2021 SENATE BILL 1003

February 17, 2022 - Introduced by Senators AGARD, LARSON, JOHNSON, ROYS, CARPENTER and RINGHAND, cosponsored by Representatives STUBBS, SINICKI, BROSTOFF, HESSELBEIN, SNODGRASS, ANDRACA, SHELTON, VINING, HONG, HEBL, EMERSON, SPREITZER, GOYKE, CONLEY, SUBECK, BALDEH, CABRERA, HINTZ, RIEMER, CONSIDINE, BOWEN and POPE. Referred to Committee on Judiciary and Public Safety.

AN ACT to amend 175.35 (title), 175.35 (2) (d) and 175.35 (2g) (c) 4. c. of the statutes; relating to: waiting period for purchase of handguns.

Analysis by the Legislative Reference Bureau

Current law provides that, before a federally licensed firearms dealer may transfer a handgun after a sale, the dealer must request that the Department of Justice perform a background check on the prospective purchaser to determine if the purchaser is prohibited from possessing a firearm under federal or state law.

This bill prohibits the dealer from transferring the handgun to the purchaser until 48 hours have passed since the firearms dealer requested the background check on the purchaser.

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

SECTION 1. 175.35 (title) of the statutes is amended to read:

175.35 (title) Purchase Waiting period for the purchase of handguns.

SECTION 2. 175.35 (2) (d) of the statutes is amended to read:

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

**SECTION 3.** 175.35 (2g) (c) 4. c. of the statutes is amended to read:

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

**SECTION 4. Initial applicability.**

(1) This act first applies to sales that occur on the effective date of this
subsection.