



2019 ASSEMBLY BILL 507

October 7, 2019 - Introduced by Representatives SUBECK, HEBL, ZAMARRIPA, ANDERSON, EMERSON, OHNSTAD, SARGENT, SINICKI, VRUWINK and C. TAYLOR, cosponsored by Senators RISSER and LARSON. Referred to Committee on Criminal Justice and Public Safety.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT to renumber** 941.29 (1g) (a); **to amend** 165.845 (2); and **to create** 165.63
2 (2) (c), 165.845 (1m), 175.35 (2g) (d) 3., 941.29 (1g) (ad) and 941.29 (1m) (h) of
3 the statutes; **relating to:** prohibiting a fugitive from justice from possessing a
4 firearm and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from possessing a firearm if the person has been convicted of a felony, is subject to certain injunctions such as a domestic abuse injunction, or is subject to involuntary commitment for mental health treatment and ordered not to possess a firearm. This bill adds that a person who is a fugitive from justice is prohibited from possessing a firearm. This bill defines “fugitive from justice” as someone who, after having committed a criminal offense, leaves the jurisdiction of the court where such crime has taken place or hides within such jurisdiction to escape prosecution. A person who violates the prohibition is guilty of a Class G felony.

This bill also requires that the Department of Justice collect information identifying persons who are fugitives from justice. DOJ must then convey that information to the national instant criminal background check system for the purpose of handgun and concealed carry licenses background checks and respond to inquiries from law enforcement and courts regarding whether a person is prohibited from possessing a firearm.

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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.

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

1 **SECTION 1.** 165.63 (2) (c) of the statutes is created to read:

2 165.63 **(2)** (c) Individuals who may not possess a firearm under s. 941.29 (1m)
3 (h).

4 **SECTION 2.** 165.845 (1m) of the statutes is created to read:

5 165.845 **(1m)** The department of justice shall:

6 (a) Collect information identifying individuals who are fugitives from justice,
7 as defined in s. 941.29 (1g) (ad), to permit an accurate firearms restrictions record
8 search under s. 175.35 (2g) (c), a background check under s. 175.60 (9g) (a), or an
9 accurate response under s. 165.63.

10 (b) Furnish all persons who can provide information under par. (a) with forms
11 or instructions that specify the nature of the information required under par. (a), the
12 time it is to be provided, and any other matters that facilitate collection and
13 identification.

14 **SECTION 3.** 165.845 (2) of the statutes is amended to read:

15 165.845 **(2)** All persons in charge of law enforcement agencies and other
16 criminal and juvenile justice system agencies shall supply the department of justice
17 with the information described in ~~sub.~~ subs. (1) (a) and (1m) (a) on the basis of the
18 forms or instructions or both to be supplied by the department ~~under sub. (1) (a)~~. The
19 department may conduct an audit to determine the accuracy of the data and other

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1 information it receives from law enforcement agencies and other criminal and
2 juvenile justice system agencies.

3 **SECTION 4.** 175.35 (2g) (d) 3. of the statutes is created to read:

4 175.35 **(2g)** (d) 3. The department of justice shall promulgate rules to convey
5 information in a timely manner to the national instant criminal background check
6 system regarding individuals who may not possess a firearm under s. 941.29 (1m)
7 (h).

8 **SECTION 5.** 941.29 (1g) (a) of the statutes is renumbered 941.29 (1g) (aw).

9 **SECTION 6.** 941.29 (1g) (ad) of the statutes is created to read:

10 941.29 **(1g)** (ad) "Fugitive from justice" means an individual who, after having
11 committed a criminal offense, leaves the jurisdiction of the court where such crime
12 has taken place or hides within such jurisdiction to escape prosecution.

13 **SECTION 7.** 941.29 (1m) (h) of the statutes is created to read:

14 941.29 **(1m)** (h) The person is a fugitive from justice.

15 (END)