

WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2005 Assembly Bill 56	Assembly Amendments 1 and 2
Memo published: June 21, 2005	Contact: Don Dyke, Chief of Legal Services (266-0292)

Assembly Amendment 1:

- 1. Substitutes the term "equitable relief" for the term "injunctive relief," where the latter term appears in the original bill. "Equitable relief" is a broader term than "injunctive relief"; the former term includes any remedy, including injunctive relief, that a court might impose in the exercise of its equitable jurisdiction. Reference to injunctive relief and, as amended, to equitable relief appears in those provisions of the bill: (a) limiting certain civil actions by the state or local units of government against firearm manufacturers and dealers (and other protected parties); and (b) providing firearm manufacturers and dealers (and other protected parties) with immunity from civil liability in certain actions involving firearms.
- 2. Substitutes the term "express warranty" for "warranty" in that portion of the bill that does not prohibit the state or a local governmental unit from bringing an action against a firearm manufacturer or dealer (or against other parties otherwise protected under the bill) for breach of contract or warranty as to a firearm, a firearm component, or firearm ammunition purchased by the state or local governmental unit. The term "express warranty" is narrower than reference to "warranty"; the former does not include, for example, any implied warranty.

Assembly Amendment 2 amends the definition of "firearm dealer" by substituting reference to the U.S. Department of Justice for the U.S. Department of the Treasury. The amendment reflects a change in the responsibilities of the respective departments under federal law.

Legislative History

Assembly Amendments 1 and 2 were offered by Representative Pettis. Both amendments were adopted by the Assembly by voice vote. Assembly Bill 56, as amended, was passed by the Assembly on a vote of Ayes, 63; Noes, 32; Paired, 4.

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