

GENERAL PROVISIONS

Budget Change Items

1. EXTREME RISK PROTECTION RESTRAINING ORDERS AND INJUNCTIONS

Governor: Create an extreme risk protection temporary restraining order and extreme risk protection injunction, prohibiting a person from possessing a firearm if he or she is a danger to him/herself or others.

a. Extreme Risk Protection Temporary Restraining Orders and Injunctions - General. Establish a two-part procedure for an extreme risk protection injunction action. First, if the petitioner requests a temporary restraining order, the court must issue or refuse to issue the order. If issued, the order must set a date for the injunction hearing. If not issued, the date for the hearing must be set upon motion by either party. Second, the court must hold a hearing on whether to issue an injunction (the final relief).

Specify that an extreme risk protection order or injunction must include a statement that the order or injunction may be accorded full faith and credit in every civil or criminal court of the United States, any other state, and tribal courts, to the extent that the court has personal jurisdiction. In addition, specify that an extreme risk protection action must be filed in the county in which the case of action arose, or where the petitioner or respondent resides.

b. Petition and Service. Specify petition requirements for extreme risk protection restraining orders and injunctions. Provide that only a law enforcement officer or a family or household member of the respondent may file a petition. Require that the petition must allege specific facts to show: (a) the name of the petitioner and how the petitioner is a family or household member of the respondent (unless the petitioner is a law enforcement officer); (b) the name of the respondent; (c) that the respondent is substantially likely to injure him/herself, or another person if the respondent possesses a firearm; and (d) information on the number, types, and locations of firearms possessed by the respondent, if known. Specify that the Clerk of Circuit Court must provide simplified forms to assist a person in filing a petition. In addition, specify that a petitioner for an injunction that knowingly provides false information in the petition is subject to prosecution for false swearing (a Class H felony, a maximum sentence of three years confinement and three years extended supervision and/or a fine of up to \$10,000).

Require a petition and sheriff service of the petition on the respondent to commence an extreme risk protection action, if a copy of the petition is filed before service or promptly after service. If the petitioner files an affidavit stating service was unsuccessful because the respondent is avoiding service, the petition may be served to the respondent by publication of a summary of the petition under publication of legal notices statutes (Chapter 985), and by mailing or faxing, if the respondent's post-office address or fax number is known or can be ascertained with due diligence. The judge or circuit court commissioner must advise the petitioner of the right to serve

the respondent by published notice in this circumstance and the Clerk of the Circuit Court must assist the petitioner with the preparation of the notice and filing of the affidavit. Specify that the published petition summary must include: (a) the names of the respondent and petitioner; (b) notice of the temporary restraining order; and (c) notice of the date, time, and place of the injunction hearing. Specify that the court must inform the petitioner, in writing, that the petitioner should contact the sheriff to verify proof of service of the petition. The respondent must be provided notice of possession of a firearm requirements and penalties when served with the petition and may respond to the petition either in writing before or at the injunction hearing, or orally at the injunction hearing.

c. Temporary Restraining Orders. Establish an extreme risk protection temporary restraining order, prohibiting the respondent from possessing a firearm and ordering the respondent to surrender all firearms in the respondent's possession, if the judge or circuit court commissioner finds reasonable grounds that the respondent is substantially likely to injure the respondent or another person, if the respondent possesses a firearm. Additionally, create statutory language to require an extreme risk protection temporary restraining order to include one of the following: (1) if the respondent is present at the hearing, a requirement that all firearms in the respondent's possession be immediately surrendered to the county sheriff; or (2) if the respondent is not present at the hearing and the sheriff personally serves the respondent with the issued order, a requirement that the respondent immediately surrender all firearms in the respondent's possession to the sheriff, or if the respondent is not present at the hearing and the sheriff does not personally serve the respondent with the issued order, a requirement that the respondent surrender all firearms in the respondent's possession to the sheriff or transfer or sell all firearms to a firearms dealer with 24 hours of service, and file a receipt with the court, within 48 hours of service, from the sheriff or firearms dealer indicating that the respondent surrendered the firearms. Specify that the sheriff may also arrange for the transfer or sale of the firearms to a firearms dealer, at the request of the respondent.

