2017 ASSEMBLY BILL 1042

March 21, 2018 – Introduced by Representative YOUNG. Referred to Committee on Criminal Justice and Public Safety.

AN ACT to amend 938.78 (3) and 941.29 (1g) (a); and to create 941.293 of the statutes; relating to: banning detachable magazines that have a capacity of more than ten rounds of ammunition and providing a criminal penalty.

Analysis by the Legislative Reference Bureau

The bill prohibits a person from selling, transporting, manufacturing, possessing, or going armed with a detachable magazine that has a capacity of more than ten rounds of ammunition for a firearm. A person who violates the prohibition is guilty of a Class H felony.

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

SECTION 1. 938.78 (3) of the statutes is amended to read:

938.78 (3) RELEASE OF INFORMATION WHEN ESCAPE OR ABSENCE; RULES. If a juvenile adjudged delinquent under s. 48.12, 1993 stats., or s. 938.12 or found to be in need of protection or services under s. 48.13 (12), 1993 stats., or s. 48.13 (14), 1993 stats., or s. 938.13 (12) or (14) on the basis of a violation of s. 943.23 (1m) or (1r), 1999 stats.,
or s. 941.10, 941.11, 941.20, 941.21, 941.23, 941.231, 941.235, 941.237, 941.26,
941.28, 941.293, 941.295, 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03,
943.04, 943.10 (2) (a), 943.23 (1g), 943.32 (2), 948.02, 948.025, 948.03, 948.05,
948.055, 948.085 (2), 948.60, 948.605, or 948.61 or any crime specified in ch. 940 has
escaped from a juvenile correctional facility, residential care center for children and
youth, inpatient facility, as defined in s. 51.01 (10), juvenile detention facility, or
juvenile portion of a county jail, or from the custody of a peace officer or a guard of
such a facility, center, or jail, or has been allowed to leave a juvenile correctional
facility, residential care center for children and youth, inpatient facility, juvenile
detention facility, or juvenile portion of a county jail for a specified time period and
is absent from the facility, center, home, or jail for more than 12 hours after the
expiration of the specified period, the department of corrections or county
department, whichever has supervision over the juvenile, may release the juvenile's
name and any information about the juvenile that is necessary for the protection of
the public or to secure the juvenile's return to the facility, center, home, or jail. The
department of corrections shall promulgate rules establishing guidelines for the
release of the juvenile's name or information about the juvenile to the public.

SECTION 2. 941.29 (1g) (a) of the statutes is amended to read:

941.29 (1g) (a) “Violent felony” means any felony under s. 943.23 (1m), 1999
stats., or s. 943.23 (1r), 1999 stats., this section, or s. 940.01, 940.02, 940.03, 940.05,
940.06, 940.08, 940.09, 940.10, 940.19, 940.195, 940.20, 940.201, 940.203, 940.21,
940.225, 940.23, 940.235, 940.285 (2), 940.29, 940.295 (3), 940.30, 940.302, 940.305,
940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20, 941.26, 941.28, 941.292, 941.293,
941.30, 941.327 (2) (b) 3. or 4., 943.02, 943.04, 943.06, 943.10 (2), 943.23 (1g), 943.32,
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943.87, 946.43, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.051, 948.06, 948.07, 948.08, 948.085, or 948.30.

Section 3. 941.293 of the statutes is created to read:

941.293 Firearms; magazine capacity. (1) Whoever sells, transports, manufactures, possesses, or goes armed with a detachable magazine that has a capacity of more than 10 rounds of ammunition for a firearm is guilty of a Class H felony.

(2) Any person who, prior to the effective date of this subsection .... [LRB inserts date], possesses a magazine prohibited under sub. (1) shall dispose of the magazine in one of the following manners:

(a) Remove the magazine from the state.

(b) Sell the magazine to a licensed firearms dealer.

(c) Destroy the magazine.

(d) Surrender the magazine to a law enforcement agency for destruction.

(3) Subsection (1) does not apply to any of the following:

(a) A law enforcement officer who is authorized to carry a magazine prohibited under sub. (1) is the course and scope of his or her duties.

(b) An employee of a government agency that is charged with the enforcement of any law if the prohibited action is done in the discharge of his or her duties, authorized by the employing governmental agency, and within the course and scope of his or her duties.

(c) Any armed forces or national guard personnel while on official duty.

Section 4. Effective date.
(1) This act takes effect on the first day of the 6th month beginning after publication.