



1999 SENATE BILL 6

January 20, 1999 – Introduced by Senators GEORGE, BURKE, RISSER and ERPENBACH, cosponsored by Representatives BOCK, RYBA, SCHNEIDER, RILEY, MILLER, URBAN, TRAVIS and BOYLE. Referred to Committee on Judiciary and Consumer Affairs.

1 **AN ACT to renumber and amend** 175.37 (1); **to amend** 175.37 (title) and 175.37
2 (2); and **to create** 175.37 (1d) and 175.37 (1m) of the statutes; **relating to:** the
3 transfer of firearms and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law provides that various conditions, including a background check of a prospective purchaser, must be met before a federally licensed firearms dealer may transfer a handgun after a sale. Current law also requires that upon the retail sale or transfer of any firearm, the person who is selling or transferring the firearm must provide a warning to the person buying or receiving the firearm about the possible criminal penalties that may be imposed if a person leaves a loaded firearm within the reach or easy access of a child. Any person who fails to provide this warning when selling or transferring a firearm may be fined not more than \$500 or imprisoned for not more than 30 days or both.

This bill prohibits a federally licensed firearms dealer from transferring a firearm to someone other than another firearms dealer without also providing the person taking possession of the firearm with a locking device for the firearm. The bill defines “locking device” as a device that is installed on or incorporated into the design of a firearm, that is secured by a means of a key or combination lock and that prevents discharge of the firearm unless it is removed, unlocked or deactivated. A person who violates the prohibition on transferring a firearm without a locking device may be fined not more than \$500 or imprisoned for not more than 30 days or both.

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The bill also expands the language that must be included in the warning required under current law when a firearm is sold or transferred. Under the bill, the warning must also state that the use of a locking device is only one aspect of responsible firearm storage and that firearms should be stored unloaded and locked in a place that is inaccessible to children and separate from ammunition for the firearm.

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

1 **SECTION 1.** 175.37 (title) of the statutes is amended to read:

2 **175.37** (title) ~~Warning whenever~~ **Locking device and warning required**
3 **when transferring a firearm.**

4 **SECTION 2.** 175.37 (1) of the statutes is renumbered 175.37 (1s) and amended
5 to read:

6 **175.37 (1s)** WARNING UPON TRANSFER OF FIREARM. Upon the retail commercial
7 sale or retail commercial transfer of any firearm, the seller or transferor shall
8 provide to the buyer or transferee the following written warning in block letters not
9 less than one-fourth inch in height: **“THE USE OF A LOCKING DEVICE OR**
10 **SAFETY LOCK IS ONLY ONE ASPECT OF RESPONSIBLE FIREARM STORAGE.**
11 **FIREARMS SHOULD BE STORED UNLOADED AND LOCKED IN A LOCATION**
12 **THAT IS BOTH SEPARATE FROM THEIR AMMUNITION AND INACCESSIBLE**
13 **TO CHILDREN. IF YOU LEAVE A LOADED FIREARM WITHIN THE REACH OR**
14 **EASY ACCESS OF A CHILD YOU MAY BE FINED OR IMPRISONED OR BOTH**
15 **IF THE CHILD IMPROPERLY DISCHARGES, POSSESSES OR EXHIBITS THE**
16 **FIREARM.”**

17 **SECTION 3.** 175.37 (1d) of the statutes is created to read:

18 **175.37 (1d)** DEFINITIONS. In this section:

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1 (a) "Firearms dealer" means any person engaged in the business of importing,
2 manufacturing or dealing in firearms and having a license as an importer,
3 manufacturer or dealer issued by the U.S. department of the treasury.

4 (b) "Locking device" means a device that is installed on or incorporated into the
5 design of a firearm, that is secured by a key or combination lock and that prevents
6 discharge of the firearm unless it is removed, unlocked or deactivated.

7 **SECTION 4.** 175.37 (1m) of the statutes is created to read:

8 175.37 (1m) LOCKING DEVICE REQUIRED FOR CERTAIN SALES OR TRANSFERS OF
9 FIREARM. (a) Except as provided in par. (b), when a firearms dealer sells or transfers
10 any firearm, the firearms dealer may not transfer possession of the firearm to
11 another person unless the firearms dealer provides the person taking possession of
12 the firearm with a locking device for that firearm.

13 (b) A firearms dealer may transfer possession of a firearm to another person
14 without providing a locking device for the firearm if the person taking possession of
15 the firearm is another firearms dealer.

16 (c) Paragraph (a) does not prohibit a firearms dealer from charging the person
17 who is buying a firearm or the person to whom a firearm is being transferred for the
18 locking device in addition to the purchase price charged for the firearm.

19 **SECTION 5.** 175.37 (2) of the statutes is amended to read:

20 175.37 (2) PENALTY. Any person who violates ~~sub. (1)~~ this section may be fined
21 not more than \$500 or imprisoned for not more than 30 days or both.

22 **SECTION 6. Initial applicability.**

23 (1) LOCKING DEVICE REQUIRED UPON TRANSFER OF FIREARM. This act first applies
24 to the transfer of a firearm that occurs on the effective date of this subsection.

25 **SECTION 7. Effective date.**

