

2017 DRAFTING REQUEST

Assembly Amendment (AA-SSA2-AB843)

For: **Leon Young (608) 266-3786** Drafter: **chanaman**
 By: **Greg** Secondary Drafters:
 Date: **3/22/2018** May Contact:

Same as LRB:

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

Pre Topic:

No specific pre topic given

Topic:

Ban semiautomatic weapons; grandfather in current ones and provide method to dispose of it

Instructions:

See attached--remove high-capacity magazines

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 3/22/2018	eweiss 3/22/2018			
/1			lparisi 3/22/2018	lparisi 3/22/2018	

FE Sent For: **<END>**



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBa2593/1
CMH:ahc&amn /emw

a 2600/1

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

SAV
PWF

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

2 **1.** Page 1, line 11: after "screening;" insert "ban on semiautomatic weapons;"

3 **2.** Page 10, line 14: after that line insert:

4 **"SECTION 21c.** 165.70 (1) (b) of the statutes is amended to read:

, as affected by 2017 Wisconsin Act 128,

5 165.70 (1) (b) Except as provided in sub. (1m), enforce chs. 945 and 961 and ss.

6 940.20 (3), 940.201, 941.25, 941.26, 941.285, 943.01 (2) (c), 943.011, 943.27, 943.28,

7 943.30, 944.30 (1m), 944.31, 944.32, 944.33, 944.34, 946.65, 947.02 (3) and (4),

8 948.075, and 948.08".

and 948.081

9 **3.** Page 14, line 9: after that line insert:

10 **"SECTION 28g.** 938.78 (3) of the statutes is amended to read:

11 938.78 (3) RELEASE OF INFORMATION WHEN ESCAPE OR ABSENCE; RULES. If a juvenile

12 adjudged delinquent under s. 48.12, 1993 stats., or s. 938.12 or found to be in need

1 of protection or services under s. 48.13 (12), 1993 stats., or s. 48.13 (14), 1993 stats.,
2 or s. 938.13 (12) or (14) on the basis of a violation of s. 943.23 (1m) or (1r), 1999 stats.,
3 or s. 941.10, 941.11, 941.20, 941.21, 941.23, 941.231, 941.235, 941.237, 941.26,
4 941.28, 941.285, 941.295, 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03,
5 943.04, 943.10 (2) (a), 943.23 (1g), 943.32 (2), 948.02, 948.025, 948.03, 948.05,
6 948.055, 948.085 (2), 948.60, 948.605, or 948.61 or any crime specified in ch. 940 has
7 escaped from a juvenile correctional facility, residential care center for children and
8 youth, inpatient facility, as defined in s. 51.01 (10), juvenile detention facility, or
9 juvenile portion of a county jail, or from the custody of a peace officer or a guard of
10 such a facility, center, or jail, or has been allowed to leave a juvenile correctional
11 facility, residential care center for children and youth, inpatient facility, juvenile
12 detention facility, or juvenile portion of a county jail for a specified time period and
13 is absent from the facility, center, home, or jail for more than 12 hours after the
14 expiration of the specified period, the department of corrections or county
15 department, whichever has supervision over the juvenile, may release the juvenile's
16 name and any information about the juvenile that is necessary for the protection of
17 the public or to secure the juvenile's return to the facility, center, home, or jail. The
18 department of corrections shall promulgate rules establishing guidelines for the
19 release of the juvenile's name or information about the juvenile to the public.

20 **SECTION 28i.** 939.632 (1) (e) 1. of the statutes is amended to read:

21 939.632 (1) (e) 1. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09
22 (1c), 940.19 (2), (4) or (5), 940.21, 940.225 (1), (2) or (3), 940.235, 940.305, 940.31,
23 941.20, 941.21, 941.285, 943.02, 943.06, 943.10 (2), 943.23 (1g), 943.32 (2), 948.02 (1)
24 or (2), 948.025, 948.03 (2) (a) or (c) or (5) (a) 1., 2., 3., or 4., 948.05, 948.051, 948.055,

1 948.07, 948.08, 948.085, or 948.30 (2) or under s. 940.302 (2) if s. 940.302 (2) (a) 1.
2 b. applies.

3 **SECTION 28L.** 941.285 of the statutes is created to read:

4 **941.285 Possession of semiautomatic assault weapons. (1)** In this
5 section:

6 (a) "Assault weapon" means any of the following:

7 1. A semiautomatic rifle that has the capacity to accept a detachable magazine
8 and that has any of the following:

9 a. A pistol grip that protrudes beneath the action of the weapon.

10 b. A folding, telescoping, or thumbhole stock.

11 c. A 2nd handgrip or protruding grip that can be held by the nontrigger hand.

12 d. A bayonet mount.

13 e. A flash suppressor, muzzle brake, or muzzle compensator or a threaded
14 barrel capable of accepting a flash suppressor, muzzle brake, or muzzle compensator.

15 f. A grenade launcher.

16 2. A semiautomatic shotgun that has any of the following:

17 a. A folding, telescoping, or thumbhole stock.

18 b. A 2nd handgrip or protruding grip that can be held by the nontrigger hand.

