

State of Misconsin 2015 - 2016 LEGISLATURE

LRB-3084/1 CMH:amn

2015 ASSEMBLY BILL 354

September 25, 2015 – Introduced by Representatives C. Taylor, Sinicki, Wachs, Sargent, Zamarripa, Stuck, Spreitzer, Hebl, Goyke, Subeck, Brostoff, Berceau, Ohnstad, Hesselbein, Pope, Johnson, Barnes, Bowen, Hintz, Riemer, Young and Kessler, cosponsored by Senators Harris Dodd, Risser, Ringhand, Miller, C. Larson and Carpenter. Referred to Committee on Criminal Justice and Public Safety.

- 1 AN ACT to amend 175.35 (title), 175.35 (2) (d) and 175.35 (2g) (c) 4. c. of the
- 2 statutes; **relating to:** waiting period for purchase of handguns.

Analysis by the Legislative Reference Bureau

2015 Wisconsin Act 22 eliminated a provision that prohibited a federally licensed firearms dealer from transferring a handgun to a purchaser until 48 hours had passed since the firearms dealer requested the Department of Justice (DOJ) to perform a background check on the prospective purchaser. This bill restores the 48-hour waiting period so that a firearms dealer must wait 48 hours after requesting a background check from DOJ before the dealer may transfer the handgun to the purchaser.

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

- 3 **SECTION 1.** 175.35 (title) of the statutes, as affected by 2015 Wisconsin Act 22,
- 4 is amended to read:
- 5 175.35 (title) Purchase Waiting period for the purchase of handguns.
- **SECTION 2.** 175.35 (2) (d) of the statutes, as affected by 2015 Wisconsin Act 22,
- 7 is amended to read:

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175.35 (2) (d) The Forty-eight hours have elapsed from the time that the
firearms dealer has received an approval a confirmation number regarding the
firearms restrictions record search under sub. $(2g)$ (c) from the department of justice
and the firearms dealer has not been notified that the person is prohibited under
state or federal law from possessing a firearm or that the department needs an
extension under sub. (2g) (c) 4. c.

SECTION 3. 175.35 (2g) (c) 4. c. of the statutes, as affected by 2015 Wisconsin Act 22, is amended to read:

175.35 (2g) (c) 4. c. If the search indicates that it is unclear whether the person is prohibited under state or federal law from possessing a firearm and the department needs more time than provided under sub. (2) (d) to make the determination, the department shall make every reasonable effort to determine whether the person is prohibited under state or federal law from possessing a firearm and notify the firearms dealer of the results as soon as practicable but no later than 5 working days after the search was requested.

SECTION 4. Initial applicability.

(1) This act first applies to sales that occur on the effective date of this subsection.

19 (END)