



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-2340/2  
PJH:jld/sac/kjf

## 2015 ASSEMBLY BILL 274

June 29, 2015 – Introduced by Representatives JOHNSON, BARNES, GOYKE, SUBECK, BERCEAU, KOLSTE, GENRICH, QUINN, HESSELBEIN, YOUNG and BOWEN, cosponsored by Senator HARRIS DODD. Referred to Committee on Criminal Justice and Public Safety.

\*\*\*AUTHORS SUBJECT TO CHANGE\*\*\*

1     **AN ACT to repeal** 941.29 (2); **to amend** 813.12 (2) (c) 1., 813.122 (2) (b) 1., 813.123  
2           (5) (a) 2. a., 813.125 (4) (a) 2. a., 938.341, 941.29 (1), 941.29 (3), 941.29 (4), 971.17  
3           (1g) and 973.176 (1); and **to create** 941.29 (1) (bt) and 941.29 (1) (bx) of the  
4           statutes; **relating to:** possession of firearms by individuals who commit  
5           multiple or violent misdemeanor offenses and providing a criminal penalty.

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### *Analysis by the Legislative Reference Bureau*

Current law prohibits a person from possessing a firearm if he or she has been convicted of a felony, found not guilty of a felony by reason of mental disease or defect, or adjudicated delinquent for an act that if committed by an adult in this state would be a felony.

Under this bill, a person may not possess a firearm for ten years following his or her most recent criminal conviction if either of the following is true: the person was convicted of three or more misdemeanors within a five-year period; or the person was convicted of a violent misdemeanor. A person who violates the prohibition is guilty of a felony and is subject to a fine of up to \$25,000 or a term of imprisonment of up to ten years, or both.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 813.12 (2) (c) 1. of the statutes is amended to read:

2           813.12 (2) (c) 1. Notice of the requirements and penalties under s. 941.29 (1)  
3 (f) ~~and (2) (e)~~ and notice of any similar applicable federal laws and penalties.

4           **SECTION 2.** 813.122 (2) (b) 1. of the statutes is amended to read:

5           813.122 (2) (b) 1. Notice of the requirements and penalties under s. 941.29 (1)  
6 (f) ~~and (2) (e)~~ and notice of any similar applicable federal laws and penalties.

7           **SECTION 3.** 813.123 (5) (a) 2. a. of the statutes is amended to read:

8           813.123 (5) (a) 2. a. Notice of the requirements and penalties under s. 941.29  
9 (1) (g) ~~and (2) (d)~~ and notice of any similar applicable federal laws and penalties.

10          **SECTION 4.** 813.125 (4) (a) 2. a. of the statutes is amended to read:

11          813.125 (4) (a) 2. a. Notice of the requirements and penalties under s. 941.29  
12 (1) (g) ~~and (2) (d)~~ and notice of any similar applicable federal laws and penalties.

13          **SECTION 5.** 938.341 of the statutes is amended to read:

14          **938.341 Delinquency adjudication; restriction on firearm possession.**

15          Whenever a court adjudicates a juvenile delinquent for an act that if committed by  
16          an adult in this state would be a felony, or would be a misdemeanor that would  
17          subject the defendant to the prohibition under s. 941.29 (1) (bt), the court shall  
18          inform the juvenile of the requirements and penalties under s. 941.29.

19          **SECTION 6.** 941.29 (1) of the statutes is amended to read:

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1           941.29 (1) A person is subject to the requirements and penalties of this section  
2 if he or she has been who possesses a firearm is guilty of a Class G felony if any of  
3 the following applies:

4           (a) ~~Convicted~~ The person has been convicted of a felony in this state.

5           (b) ~~Convicted~~ The person has been convicted of a crime elsewhere that would  
6 be a felony if committed in this state.

7           (bm) ~~Adjudicated~~ The person has been adjudicated delinquent for an act  
8 committed on or after April 21, 1994, that if committed by an adult in this state would  
9 be a felony.

10          (c) ~~Found~~ The person has been found not guilty of a felony in this state by reason  
11 of mental disease or defect.

12          (d) ~~Found~~ The person has been found not guilty of or not responsible for a crime  
13 elsewhere that would be a felony in this state by reason of insanity or mental disease,  
14 defect or illness.

15          (e) ~~Committed~~ The person has been committed for treatment under s. 51.20 (13)  
16 (a) and ~~ordered~~ is subject to an order not to possess a firearm under s. 51.20 (13) (cv)  
17 1., 2007 stats.

18          (em) ~~Ordered~~ The person is subject to an order not to possess a firearm under  
19 s. 51.20 (13) (cv) 1., 51.45 (13) (i) 1., 54.10 (3) (f) 1., or 55.12 (10) (a).

20          (f) ~~Enjoined under~~ The person is subject to an injunction issued under s. 813.12  
21 or 813.122 or under a tribal injunction, as defined in s. 813.12 (1) (e), issued by a court  
22 established by any federally recognized Wisconsin Indian tribe or band, except the  
23 Menominee Indian tribe of Wisconsin, that includes notice to the respondent that he  
24 or she is subject to the requirements and penalties under this section and that has  
25 been filed under s. 806.247 (3).

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1 (g) ~~Ordered~~ The person is subject to an order not to possess a firearm under s.  
2 813.123 (5m) or 813.125 (4m).

3 **SECTION 7.** 941.29 (1) (bt) of the statutes is created to read:

4 941.29 (1) (bt) The person has been convicted of a misdemeanor under s.  
5 813.12, 813.122, 813.125, 940.19 (1), 940.195, 940.42, 940.44, 941.20 (1), 941.235,  
6 941.26, 941.38 (3), 941.39, 947.013, 948.55, 951.02, 951.08, 951.09, or 951.095 and  
7 not more than 10 years have passed since the date of his or her most recent  
8 conviction.

9 **SECTION 8.** 941.29 (1) (bx) of the statutes is created to read:

10 941.29 (1) (bx) The person has been convicted of 3 or more misdemeanors  
11 arising from separate occurrences within a 5-year period and not more than 10 years  
12 have passed since the date of his or her most recent conviction.

13 **SECTION 9.** 941.29 (2) of the statutes is repealed.

14 **SECTION 10.** 941.29 (3) of the statutes is amended to read:

15 941.29 (3) Any firearm involved in an offense under ~~sub. (2)~~ this section is  
16 subject to s. 968.20 (3).

17 **SECTION 11.** 941.29 (4) of the statutes is amended to read:

18 941.29 (4) A person is concerned with the commission of a crime, as specified  
19 in s. 939.05 (2) (b), in violation of this section if he or she knowingly furnishes a person  
20 with a firearm in violation of ~~sub. (2)~~ this section.

21 **SECTION 12.** 971.17 (1g) of the statutes is amended to read:

22 971.17 (1g) NOTICE OF RESTRICTION ON FIREARM POSSESSION. If the defendant  
23 under sub. (1) is found not guilty of a felony, or a misdemeanor that would subject  
24 the defendant to the prohibition under s. 941.29 (1) (bt), by reason of mental disease

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1 or defect, the court shall inform the defendant of the requirements and penalties  
2 under s. 941.29.

3 **SECTION 13.** 973.176 (1) of the statutes is amended to read:

4 973.176 (1) FIREARM POSSESSION. Whenever a court imposes a sentence or  
5 places a defendant on probation regarding a felony conviction, or regarding a  
6 misdemeanor conviction if the conviction would subject the defendant to the  
7 prohibition under s. 941.29 (1) (bt), the court shall inform the defendant of the  
8 requirements and penalties under s. 941.29.

9 (END)