19 c. The capacity to accept a detachable magazine.

20 3. A semiautomatic pistol that has the capacity to accept a detachable
21 magazine and that has any of the following:

22 a. A folding, telescoping, or thumbhole stock.

23 b. A 2nd handgrip or protruding grip that can be held by the nontrigger hand.

24 c. The capacity to accept an ammunition magazine that attaches to the pistol
25 outside of the pistol grip.

1 d. A threaded barrel capable of accepting a barrel extender, flash suppressor,
2 forward handgrip, or silencer.

3 e. A shroud that is attached to, or partially or completely encircles, the barrel,
4 and that permits the user to hold the firearm with the nontrigger hand without being
5 burned.

6 f. A manufactured weight of at least 50 ounces when the pistol is unloaded.

7 (b) "Detachable magazine" means any ammunition feeding device, the function
8 of which is to deliver one or more ammunition cartridges into the firing chamber, that
9 can be removed from the firearm without any tool, bullet, or ammunition cartridge.

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

11 (d) "Muzzle brake" means a device that is attached to the muzzle of a weapon
12 and that uses escaping gas to reduce recoil.

13 (e) "Muzzle compensator" means a device that is attached to the muzzle of a
14 weapon and that uses escaping gas to control muzzle movement.

15 (f) "Rifle" has the meaning given in s. 941.28 (1) (a).

16 (g) "Semiautomatic" means that the firearm is a repeating firearm that
17 requires a separate pull of the trigger to fire each cartridge and that uses a portion
18 of the energy of a firing cartridge to extract the fired cartridge case and to place
19 another unfired cartridge into the chamber.

20 (h) "Shotgun" has the meaning given in s. 941.28 (1) (d).

21 (2) Whoever manufactures, transports, purchases, possesses, goes armed with,
22 or sells or otherwise transfers possession of an assault weapon is guilty of a Class H
23 felony.

24 (3) Subsection (2) does not apply to any of the following:

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1 ^b
2 (a) The transportation, purchase, possession, sale, or transfer of possession of
3 an assault weapon modified to render it permanently inoperative.

4 ^c
5 (b) Any law enforcement officer while on official duty.

6 ^d
7 (c) Any armed forces or military personnel while on official duty.

8 ^e
9 (d) The possession of an assault weapon by any licensed importer or
10 manufacturer under 26 USC 5801 to 5872 authorized to import or manufacture that
11 assault weapon.

12 (e) The possession of an assault weapon under any of the following conditions
13 by a firearms dealer authorized to sell assault weapons:

14 1. Transporting an assault weapon to another firearms dealer authorized to sell
15 assault weapons.

16 2. Transporting an assault weapon to and displaying the assault weapon at a
17 gun show.

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14 **SECTION 28p.** 946.82 (4) of the statutes is amended to read:

15 946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961

16 (1) in effect as of April 27, 1982, or the attempt, conspiracy to commit, or commission
17 of any of the felonies specified in: chs. 945 and 961, subch. V of ch. 551, and ss. 49.49,
18 134.05, 139.44 (1), 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625,
19 221.0636, 221.0637, 221.1004, 553.41 (3) and (4), 553.52 (2), 940.01, 940.19 (4) to (6),
20 940.20, 940.201, 940.203, 940.21, 940.30, 940.302 (2), 940.305, 940.31, 941.20 (2) and
21 (3), 941.26, 941.28, 941.285, 941.298, 941.31, 941.32, 942.09, 943.01 (2), (2d), or (2g),
22 943.011, 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3)
23 (bf) to (e), 943.201, 943.203, 943.23 (1g), (2) and (3), 943.24 (2), 943.27, 943.28,
24 943.30, 943.32, 943.34 (1) (bf), (bm), and (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and
25 (c), 943.50 (4) (bf), (bm), and (c) and (4m), 943.60, 943.70, 943.76, 943.81, 943.82,

1 943.83, 943.84, 943.85, 943.86, 943.87, 943.88, 943.89, 943.90, 944.21 (5) (c) and (e),
2 944.32, 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11, 946.12,
3 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76,
4 946.79, 947.015, 948.05, 948.051, 948.08, 948.12, and 948.30.

5 **SECTION 28r.** 969.08 (10) (b) of the statutes is amended to read:

6 969.08 (10) (b) "Serious crime" means any crime specified in s. 943.23 (1m),
7 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 346.62 (4), 940.01, 940.02, 940.03,
8 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (5), 940.195 (5), 940.20, 940.201,
9 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.24, 940.25, 940.29, 940.295 (3) (b) 1g.,
10 1m., 1r., 2. or 3., 940.302 (2), 940.31, 941.20 (2) or (3), 941.26, 941.285, 941.30,
11 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.03, 943.04, 943.06, 943.10,
12 943.23 (1g), 943.30, 943.32, 943.81, 943.82, 943.83, 943.85, 943.86, 943.87, 943.88,
13 943.89, 943.90, 946.01, 946.02, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03,
14 948.04, 948.05, 948.051, 948.06, 948.07, 948.085, or 948.30 or, if the victim is a
15 financial institution, as defined in s. 943.80 (2), a crime under s. 943.84 (1) or (2).".

