 (4m) (b) 2. The juvenile has possessed, used or threatened to use a
21 handgun, as defined in s. ~~175.35 (1) (b)~~ 941.237 (1) (d), short-barreled rifle, as
22 defined in s. 941.28 (1) (b), or short-barreled shotgun, as defined in s. 941.28 (1) (c),
23 while committing a delinquent act that would be a felony under ch. 940 if committed
24 by an adult.

25 **SECTION 44.** 938.34 (14q) of the statutes is amended to read:

1 **938.34 (14q) CERTAIN BOMB SCARES AND FIREARM DANGEROUS WEAPON VIOLATIONS.**

2 In addition to any other disposition imposed under this section, if the juvenile is
3 found to have violated s. 947.015 (1) and the property involved is owned or leased by
4 the state or any political subdivision of the state, or if the property involved is a school
5 premises, as defined in s. 948.61 (1) (c), or if the juvenile is found to have violated s.
6 941.235, 947.015 (2), or 948.605, immediately suspend the juvenile's operating
7 privilege, as defined in s. 340.01 (40), for 2 years. The court shall immediately
8 forward to the department of transportation the notice of suspension, stating that
9 the suspension is for a violation of s. 947.015 (1) involving school premises, or for a
10 violation of s. 941.235, 947.015 (2), or 948.605. If otherwise eligible, the juvenile is
11 eligible for an occupational license under s. 343.10.

12 **SECTION 45.** 938.341 of the statutes is amended to read:

13 **938.341 Delinquency adjudication; restriction on firearm possession.**

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

17 **SECTION 46.** 941.237 (1) (d) of the statutes is amended to read:

18 941.237 (1) (d) "Handgun" has the ~~meaning given in s. 175.35 (1) (b)~~ means any
19 weapon designed or redesigned, or made or remade, and intended to be fired while
20 held in one hand and to use the energy of an explosive to expel a projectile through
21 a smooth or rifled bore.

22 **SECTION 47.** 941.285 of the statutes is created to read:

23 **941.285 Possession of firearm accessories that accelerate the rate of**
24 **fire. (1)** No person may import, sell or offer to sell, purchase, manufacture, transfer,
25 use, or possess a trigger crank, a bump-fire device, or any part, combination of parts,

1 component, device, attachment, or accessory that is added after manufacture that is
2 designed or functions to accelerate the rate of fire of a semiautomatic firearm.

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

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

7 **SECTION 48.** 941.29 (1g) (a) of the statutes is renumbered 941.29 (1g) (at) and
8 amended to read:

9 941.29 (1g) (a) ^{gn} "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 49.** 941.29 (1g) (ah) of the statutes is created to read:

18 941.29 (1g) (ah) "Misdemeanor crime of domestic violence" has the meaning
19 given in s. 973.136 (1) (c).

20 **SECTION 50.** 941.29 (1m) (ag) of the statutes is created to read:

21 941.29 (1m) (ag) The person has been convicted on or after the effective date
22 of this paragraph ... [LRB inserts date], of a misdemeanor crime of domestic violence.

23 **SECTION 51.** 941.29 (1m) (cm) of the statutes is created to read:

1 941.29 (1m) (cm) The person has been found not guilty by reason of mental
2 disease or defect on or after the effective date of this paragraph [LRB inserts date],
3 of a misdemeanor crime of domestic violence.

4 **SECTION 52.** 941.29 (1m) (dm), (dn) and (do) of the statutes are created to read:

5 941.29 (1m) (dm) The person has been convicted of a misdemeanor under s.
6 175.33 (3), unless at least 2 years have passed since the conviction.

