

CR 82-183

CERTIFICATE

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4:30 pm
Revisor of Statutes
Bureau

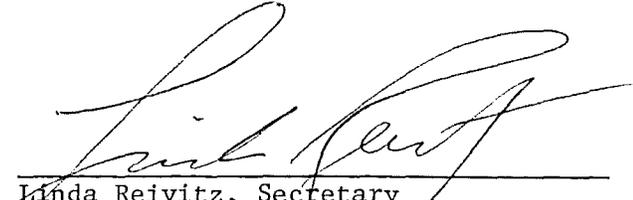
STATE OF WISCONSIN)
) SS
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Linda Reivitz, Secretary of the Department of Health and Social Services and custodian of the official records of said department, do hereby certify that the annexed rules relating to possession of firearms by probationers and parolees were duly approved and adopted by this department on February 1, 1983.

I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at the State Office Building, 1 W. Wilson Street, in the city of Madison, this 2nd day of February, A.D. 1983.



Linda Reivitz, Secretary
Department of Health and Social Services



4-1-83

ORDER OF THE
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
REPEALING AND RECREATING RULES

To repeal and recreate HSS 328.04(3)(j), relating to possession of firearms by probationers and parolees.

Analysis Prepared by the Department of Health and Social Services

Section 973.10(1), Stats., gives the Department the authority to establish rules and regulations for the supervision of probationers and parolees. The present rule, s. HSS 328.04(3)(j), Wis. Adm. Code, states that a client must obtain advance permission from a probation and parole agent before possessing a firearm or other weapon.

Section 941.29 Stats., as created by Chapter 141, Laws of 1981, prohibits the possession of firearms by any person who has been convicted of a felony unless the person has received a pardon for the crime and is expressly authorized to possess a firearm under federal law.

The Department's repeal and recreation of HSS 328.04(3)(j) reflects this new statute and provides that a probation and parole agent may not permit a client to possess a firearm if the client is prohibited by s. 941.29, Stats., or federal law from doing so. However, where state or federal law do not prohibit a client from possessing a firearm, as is the case with misdemeanants, then it is the agent's decision whether to allow such possession.

Pursuant to authority vested in the Department of Health and Social Services by s. 973.10(1), Stats., the Department of Health and Social Services hereby repeals and recreates rules interpreting ss. 46.03(6) and 941.29, Stats., as follows:

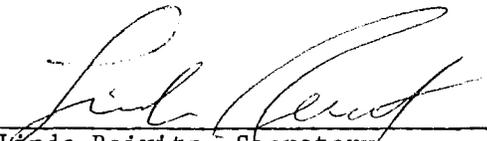
SECTION 1. HSS 328.04(3)(j) of the Wisconsin Administrative Code is repealed and recreated to read:

HSS 328.04(3)(j) Obtain advance permission from an agent to purchase, possess, own or carry a firearm or other weapon. An agent may not grant a client permission to possess a firearm if the client is prohibited from possessing a firearm under s. 941.29, Stats., or federal law.

The repeal and rule contained in this order shall take effect on the first day of the month following its publication in the Wisconsin Administrative Register, as provided in s. 227.026(1), Stats.

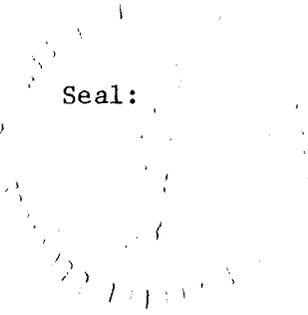
Department of Health and Social Services

Dated: February 2, 1983



Linda Reivitz, Secretary

Seal:



12-8-30/421