



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2009 Assembly Bill 558

Assembly Amendment 2

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Under *current law*, certain individuals, such as individuals who have been convicted of a felony, are prohibited from possessing a firearm.

2009 Assembly Bill 558 prohibits a person who has been convicted of a misdemeanor crime of domestic violence from possessing a firearm. A violation of this provision is a Class G felony.

The bill defines “misdemeanor crime of domestic violence” as any of the following:

- A violation or attempted violation of battery, battery to an unborn child, fourth-degree sexual assault, endangering safety by use of a dangerous weapon, or unlawful use of the telephone by an adult family member or adult household member against another adult family member or adult household member, by an adult caregiver against an adult who is under the caregiver’s care, by an adult against his or her adult former spouse, by an adult against an adult with whom the person has or had a dating relationship, or by an adult against an adult with whom the person has a child in common.
- A violation of disorderly conduct in which the person engaged in violent or abusive conduct to harm, intimidate, or threaten an adult who is the person’s family member or household member, an adult for whom the person is a caregiver, the person’s adult former spouse, an adult with whom the person has or had a dating relationship, or an adult with whom the person has a child in common.
- A misdemeanor, except a misdemeanor listed above, committed by an adult family member or adult household member against another adult family member or adult household member, by an adult caregiver against an adult who is under the caregiver’s care, by an adult against his or her adult former spouse, by an adult against an adult with whom the person has or had a dating relationship, or by an adult against an adult with whom the person has a child in

common, if the court has increased the maximum term of imprisonment because the offense was committed while possessing a dangerous weapon.

Assembly Amendment 2 modifies the definition of “misdemeanor crime of domestic violence” as follows:

- Provides that the victim of a misdemeanor crime of domestic violence need not be an adult.
- Deletes offenses against household members or by caregivers from the definition.
- Deletes unlawful use of the telephone as an offense that may be considered to be a misdemeanor crime of domestic violence.

Legislative History

Representative Staskunas offered Assembly Amendment 2. On February 10, 2010, the Assembly Committee on Corrections and the Courts voted unanimously to recommend adoption of the amendment and voted to recommend passage of the bill, as amended, on a vote of Ayes, 7; Noes, 3.

AS:ksm