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

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

12 **SECTION 53.** 941.291 (1) (b) of the statutes is amended to read:

13 941.291 (1) (b) "Violent felony" means any felony, or the solicitation, conspiracy,
14 or attempt to commit any felony, under s. 943.23 (1m) or (1r), 1999 stats., or s. 940.01,
15 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19, 940.195, 940.20,
16 940.201, 940.203, 940.21, 940.225, 940.23, 940.285 (2), 940.29, 940.295 (3), 940.30,
17 940.305, 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20, 941.26, 941.28, 941.285,
18 941.29, 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.04, 943.06,
19 943.10 (2), 943.23 (1g), 943.32, 943.81, 943.82, 943.83, 943.85, 943.86, 943.87,
20 943.88, 943.89, 943.90, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04,
21 948.05, 948.06, 948.07, 948.08, 948.085, or 948.30; or, if the victim is a financial
22 institution, as defined in s. 943.80 (2), a felony, or the solicitation, conspiracy, or
23 attempt to commit a felony under s. 943.84 (1) or (2).

24 **SECTION 54.** 941.296 (1) (b) of the statutes is amended to read:

1 941.296 (1) (b) "Handgun" has the meaning given in s. ~~175.35 (1) (b)~~ 941.237
2 (1) (d).

3 **SECTION 55.** 947.015 (title) of the statutes is created to read:

4 **947.015 (title) Threats to destroy property or use a dangerous weapon.**

5 **SECTION 56.** 947.015 of the statutes is renumbered 947.015 (1).

6 **SECTION 57.** 947.015 (2) of the statutes is created to read:

7 947.015 (2) THREAT TO USE DANGEROUS WEAPON ON SCHOOL PREMISES. Whoever
8 intentionally conveys or causes to be conveyed any threat or false information,
9 knowing such to be false, concerning an attempt or alleged attempt being made or
10 to be made to use a dangerous weapon to injure or kill another individual on property
11 owned or leased by a school or school district, on transportation provided by a school
12 or school district, or at an event sanctioned by a school or school district is guilty of
13 a Class I felony.

14 **SECTION 58.** 948.605 (2) (b) 1m. of the statutes is amended to read:

15 948.605 (2) (b) 1m. A person who possesses the firearm in accordance with 18
16 USC 922 (q) (2) (B) (i), (iv), ~~(v)~~, (vi), or (vii).

17 **SECTION 59.** 948.605 (2) (b) 1n. of the statutes is created to read:

18 948.605 (2) (b) 1n. A person who possesses the firearm in accordance with 18
19 USC 922 (q) (2) (B) (v) except that a school may not enter into a contract with a
20 teacher to possess a firearm on school grounds.

21 **SECTION 60.** 968.20 (3) (b) of the statutes is amended to read:

22 968.20 (3) (b) Except as provided in par. (a) or sub. (1m) or (4), a city, village,
23 town or county or other custodian of a seized dangerous weapon or ammunition, if
24 the dangerous weapon or ammunition is not required for evidence or use in further
25 investigation and has not been disposed of pursuant to a court order at the

1 completion of a criminal action or proceeding, shall make reasonable efforts to notify
2 all persons who have or may have an authorized rightful interest in the dangerous
3 weapon or ammunition of the application requirements under sub. (1). If, within 30
4 days after the notice, an application under sub. (1) is not made and the seized
5 dangerous weapon or ammunition is not returned by the officer under sub. (2), the
6 city, village, town or county or other custodian may retain the dangerous weapon or
7 ammunition and authorize its use by a law enforcement agency, except that a
8 dangerous weapon used in the commission of a homicide or a handgun, as defined
9 in s. ~~175.35 (1) (b)~~ 941.237 (1) (d), may not be retained. If a dangerous weapon other
10 than a firearm is not so retained, the city, village, town or county or other custodian
11 shall safely dispose of the dangerous weapon or, if the dangerous weapon is a motor
12 vehicle, as defined in s. 340.01 (35), sell the motor vehicle following the procedure
13 under s. 973.075 (4). If a firearm or ammunition is not so retained, the city, village,
14 town or county or other custodian shall ship it to the state crime laboratories and it
15 is then the property of the laboratories. A person designated by the department of
16 justice may destroy any material for which the laboratories have no use or arrange
17 for the exchange of material with other public agencies. In lieu of destruction,
18 shoulder weapons for which the laboratory has no use shall be turned over to the
19 department of natural resources for sale and distribution of proceeds under s. 29.934
20 or for use under s. 29.938.