Under the bill, if the respondent does not comply with these requirements of an order issued to surrender firearms, or if a law enforcement officer has probable cause to believe that the respondent possesses a firearm, a law enforcement officer must request a search warrant to seize the firearms and may use information contained in the petition to establish probable cause. In addition, the court may schedule a hearing to surrender firearms for any reason relevant to the surrender of firearms. Specify that a respondent does not have to be given notice before issuing a temporary restraining order, and a temporary restraining order may only be entered against the respondent named in the petition. Under the bill, an extreme risk temporary restraining order is effective until a hearing is held on the issuance of an injunction, which must within 14 days after the restraining order is issued (although time can be extended for up to 14 additional days, upon written consent of the parties or a finding that the respondent has not been served, despite due diligence). A temporary restraining order may not be extended in lieu of ruling on the issuance of an injunction.

d. Injunctions. Establish an extreme risk protection injunction prohibiting the respondent from possessing a firearm and, if the respondent was not subject to an extreme risk protection temporary restraining order, requiring the respondent to surrender all firearms in the respondent's possession if: (a) the petitioner files a petition and serves a copy or summary of the

petition and notice of the injunction hearing time on the respondent, or the respondent serves a notice of the injunction hearing time on the petitioner; and (b) the judge finds by clear and convincing evidence that the respondent is substantially likely to injure him/herself or another person if the respondent possesses a firearm. Specify that the judge may enter an injunction only against the respondent named in the petition, and any issued injunction must inform the named respondent of possession of a firearm requirements and penalties.

Under the bill, unless a judge vacates the extreme risk protection injunction, an injunction is effective for a period determined by the judge that is no longer than one year (although the court can extend an expired injunction, upon petition, for up to one additional year, if the judge finds the respondent is still substantially likely to injure him/herself or another person if the respondent possesses a firearm).

Specify that an injunction may be vacated upon written request by the respondent to a judge (one request during any injunction period). The petitioner must be notified of the request before it is considered, and the judge must vacate the injunction only if the respondent demonstrates by clear and convincing evidence that the respondent is no longer substantially likely to injure him/herself or another person if the respondent possesses a firearm.

Provide that if an injunction is issued, extended, or vacated, the Clerk of Circuit Court must notify the Department of Justice of the action, and provide information concerning the effective period of the injunction or the date on which the injunction is vacated, along with information necessary to identify the respondent (this information may be disclosed only to: (a) a law enforcement agency for law enforcement purposes; or (b) to respond to a request to access firearm prohibition orders, for a firearms restrictions record search, or for a background check). The Clerk must also send a copy of the injunction or order extending or vacating an injunction to the sheriff or to any other local law enforcement agency which is the central repository for injunctions, with jurisdiction over the petitioner's premises, within one business day after the injunction is issued, extended, or vacated. No later than 24 hours after receiving a copy of the issued, extended, or vacated injunction, the sheriff or law enforcement agency must enter the information into the transaction information for management enforcement system and make the information available to other law enforcement agencies. Specify that the information does not need to be maintained after the injunction is no longer in effect.

e. Modification of Court Procedure, Criminal Statutes, and Enforcement of Actions. Modify statutory language to add extreme risk protection orders: (a) to the time limits statutes for parties seeking a hearing de novo ("anew"); (b) to the list of actions for which a petitioner may combine with other actions, in certain circumstances; (c) to the list of orders for which a foreign protection order or modification with the same effect must be enforced; (d) to the list of actions circuit court commissioners have the power to hold hearings, make findings, and issue temporary orders on; (e) to the list of actions for which a court or judge is prohibited from requiring bond of the party seeking the order; (f) to the list of statutes prohibiting firearm possession, used by the Department of Justice to conduct background checks to determine whether an applicant for a license to carry a concealed weapon is prohibited from possessing a firearm; and (g) to the list of orders for which a person subject to the order may not possess a firearm (or otherwise be subject to a Class G felony for possession of a firearm, a maximum sentence of five years confinement

and five years extended supervision and/or a fine of up to \$25,000).

