



2023 ASSEMBLY BILL 764

December 6, 2023 - Introduced by Representatives SUBECK, SINICKI, J. ANDERSON, ANDRACA, EMERSON, CONLEY, CONSIDINE, BARE, CABRERA, JACOBSON, JOERS, OHNSTAD, PALMERI, RATCLIFF, SHELTON, STUBBS and HAYWOOD, cosponsored by Senators TAYLOR, LARSON, HESSELBEIN and L. JOHNSON. Referred to Committee on Criminal Justice and Public Safety.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT to amend** 165.83 (2) (d), 175.37 (title) and 175.37 (2); and **to create**
2 165.83 (2) (dd), 175.36 and 175.37 (1m) of the statutes; **relating to:** a
3 requirement to report lost or stolen firearms and providing a penalty.

Analysis by the Legislative Reference Bureau

Under this bill, a person who owns a firearm that is stolen or missing must report the theft or loss to a law enforcement agency within 24 hours of discovering the theft or loss. A person who violates this requirement is guilty of a Class A misdemeanor for a first offense and guilty of a Class I felony for a subsequent offense. A person who falsely reports a stolen or lost firearm is guilty of the current-law crime of obstructing an officer and is subject to a fine of up to \$10,000 or a sentence of imprisonment of up to nine months, or both.

This bill also requires a person who commercially sells or transfers a firearm to provide the purchaser or transferee a written notice of the requirement, created in this bill, to report a theft or loss of a firearm within 24 hours of discovering it. A seller or transferor who violates this requirement is subject to a fine of up to \$500 or imprisonment for up to 30 days, or both.

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.

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

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

1 **SECTION 1.** 165.83 (2) (d) of the statutes is amended to read:

2 165.83 (2) (d) ~~Obtain~~ Except as provided in par. (dd), obtain and file
3 information relating to identifiable stolen or lost property.

4 **SECTION 2.** 165.83 (2) (dd) of the statutes is created to read:

5 165.83 (2) (dd) 1. If a law enforcement agency forwards a file under s. 175.36
6 (2) (a) 2. to the department, enter the information into the national crime
7 information center systems and put the file in a database that is created for stolen
8 or lost firearms and make the database available to law enforcement agencies for the
9 purpose of locating and identifying stolen or lost firearms and identifying violators
10 of s. 175.36 (1).

11 2. If a law enforcement agency notifies the department under s. 175.36 (2) (b)
12 that a stolen or lost firearm has been recovered, enter that information into the
13 national crime information center systems and add to the database a notation that
14 the firearm has been recovered and the date on which it was recovered.

15 **SECTION 3.** 175.36 of the statutes is created to read:

16 **175.36 Reporting stolen or lost firearm.** (1) (a) A person who owns a
17 firearm and who discovers that the firearm is stolen or lost shall, within 24 hours of
18 the discovery, report the theft or loss to a law enforcement agency that has
19 jurisdiction over the area in which the firearm was stolen or lost.

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1 (b) If a person who has reported a theft or loss under par. (a) recovers the
2 firearm, the person shall report as soon as practicable to a law enforcement agency
3 the date on which the firearm was recovered.

4 (2) (a) A law enforcement agency that receives under sub. (1) (a) a report of a
5 stolen or lost firearm shall do all of the following:

6 1. Create a file that includes, if known, the date on which the firearm was stolen
7 or lost; the caliber, make, and model of the firearm; the serial number of the firearm;
8 any distinguishing mark on the firearm; and the location at which the firearm was
9 purchased by, or transferred to, the person making the report under sub. (1) (a).

10 2. As soon as practicable, forward a copy of the file created under subd. 1. to the
11 department of justice for inclusion in a database under s. 165.83 (2) (dd).

12 (b) A law enforcement agency that receives under sub. (1) (b) a report of a
13 recovered firearm shall report to the department of justice the date on which the
14 firearm was recovered.

15 (3) A person who reports under sub. (1) (a) a stolen or lost firearm, when he or
16 she knows that the report is false, is guilty of violating s. 946.41.

17 (4) A person who violates sub. (1) (a) is guilty of one of the following:

18 (a) For a first offense, a Class A misdemeanor.

19 (b) For a 2nd or subsequent offense, a Class I felony.

20 **SECTION 4.** 175.37 (title) of the statutes is amended to read:

21 **175.37 (title) Warning Requirements whenever transferring a firearm.**

22 **SECTION 5.** 175.37 (1m) of the statutes is created to read:

23 175.37 (1m) Upon the retail commercial sale or transfer of a firearm, the seller
24 or transferor shall provide to the buyer or transferee a written notice of the
25 requirements under s. 175.36 (1) and of the penalties under s. 175.36 (4).

