

# State of Wisconsin



2021 Assembly Bill 293

Date of enactment:  
Date of publication\*:

## 2021 WISCONSIN ACT

AN ACT to create 20.932, 175.36 and 946.77 of the statutes; relating to: restrictions on enforcing federal laws regulating firearms, firearm accessories, and ammunition, the use of public resources to confiscate firearms, and providing a penalty.

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

SECTION 1. 20.932 of the statutes is created to read:

**20.932 No use of public resources to confiscate firearms.** (1) DEFINITIONS. In this section:

(a) "Local governmental unit" means a political subdivision of this state, a special purpose district in this state, an agency or corporation of a political subdivision or special purpose district, or a combination or subunit of any of the foregoing.

(b) "State agency" means an association, authority, board, department, commission, independent agency, institution, office, society, or other body in state government created or authorized to be created by the constitution or any law.

(2) PROHIBITION. No state agency and no local governmental unit may expend moneys or use other resources to confiscate a firearm, firearm accessory, or ammunition that is lawfully possessed under the laws of this state.

SECTION 2. 175.36 of the statutes is created to read:

**175.36 Firearm requirement.** Any person who manufactures a firearm in this state on or after the effective date of this section .... [LRB inserts date], shall have clearly stamped on a central metal part of the firearm

"Made in Wisconsin" or an abbreviated version if space does not permit or for other good reason.

SECTION 3. 946.77 of the statutes is created to read:

**946.77 Federal restrictions on firearms unconstitutional.** (1) The legislature declares that the authority for this section is found in all of the following:

(a) The 10th amendment to the U.S. Constitution, which reserves to the state or to the people all powers not delegated to the federal government elsewhere in the constitution. The 10th amendment reserves to the state and people of Wisconsin certain powers as they were understood at the time that Wisconsin was admitted to statehood in 1848. The guarantee of those powers is a matter of contract between the state and people of Wisconsin and the United States as of the time of statehood.

(b) The 9th amendment to the U.S. Constitution, which guarantees to the people rights not granted in the constitution and reserves to the people of Wisconsin certain rights as they were understood at the time Wisconsin was admitted to statehood in 1848. The guarantee of these rights is a matter of contract between the state and people of Wisconsin and the United States as of the time of statehood.

(c) The 2nd amendment to the U.S. Constitution, which reserves to the people, individually, the right to keep and bear arms as that right was understood at the

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

time that Wisconsin was admitted to statehood in 1848. The guarantee of that right is a matter of contract between the state and people of Wisconsin and the United States as of the time of statehood.

(d) Article I, section 25, of the Wisconsin Constitution, which guarantees Wisconsin citizens the right to keep and bear arms for security, defense, hunting, recreation, or any other lawful purpose.

(2) (a) A firearm, a firearm accessory, or ammunition that is owned or manufactured in this state and that remains within the borders of this state is not subject to federal law or federal regulation, including registration, under the authority of Congress to regulate interstate commerce and is not considered to have traveled in interstate commerce.

(b) 1. A component part of a firearm that has multiple manufacturing or consumer product applications is not a firearm, a firearm accessory, or ammunition and is not subject to a federal law regulating firearms, firearm accessories, or ammunition.

2. Incorporation in a firearm, a firearm accessory, or ammunition of a component part that has been imported into Wisconsin does not subject the firearm, firearm accessory, or ammunition to a federal law regulating firearms, firearm accessories, or ammunition and does not mean the firearm, firearm accessory, or ammunition has traveled in interstate commerce.

(3) (a) In this subsection, “federal law” means any act, law, statute, rule, regulation, treaty, or order of the U.S. government, including any federal firearm or ammunition registration program, that takes effect on or after January 1, 2021.

(b) No person may knowingly enforce or attempt to enforce a federal law that does any of the following:

1. Bans or restricts ownership or possession of semi-automatic firearms, assault weapons, or magazines.
2. Requires registration of firearms, magazines, or other firearm accessories.
3. Regulates the capacity of magazines.
4. Regulates the quantity of ammunition or bullets an individual may possess.
5. Prohibits types of ammunition or bullets.
6. Requires the confiscation of a firearm.

(c) Notwithstanding par. (b), a federal law may be enforced if the federal law is identical to a state law or if the federal law bans, restricts ownership or possession of, regulates, or confiscates any of the following:

1. A firearm that cannot be carried and used by one individual.
2. Ammunition that has a projectile that explodes using chemical energy after the projectile leaves the firearm.
3. A firearm, other than a shotgun that is not a fully automatic shotgun, that discharges 2 or more projectiles with one activation of the trigger or other firing device.

(d) No person may be discharged, disciplined, demoted, or suspended; denied promotion, transfer, or reassignment; or otherwise discriminated against with regard to employment; or threatened with any such treatment for complying with the prohibition under par. (b).

(e) A person who violates par. (b) is guilty of a Class A misdemeanor.

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