16

(END)

Page 15, line 2: after that line insert:

BILL

1 **941.293 Firearms; magazine capacity. (1)** In this section, "large capacity
2 magazine" means a magazine, whether fixed or detachable, that has a capacity of
3 more than 10 rounds of ammunition for a firearm. "Large capacity magazine" does
4 not include any of the following:

5 (a) A feeding device that has been permanently altered so that it cannot
6 accommodate more than 10 rounds.

7 (b) A .22 caliber tube ammunition feeding device.

8 (c) A tubular magazine that is contained in a lever-action firearm.

9 (d) A magazine that is permanently inoperable.

10 **(2)** Whoever does any of the following is guilty of a Class A misdemeanor:

11 (a) Sells, transports, purchases, transfers, lends, pledges, distributes, imports,
12 possesses, or manufactures, including fabricating or assembling from a combination
13 of parts to be fully functional, a large capacity magazine.

14 (b) Uses a large capacity magazine.

15 **(3)** Any person who, prior to the effective date of this subsection [LRB inserts
16 date], possesses ~~a large capacity magazine~~ ^{an assault weapon} may ~~sell~~ ^{surrender} the ~~large capacity magazine~~ ^{assault weapon} to
17 ~~the department of justice~~ ^{a law enforcement agency} using a process the department of justice develops.

18 **(4) (a)** The prohibition under sub. (2) (a) on transporting, transferring, lending,
19 or possessing a large capacity magazine does not apply to any of the following:

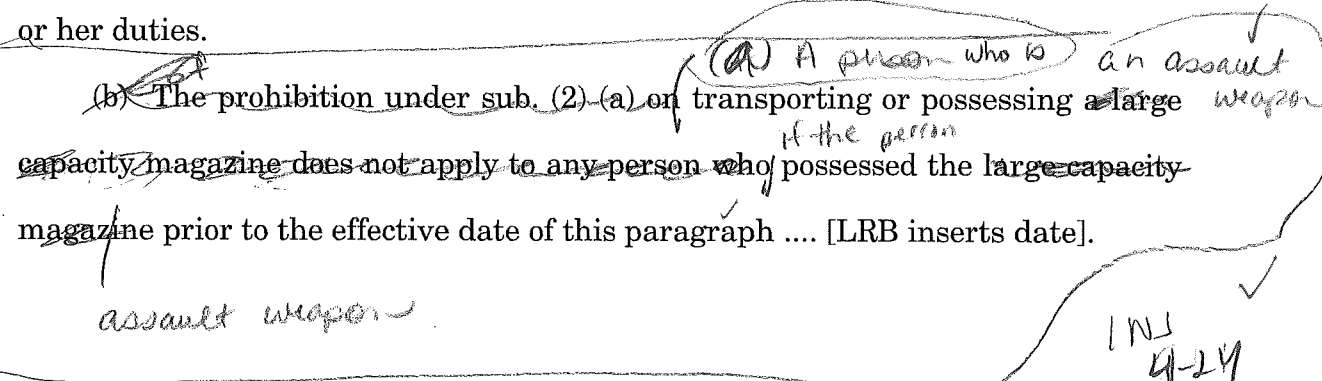
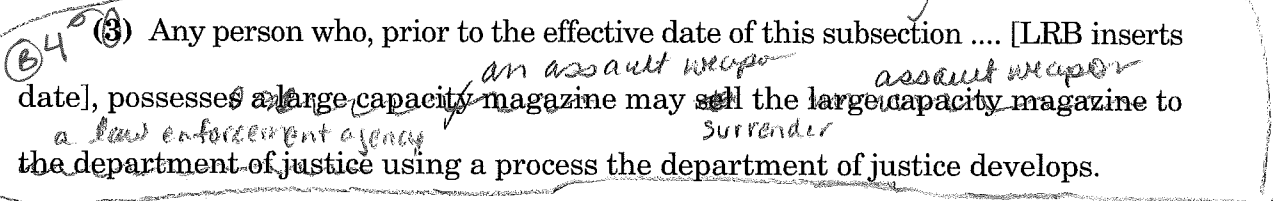
20 1. A law enforcement officer in the course and scope of his or her duties.

21 2. Any armed forces or national guard personnel in the course and scope of his

22 or her duties.

23 **(b)** ~~The prohibition under sub. (2) (a) on transporting or possessing a large~~ ^{(A) A person who is} ~~capacity magazine~~ ^{an assault} ~~does not apply to any person who~~ ^{if the person} ~~possessed the large capacity~~ ^{weapon}
24 ~~magazine~~ prior to the effective date of this paragraph [LRB inserts date].
25 ~~magazine~~

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BILL

SECTION 3

1 (c) The prohibition under sub. (2) (b) on using a large capacity magazine does
2 not apply to any of the following:

- 3 1. A law enforcement officer in the course and scope of his or her duties.
- 4 2. Any armed forces or national guard personnel in the course and scope of his
5 or her duties.

6 **SECTION 4. Effective date.**

7 (1) This act takes effect on the first day of the 7th month beginning after
8 publication.

9 (END)

