

State of Misconsin 2017 - 2018 LEGISLATURE

LRB-0911/1 CMH:klm

2017 SENATE BILL 56

February 21, 2017 – Introduced by Senators VUKMIR, WANGGAARD, DARLING, NASS and FEYEN, cosponsored by Representatives SANFELIPPO, JAGLER, HORLACHER, MURPHY, DUCHOW, TUSLER, GANNON, OTT, SPIROS, TITTL, SKOWRONSKI, KREMER, E. BROOKS and ALLEN. Referred to Committee on Judiciary and Public Safety.

AN ACT to renumber and amend 941.29 (4m) (a) 2.; to amend 941.29 (4m) (a) (intro.); and to create 941.29 (4m) (a) 2. (intro.), b. and c. of the statutes; **relating to:** mandatory minimum incarceration period following illegal possession of a firearm.

Analysis by the Legislative Reference Bureau

Under current law, if a person who is prohibited from possessing a firearm due to the commission of, or the solicitation, conspiracy, or attempt to commit, a violent felony is convicted of illegally possessing a firearm, the court must impose a mandatory minimum three-year incarceration period if the person, within the five years prior to the illegal possession of the firearm, was serving a sentence, was on parole, or was committed for a subsequent felony or a violent misdemeanor. Under this bill, the court must also impose the mandatory minimum three-year incarceration period if the person who is prohibited from possessing a firearm violated the prohibition while on probation, parole, extended supervision, or conditional release for the commission of a prior felony or violent misdemeanor.

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

SECTION 1. 941.29 (4m) (a) (intro.) of the statutes is amended to read:

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| 1 | 941.29 (4m) (a) (intro.) The If a person commits a violation of sub. (1m), the |
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| 2 | court shall impose a bifurcated sentence under s. 973.01 and the confinement portion |
| 3 | of the bifurcated sentence imposed on the person shall be not less than 3 years if all |
| 4 | of the following are true: |
| 5 | SECTION 2. 941.29 (4m) (a) 2. (intro.), b. and c. of the statutes are created to |
| 6 | read: |
| 7 | 941.29 (4m) (a) 2. (intro.) Any of the following applies: |
| 8 | b. The person committed the current offense while on probation, parole, |
| 9 | extended supervision, or conditional release for the commission of a prior felony or |
| 10 | violent misdemeanor. |
| 11 | c. The person committed the current offense within 5 years after being |
| 12 | discharged from commitment under ch. 971 for the commission of a prior felony or |
| 13 | violent misdemeanor. |
| 14 | SECTION 3. 941.29 (4m) (a) 2. of the statutes is renumbered 941.29 (4m) (a) 2. |
| 15 | a. and amended to read: |
| 16 | 941.29 (4m) (a) 2. a. The person committed the current offense within 5 years |
| 17 | after completing his or her sentence, including any probation, parole , or extended |
| 18 | supervision, or being discharged by the department of corrections, <u>after completing</u> |
| 19 | <u>a period of probation imposed</u> for a prior felony or violent misdemeanor. |
| 20 | (END) |

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