

CHAPTER 348 , Laws of 1981

AN ACT to renumber 165.81; to amend 939.22 (10); and to create 165.81 (2) and 941.295 of the statutes, relating to restricting ownership of electric weapons and providing a penalty.

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

SECTION 1. 165.81 of the statutes is renumbered 165.81 (1).

SECTION 2. 165.81 (2) of the statutes is created to read:

165.81 (2) Any electric weapon, as defined in s. 941.295 (4), in the possession of the laboratory shall either be destroyed or turned over to an agency authorized to have electric weapons under s. 941.295 (2).

SECTION 3. 939.22 (10) of the statutes is amended to read:

939.22 (10) "Dangerous weapon" means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm; any electric weapon, as defined in s. 941.295 (4); or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.

SECTION 4. 941.295 of the statutes is created to read:

941.295 Possession of electric weapon. (1) On or after the effective date of this subsection (1981), whoever sells, transports, manufactures, possesses or goes armed with any electric weapon is guilty of a Class E felony.

(2) Subsection (1) does not apply to:

- (a) Any peace officer.
- (b) Any armed forces or national guard personnel while on official duty.
- (c) Any corrections personnel in the department of health and social services while on official duty.

(d) Any manufacturer or seller whose electric weapons are used in this state solely by persons specified in pars. (a) to (c).

(e) Any common carrier transporting electric weapons.

(3) During the first 30 days after the effective date of this subsection (1981), the electric weapons may be surrendered to any peace officer. Peace officers shall forward electric weapons to the crime laboratory if the retention of those weapons is not necessary for criminal prosecution purposes.

(4) In this section, "electric weapon" means any device which is designed, redesigned, used or intended to be used, offensively or defensively, to immobilize or incapacitate persons by the use of electric current.

SECTION 5. **Effective date.** (1) Except as provided in subsection (2), this act takes effect on the day after its publication.

(2) The creation of section 941.295 (1) of the statutes by this act takes effect on the first day of the 2nd month commencing after publication.