f. Return of a Firearm. Modify statutory language to require a judge or court commissioner to request information from the Department of Justice on individuals ordered not to possess a firearm and cancellations of orders not to possess a firearm, and information from a law enforcement agency or a law enforcement officer to aid the court making a determination on the return of a firearm under the extreme risk protection statute. Under current law, these requirements are already established for return of firearm determinations under notice and process for firearm surrender statutes and return of seized property statutes.

Specify that a firearm surrendered under extreme risk protection statutes cannot be returned until the respondent completes a petition and the judge or commissioner determines: (a) the temporary restraining order or injunction has been vacated or has expired and not been extended; and (b) the person is not prohibited from possessing a firearm under any state or federal law or order, other than the order relevant to the present petition. The judge or commissioner must use information maintained by law enforcement, identified above, to aid in their determination.

Specify that if a surrendered firearm is owned by a person other than the respondent, the owner may apply to the court for its return in the county in which the respondent is located. The court must order notice to be given to all persons who have or may have an interest in the firearm and must hold a hearing on all claims to the true ownership. The court must order the firearm returned, along with information on the requirements and penalties of straw purchasing firearms, if rightful possession is proved to the court's satisfaction.

Specify that the Director of State Courts is required to develop a petition for the return of firearms form that is substantially the same as the notice and process for firearm surrender form, available under current law.

g. Definitions. For the purposes of the extreme risk protections provisions, define "family or household member," to mean: (a) a person related by blood, adoption, or marriage to the respondent; (b) a person with whom the respondent has or had a dating relationship, or with whom the respondent has a child in common; (c) a person who resides with, or within the six months before filing a petition, had resided with, the respondent; (d) a domestic partner as defined under state law; (e) a person who is acting or has acted as the respondent's legal guardian or who is or was a foster parent or other physical custodian of the respondent; or (f) a person for whom the respondent is acting or has acted as a legal guardian or for whom the respondent is or was the foster parent or other physical custodian. Use current law definitions of "firearms dealer" and "law enforcement officer" in conjunction with extreme risk protection injunctions.

Modify the statutory language to define "firearms restrictions record search" to mean a search of Department of Justice records to determine whether a person seeking to be transferred (rather than "to purchase") a firearm (rather than "handgun") is prohibited from possessing a firearm under possession of a firearm statutes, and include extreme risk protection orders as prohibitive of firearm possession within the definition.

Joint Finance: Provision not included.

2. ISSUANCE OF COUNTY DEBT TO REPLACE REVENUE LOST DUE TO DISASTER OR PUBLIC HEALTH EMERGENCY

Governor: Provide counties the authority to issue debt to replace revenue lost due to a disaster or public health emergency declared by either the Governor or the county board, following the adoption of a resolution stating that the debt is issued for that purpose. Allow that the proceeds from any bonds or notes issued under this authority could be used to fund the operating expenses of the general fund of the county or to fund the operating expenses of any special revenue fund of the county that is supported by property taxes. Require the resolution authorizing the debt to specify that the debt is being issued to replace revenues associated with a declared disaster or public health emergency and the amount of revenue lost, or expected to be lost, due to its effects. Further, require the county to submit a certified copy of the resolution to the Department of Administration (DOA). Following the receipt of such a resolution, require DOA to determine the appropriate amount of debt that the county may issue based on the resolution and all other available information. Prohibit the county from issuing debt under these provisions in an amount that would exceed the amount determined by DOA, and specify that the debt may not be issued for a term that exceeds 10 years. Authorize DOA to promulgate any administrative rules necessary to administer the requirement that it determine the appropriate amount of debt.

