

1987 Senate Bill 219

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1987 Wisconsin Act 203

AN ACT to repeal 968.20 (5); and to amend 66.28 (4), 968.20 (1m) (b) and 968.20 (3) (b) of the statutes, relating to county and municipal disposition of firearms.

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

SECTION 1. 66.28 (4) of the statutes is amended to read:

66.28 (4) A city, village, town or county may dispose of any firearm or ammunition only under this section ~~only by return to the rightful owner, destruction or transfer to the state crime laboratories under s. 165.75, the department of justice, the federal bureau of investigation or the alcohol, tobacco and firearms bureau of the U.S. department of treasury s. 968.20.~~

SECTION 2. 968.20 (1m) (b) of the statutes is amended to read:

968.20 (1m) (b) If the seized property is a firearm or ammunition, the property shall not be returned to any person who committed a crime involving the use of the firearm or the ammunition. The property may be returned to the rightful owner under this section if the owner had no prior knowledge of and gave no consent to the commission of the crime. Property which may not be returned to an owner under this subsection shall be disposed of under subs. (3) ~~to (5)~~ and (4).

SECTION 3. 968.20 (3) (b) of the statutes is amended to read:

968.20 (3) (b) Except as provided in par. (a) or sub. (1m) or (4), ~~the a city, village, town or county or other~~ custodian of a seized firearm or ammunition, if the firearm or ammunition is not required for evidence or use in further investigation and has not been disposed of pursuant to a court order at the completion of a criminal action or proceeding, shall make reasonable efforts to notify all persons who have or may have an authorized rightful interest in the firearm or ammunition of the application requirements under sub. (1). If, within 30 days after the notice, an application under sub. (1) is not made and the seized firearm or ammunition is not returned by the officer under sub. (2), the seized firearm or ammunition shall be shipped to and become the property of the state crime laboratories. A person designated by the department of justice may destroy any material for which the laboratories have no use or arrange for the exchange of material with other public agencies. In lieu of destruction, shoulder weapons for which the laboratory has no use shall be turned over to the department of natural resources for sale and distribution of proceeds under s. 29.06.

SECTION 4. 968.20 (5) of the statutes is repealed.