



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRB-1097/1  
CMH:amn

## 2021 ASSEMBLY BILL 861

January 18, 2022 - Introduced by Representatives SUBECK, SHELTON, ANDERSON, ANDRACA, BILLINGS, BROSTOFF, CONLEY, EMERSON, HEBL, NEUBAUER, SINICKI, SNODGRASS and STUBBS, cosponsored by Senators LARSON, CARPENTER and JOHNSON. Referred to Committee on Criminal Justice and Public Safety.

1     **AN ACT** *to amend* 968.02 (4) and 968.07 (3); and *to repeal and recreate* 948.55  
2             of the statutes; **relating to:** storage of a firearm in residence if child is present  
3             and providing a penalty.

---

***Analysis by the Legislative Reference Bureau***

This bill prohibits a person from storing or leaving a firearm at his or her residence if the person resides with a child who is under the age of 18, or knows a child who is under the age of 18 will be present in the residence, unless the firearm is in a securely locked box or container or other secure locked location or has a trigger lock engaged. A person who violates this prohibition is guilty of a Class A misdemeanor for a first offense and a Class I felony for a subsequent offense. This replaces the current law that penalizes a person who recklessly stores or leaves a loaded firearm within reach of a child who is under 14 if the child obtains it and does one of the following: 1) discharges the firearm and causes bodily harm or death (Class A misdemeanor); or 2) possesses or exhibits the firearm in a public place or endangers public safety (Class C misdemeanor).

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

---

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