21 **SECTION 61.** 971.17 (1g) of the statutes is renumbered 971.17 (1g) (a) and
22 amended to read:

23 971.17 **(1g)** (a) If the defendant under sub. (1) is found not guilty of a felony,
24 or of a violation under s. 175.33 (3), by reason of mental disease or defect, the court
25 shall inform the defendant of the requirements and penalties under s. 941.29.

1 **SECTION 62.** 971.17 (1g) (b) of the statutes is created to read:

2 971.17 **(1g)** (b) 1. In this paragraph, “misdemeanor crime of domestic violence”
3 has the meaning given in s. 973.136 (1) (c).

4 2. If the defendant under sub. (1) is found not guilty by reason of mental disease
5 or defect of a misdemeanor crime of domestic violence, the court shall enter a finding
6 to that effect in the record for purposes of determining whether the person is
7 prohibited from possessing a firearm under s. 941.29 and shall inform the defendant
8 of the requirements and penalties under s. 941.29.

9 **SECTION 63.** 973.123 (1) of the statutes is amended to read:

10 973.123 **(1)** In this section, “violent felony” means any felony under s. 943.23
11 (1m), 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 940.01, 940.02, 940.03, 940.05,
12 940.06, 940.08, 940.09, 940.10, 940.19, 940.195, 940.20, 940.201, 940.203, 940.21,
13 940.225, 940.23, 940.235, 940.285 (2), 940.29, 940.295 (3), 940.30, 940.302, 940.305,
14 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20, 941.26, 941.28, 941.285, 941.29,
15 941.292, 941.30, 941.327 (2) (b) 3. or 4., 943.02, 943.04, 943.06, 943.10 (2), 943.23
16 (1g), 943.32, 943.87, 946.43, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05,
17 948.051, 948.06, 948.07, 948.08, 948.085, or 948.30.

18 **SECTION 64.** 973.136 of the statutes is created to read:

19 **973.136 Prohibition for certain misdemeanor crimes. (1)** In this section:

20 (a) “Dating relationship” means a romantic or intimate social relationship
21 between 2 individuals but “dating relationship” does not include a casual
22 relationship or an ordinary fraternization between 2 individuals in a business or
23 social context. A court shall determine if a dating relationship existed by considering
24 the length of the relationship, the type of the relationship, and the frequency of the
25 interaction between the individuals involved in the relationship.

1 (b) "Family member" has the meaning given in s. 813.12 (1) (b).

2 (c) "Misdemeanor crime of domestic violence" means any of the following:

3 1. A violation or attempted violation of s. 940.19 (1), 940.195 (1), 940.225 (3m),
4 or 941.20 (1) when committed by an adult family member against another family
5 member, by an adult against his or her former spouse, by an adult against a person
6 with whom the adult has or had a dating relationship, or by an adult against a person
7 with whom the adult has a child in common.

8 2. A violation of s. 947.01 in which the adult actor engaged in violent or abusive
9 conduct to harm, intimidate, or threaten a person who is the adult actor's family
10 member, the adult actor's former spouse, a person with whom the adult actor has or
11 had a dating relationship, or a person with whom the adult actor has a child in
12 common.

13 3. A misdemeanor, except a misdemeanor listed in subd. 1. or 2., committed by
14 an adult family member against another family member, by an adult against his or
15 her former spouse, by an adult against a person with whom the adult has or had a
16 dating relationship, or by an adult against a person with whom the adult has a child
17 in common, if the court has increased the maximum term of imprisonment under s.
18 939.63 (1) (a).

19 (2) If a person is convicted of a misdemeanor crime of domestic violence, the
20 court shall enter a finding to that effect in the record for purposes of determining
21 whether the person is prohibited from possessing a firearm under s. 941.29.

22 **SECTION 65.** 973.137 (1m) of the statutes is amended to read:

23 973.137 (1m) A violation of s. 947.015 (1), if the property involved is owned or
24 leased by the state or any political subdivision of the state, or if the property involved
25 is a school premises, as defined in s. 948.61 (1) (c), or a violation of s. 947.015 (2).