Joint Finance: Provision not included.

3. MUNICIPAL DEBT OBLIGATIONS -- DEPOSIT OF BOND PREMIUMS

Governor: Modify the statutes to require local governments that issue municipal obligations to establish and maintain a borrowed money fund, rather than an account, that is separate and distinct from all other funds. Specify that the fund may include a separate account for each municipal obligation issue. Require that except for monies required to be deposited to a debt service reserve fund, all proceeds of municipal obligations must be deposited into a borrowed money fund. Under current law, such proceeds are only required to be deposited to an account distinct and separate from all other funds, and not a borrowed money fund. Further, modify the current law requirement that any premium received when municipal obligations are sold above par value are to be deposited in the debt service reserve fund to instead allow that this requirement would only apply to the extent that the requirement is included in the resolution authorizing the municipal obligations. Therefore, unless it is specified in the authorizing resolution that bond premiums be deposited to debt service fund, this provision would specify that such premiums be deposited to the borrowed money fund to be used to fund improvements or other purposes for which the bonds were issued rather than having to be used to pay debt service as required under current law. This would provide additional flexibility to local governments regarding the use of municipal bond premiums.

Joint Finance: Provision not included.

4. PROVISION AND FUNDING OF EMERGENCY MEDICAL SERVICES BY TOWNS

Governor: Provide town boards the authority to contract for or maintain emergency medical services for the town. Specify that if the town board contracts for emergency medical services, the board may contract with more than one provider. Specify that for the purposes of funding emergency medical services, the board would be authorized to: (a) appropriate money; (b) charge property owners a fee for the cost of emergency medical services provided to their property, according to a written schedule established by the town board; (c) levy taxes on the entire town; or (d) levy taxes on property served by a particular source of emergency medical services, to support the source of emergency medical services.

Joint Finance: Provision not included.

5. NONCITIZEN LAW ENFORCEMENT OFFICERS

Governor: Provide a county sheriff or other appointing authority of a local law enforcement agency that provides police services the authority to appoint a noncitizen of the United States as a deputy sheriff or police officer, provided the appointee is in receipt of valid employment authorization from the federal Department of Homeland Security. Prohibit the state Law Enforcement Standards Board from creating criteria for participation in the preparatory training program that would prevent a person in receipt of a valid federal employment authorization from participation in the program.

Joint Finance: Provision not included.

6. LOCAL GOVERNMENT COMPETITIVE BID THRESHOLD

Governor: Increase the current law threshold for contracts required to be let to the lowest responsible bidder from \$25,000 to \$50,000. This provision would apply to contracts for public works entered into by non-first class cities, villages, towns, counties, technical college district boards, and federated public libraries. Specify that this provision would first apply to public contracts that are let on the effective date of the bill.

Joint Finance: Provision not included.

7. LOCAL GOVERNMENT RISK ASSESSMENT AND RESILIENCY PLANS -- CONSIDERATION OF THE EFFECTS OF CLIMATE CHANGE

Governor: Require a city, village, town, county, or regional planning commission in preparing or updating comprehensive plans to consider, to the extent possible, the effects of climate change with regard to each of the elements of the contents of a comprehensive plan.

Specify that a local health department's community health improvement plans must include consideration of the effects of climate change on community health and consideration of the

policies, plans, and programs that may assist in mitigating community health problems and health hazards.

Specify that if a city, village, town, or county develops a federal hazard mitigation plan under federal section 42 USC 5165, it would be required to consider the effects of climate change on: (a) the natural hazards, risks, and vulnerabilities of the area under the jurisdiction of the government identified in the plan; and (b) the actions that may assist in mitigating the effects of climate change on the identified hazards, risks, and vulnerabilities.

Joint Finance: Provision not included.

