



2015 ASSEMBLY BILL 960

February 29, 2016 – Introduced by Representatives SARGENT, JOHNSON, KESSLER, SINICKI, SUBECK, GOYKE and BERCEAU, cosponsored by Senators HARRIS DODD and C. LARSON. Referred to Committee on Criminal Justice and Public Safety.

1 **AN ACT** *to amend* chapter 77 (title); and *to create* 20.455 (2) (gs), subchapter
2 XIII (title) of chapter 77 [precedes 77.997], 77.997 and 165.985 of the statutes;
3 **relating to:** grants for firearm buyback programs and making an
4 appropriation.

Analysis by the Legislative Reference Bureau

This bill sets up a program administered by the Department of Justice to provide grants to law enforcement agencies that implement a firearm buyback program that meets certain criteria. The grant program is funded by a fee imposed by the Department of Revenue on sales of firearms and ammunition between July 1, 2017, and June 30, 2019. The fee is 20 percent of the purchase price of each firearm and bullet sold.

For further information see the *state* 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:

5 **SECTION 1.** 20.455 (2) (gs) of the statutes is created to read:

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1 (b) "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 federal government.

4 (2) (a) A firearms dealer shall pay to the department a fee that is equal to 20
5 percent of the purchase price for each firearm sold at retail between July 1, 2017, and
6 June 30, 2019.

7 (b) A person who sells ammunition for firearms shall pay to the department a
8 fee that is equal to 20 percent of the purchase price for each bullet sold at retail
9 between July 1, 2017, and June 30, 2019.

10 (3) The department shall deposit all of the fees that it collects under sub. (2)
11 into the appropriation account under s. 20.455 (2) (gs).

12 (4) The department shall administer the fee under this section and may take
13 any action, conduct any proceeding, and impose interest and penalties.

14 (5) Sections 77.51 (3r), (12m), (14), (14g), (15a), and (15b), 77.52 (1b), (3), (5),
15 (13), (14), (18), and (19), 77.522, 77.58 (1) to (5), (6m), and (7), 77.585, 77.59, 77.60,
16 77.61 (2), (3m), (5), (6), (8), (9), (12) to (15), and (19m), and 77.62, as they apply to the
17 taxes under subch. III, apply to the fee under this section.

18 (6) Persons who are subject to the fee under this section shall register with the
19 department. Any person who is required to register; including any person
20 authorized to act on behalf of a corporation, partnership, or other person who is
21 required to register; who fails to do so is guilty of a misdemeanor.

22 **SECTION 5.** 165.985 of the statutes is created to read:

23 **165.985 Firearm buyback grant program.** (1) The department of justice
24 shall provide grants in the 2017-18 fiscal biennium from the appropriation account

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1 under s. 20.455 (2) (gs) to law enforcement agencies that implement a firearm
2 buyback program in their jurisdictions.

3 (2) A law enforcement agency is eligible for a grant under this section if the law
4 enforcement agency does all of the following:

5 (a) Proposes and administers a plan to adequately advertise the firearm
6 buyback program.

7 (b) Proposes and administers a plan that has law enforcement personnel
8 administering the program.

9 (c) Keeps any firearms received in the possession of the law enforcement agency
10 until the firearm is destroyed or, if working with the state historical society regarding
11 a historical firearm, is transferred to the state historical society for preservation.

12 (d) Establishes and follows adequate safeguards to prevent fraud in the
13 program.

14 (e) Establishes and follows a process for testing on site a firearm received before
15 providing payment to an individual for the firearm.

16 (f) Allows individuals to submit unused ammunition for buyback.

17 (g) If the law enforcement agency provides payment for the firearm or
18 ammunition in the form of a gift card or certificate, ensures the gift card or certificate
19 cannot be redeemed for a firearm or ammunition, either because the establishment
20 at which the card or certificate is redeemable does not sell firearms or ammunition
21 or because a condition of the card or certificate is that it not be redeemed for a firearm
22 or ammunition.

23 (3) (a) A law enforcement agency applying to the department of justice for a
24 grant under this section shall include a proposed plan that complies with the
25 requirements under sub. (2).

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1 (b) 1. A law enforcement agency that receives a grant under this section shall
2 submit a report to the department of justice, first within 90 days after receiving the
3 grant and then every 90 days thereafter until the program is concluded, that includes
4 all of the following:

5 a. The number and types of firearms received and destroyed through the
6 program for that reporting period.

7 b. The amount and type of ammunition received through the program for that
8 reporting period.

9 c. Any recommendations for improving firearm buyback programs.

10 2. Within 90 days of the conclusion of the program, the law enforcement agency
11 shall submit to the department of justice a final report under subd. 1. that includes
12 all information contained in any previous report.

13 (4) By July 1, 2018, the department of justice shall submit a report to the chief
14 clerk of each house of the legislature for distribution to the legislature under s.
15 13.172 (2) that provides all of the following information:

16 (a) The number of law enforcement agencies that received a grant under this
17 section.

18 (b) The number of firearms received through each firearm buyback program
19 and the total number of firearms received through all programs.

20 (c) The amount and type of ammunition received through each firearm buyback
21 program and the total amount of ammunition received through all programs.

22 (d) Recommendations on improving firearm buyback programs and the
23 administration of grants under this section.

24 (END)