1 **SECTION 66.** 973.176 (1) of the statutes is amended to read:

2 973.176 (1) FIREARM POSSESSION. Whenever a court imposes a sentence or
3 places a defendant on probation regarding a felony conviction for a felony for a
4 misdemeanor crime of domestic violence, as defined in s. 973.136 (1) (c), or for a
5 misdemeanor under s. 175.33 (3), the court shall inform the defendant of the
6 requirements and penalties applicable to him or her under s. 941.29 (1m) or (4m).

7 **SECTION 67. Nonstatutory provisions.**

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

12 (2) The department of public instruction may promulgate emergency rules
13 under section 227.24 of the statutes to implement section 115.369 of the statutes.
14 Notwithstanding section 227.24 (1) (e) 1d. of the statutes, the department of public
15 instruction is not required to prepare a statement of the scope of the rules required
16 under section 115.369 of the statutes if emergency rules are promulgated under this
17 subsection. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency
18 rules promulgated under this subsection remain in effect until July 1, 2019, or the
19 date on which permanent rules take effect, whichever is sooner. Notwithstanding
20 section 227.24 (1) (a) and (3) of the statutes, the department is not required to provide
21 evidence that promulgating a rule under this subsection as an emergency rule is
22 necessary for the preservation of the public peace, health, safety, or welfare and is
23 not required to provide a finding of emergency for a rule promulgated under this
24 subsection.

25 **SECTION 68. Fiscal changes.**

1 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation
2 to the department of public instruction under section 20.255 (1) (ep) of the statutes,
3 the dollar amount for fiscal year 2018-19 is increased by \$1,000,000 for the purposes
4 for which the appropriation is made.

5 (2) In the schedule under section 20.005 (3) of the statutes for the appropriation
6 to the department of public instruction under section 20.255 (2) (dt) of the statutes,
7 the dollar amount for fiscal year 2018-19 is increased by \$7,000,000 for the purpose
8 for which the appropriation is made.

9 (3) In the schedule under section 20.005 (3) of the statutes for the appropriation
10 to the department of public instruction under section 20.255 (2) (da) of the statutes,
11 the dollar amount for fiscal year 2018-19 is increased by \$17,000,000 for the purpose
12 for which the appropriation is made.

13 **SECTION 69. Initial applicability.**

14 (1) This act first applies to sales or transfers of ownership of firearms that occur
15 on the effective date of this subsection. ^v①

16 (2) The treatment of section 971.17 (1g) (b) of the statutes first applies to a
17 finding of not guilty by reason of mental disease or defect that occurs on the effective
18 date of this subsection.

19 (3) The treatment of section 973.136 of the statutes first applies to a conviction
20 that occurs on the effective date of this subsection.”

21 (END)

**2017-2018 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa2545/lins
CMH:...

Insert 9-1

SECTION ??. 165.25 (17) of the statutes is created to read:

165.25 (17) BACKGROUND CHECKS FOR PRIVATE GUN SALES. Upon request from an individual, the department of justice shall perform a background check on an individual that is identical to a firearms restrictions record search under s. 175.35 (1) (at) and, if the search does not indicate that the individual is prohibited from possessing a firearm under state or federal law, issue the individual a certificate indicating the results of the search that is valid for 30 days after issuance.

SECTION ??. 165.82 (1) (intro.) of the statutes is amended to read:

165.82 (1) (intro.) Notwithstanding s. 19.35 (3), the department of justice shall impose the following fees, plus any surcharge required under sub. (1m), for criminal history searches for purposes unrelated to criminal justice or to s. 165.25 (17), 175.35, 175.49, or 175.60:

History: 1987 a. 27; 1989 a. 122; 1991 a. 11; 1995 a. 27; 2003 a. 33; 2009 a. 28; 2011 a. 32, 35.

Insert 9-11

(bm) The seller or transferor is not a firearms dealer and is transferring ownership of the firearm to a person who has a valid certificate issued by the department of justice under s. 165.25 (17).