



State of Wisconsin
2025 - 2026 LEGISLATURE

LRB-3494/1

CMH:cdc

2025 SENATE BILL 368

July 9, 2025 - Introduced by Senators LARSON, CARPENTER, HESSELBEIN, RATCLIFF, ROYS and SMITH, cosponsored by Representatives SUBECK, FITZGERALD, ANDERSON, ANDRACA, ARNEY, BARE, BROWN, CRUZ, DESMIDT, GOODWIN, HAYWOOD, JOERS, JOHNSON, MAYADEV, NEUBAUER, ORTIZ-VELEZ, PALMERI, PRADO, ROE, SINICKI, STROUD, STUBBS, TENORIO, UDELL and VINING. Referred to Committee on Licensing, Regulatory Reform, State and Federal Affairs.

1 **AN ACT** *to amend* 968.02 (4) and 968.07 (3); *to repeal and recreate* 948.55 of
2 the statutes; **relating to:** storage of a firearm in a residence if child is present
3 and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill prohibits a person from storing or leaving a firearm at his or her residence if the person resides with a child who is under the age of 18, or knows a child who is under the age of 18 will be present in the residence, unless the firearm is in a securely locked box or container or other secure locked location or has a trigger lock engaged. A person who violates this prohibition is guilty of a Class A misdemeanor for a first offense and a Class I felony for a subsequent offense. This prohibition replaces the current law that penalizes a person who recklessly stores or leaves a loaded firearm within reach of a child who is under 14 if the child obtains it and does one of the following: 1) discharges the firearm and causes bodily harm or death (Class A misdemeanor); or 2) possesses or exhibits the firearm in a public place or endangers public safety (Class C misdemeanor).

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.

SENATE BILL 368**SECTION 1**

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

SECTION 1. 948.55 of the statutes is repealed and recreated to read:

948.55 Storage of firearm if children present. (1) Whoever resides with a child, or knows a child will be present in his or her residence, may not store or leave a firearm at his or her residence unless the firearm is in a securely locked box or container or in a locked location that a reasonable person would believe to be secure or unless a trigger lock is engaged on the firearm. This prohibition does not apply to a person who is going armed with the firearm.

(2) A person who violates sub. (1) is guilty of the following:

(a) For a first violation, a Class A misdemeanor.

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

SECTION 2. 968.02 (4) of the statutes is amended to read:

968.02 (4) If the alleged violator under s. 948.55 ~~(2)~~ or 948.60 (2) (c) is or was the parent or guardian of a child who is injured or dies as a result of an accidental shooting, the district attorney may consider, among other factors, the impact of the injury or death on the alleged violator when deciding whether to issue a complaint regarding the alleged violation. This subsection does not restrict the factors that a district attorney may consider in deciding whether to issue a complaint regarding any alleged violation.

SECTION 3. 968.07 (3) of the statutes is amended to read:

968.07 (3) If the alleged violator under s. 948.55 ~~(2)~~ or 948.60 (2) (c) is or was the parent or guardian of a child who is injured or dies as a result of an accidental

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SECTION 3

1 shooting, no law enforcement officer may arrest the alleged violator until at least 7
2 days after the date of the shooting.

3 (END)