8. SALE OF TAX DELINQUENT REAL ESTATE TO TRIBAL GOVERNMENTS

Governor: Exempt the sale of tax delinquent real estate to or between tribal governments from the current law bid requirements for such sales, including the provision that the county on the first attempt of sale may not accept a bid that is less than the property's appraised value. Further, specify that the requirement to advertise the sale and appraised value of the tax delinquent property, acquired by the county, does not apply to the sale of such property to tribal governments. This provision would extend to federally-recognized American Indian tribes or bands the current law treatment of sales of tax delinquent real estate to or between municipal governments or to the state. (See also "Department of Natural Resource -- Forestry")

Joint Finance: Provision not included.

9. GENDER NEUTRAL STATUTORY REFERENCES

Governor: Modify current statutes by replacing all references to "husband" or "wife" with "spouse." Modify current statutes to make applicable to married persons of the same sex all provisions under current law that apply to married persons of different sexes, consistent with the U.S. Supreme Court decision *Obergefell v. Hodges*. Define "spouse" as a person who is legally married to another person of the same sex or a different sex.

Specify the ways in which married couples of the same sex may be the legal parents of a child, and with some exceptions, make current references in the statutes to "mother" and "father," and related terms, gender neutral.

Adoption. Modify current law to expressly permit same sex spouses to jointly adopt a minor child. Under current law a husband and wife may jointly adopt a minor child. Further, expressly permit a same-sex spouse of a person who is the parent of a minor child to adopt the child and become the legal parent of the spouse's child.

Artificial Insemination. Specify that a same or opposite sex spouse may consent to the artificial insemination of their spouse and upon successful insemination become the natural parent of any child conceived from the procedure. Delete the requirement that artificial insemination occur under the supervision of a physician but specify that if the procedure is not supervised by a physician the semen used must have been obtained from a sperm bank. Under current law, a same

or opposite sex spouse may consent to the artificial insemination of his or her wife, but while a husband would be considered the natural parent of any child conceived, a same sex spouse would not be automatically considered a natural parent. Further, under current law, the insemination must occur under the supervision of a licensed physician.

Marital Presumption of Paternity. Expand the legal marital presumption of paternity to become a legal marital presumption of parentage and apply that presumption to spouses of either sex. Under this provision, a person is presumed to be the natural parent of a child if he or she: (a) was married to the child's established natural parent when the child was conceived or born; or (b) married the child's established natural parent after the child was born but had a relationship with the established natural parent when the child was conceived and no person has been adjudicated to be the father and no other person is presumed to be the child's parent because he or she was married to the natural parent when the child was conceived or born. Modify the current law allowing for the rebuttal of the marital presumption of paternity, to allow a person to rebut the marital presumption of parentage by the results of a genetic test showing that the statistical probability of another person's parentage is 99.0 percent or higher. Specify that the marital presumption may be rebutted regardless of whether the presumption applies to a male or female spouse.

Voluntary Acknowledgement of Paternity. Expand voluntary paternity acknowledgements to allow for voluntary parentage acknowledgements. Permit both natural parents to sign a voluntary parentage acknowledgement and file it with the state registrar. If the state registrar receives such a statement, the two people who signed the statement are presumed to be the parents of the child. Specify that a statement acknowledging parentage that is not rescinded, in accordance with state law, conclusively establishes parentage with regard to the person who did not give birth to the child and who signed the statement. Under current law, the mother and a man may sign and file a statement acknowledging paternity in order for the man to become the presumed father of the child.

Modify current statutes by replacing a number of references to "biological parent" with the term "natural parent." Define "natural parent" to mean an individual who is the parent of a child who is not an adoptive parent, whether the parent is biologically related to the child or not. By replacing references to "biological parent" with "natural parent" additional rights are awarded to spouses who do not rebut the marital presumption of parentage, without requiring the non-biological parent to adopt the minor child. Additional rights are also awarded to non-biological parents who voluntarily acknowledge parentage. Under current law, these rights apply to parents and pertain to areas of the law including, but not limited to, education, medical information and decision-making, and parental responsibilities such as child support.

Joint Finance: Provision not included.