



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-5667/1
CMH:ahe

2017 SENATE BILL 881

March 22, 2018 - Introduced by Senators JOHNSON, LARSON, RISSER and MILLER, cosponsored by Representatives BOWEN, C. TAYLOR, SINICKI, BERCEAU, BERNIER, HEBL, SARGENT, ZEPNICK, ANDERSON, SUBECK and SPREITZER. Referred to Committee on Insurance, Financial Services, Constitution and Federalism.

1 **AN ACT** *to amend* 938.341, 971.17 (1g) and 973.176 (1); and *to create* 941.29
2 (1m) (bt), (bu) and (bv) of the statutes; **relating to:** possession of firearms by
3 individuals who commit violent misdemeanors and providing criminal
4 penalties.

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. A person who violates the prohibition is guilty of a Class G felony.

This bill adds that a person may not possess a firearm if the person was convicted of a violent misdemeanor, found not guilty of a violent misdemeanor by reason of mental disease or defect, or adjudicated delinquent for an act that if committed by adult in this state would be a violent misdemeanor. The prohibition would be for ten years following the most recent conviction, finding, or adjudication.

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

5 **SECTION 1.** 938.341 of the statutes is amended to read:

SENATE BILL 881**SECTION 1****1 938.341 Delinquency adjudication; restriction on firearm possession.**

2 Whenever a court adjudicates a juvenile delinquent for an act that if committed by
3 an adult in this state would be a felony or a violent misdemeanor, as defined in s.
4 941.29 (1g) (b), the court shall inform the juvenile of the requirements and penalties
5 under s. 941.29.

6 **SECTION 2.** 941.29 (1m) (bt), (bu) and (bv) of the statutes are created to read:

7 941.29 **(1m)** (bt) The person has been convicted in this state of a violent
8 misdemeanor and not more than 10 years have passed since the date of his or her
9 most recent conviction.

10 (bu) The person has been found not guilty of a violent misdemeanor in this state
11 by reason of mental disease or defect and not more than 10 years have passed since
12 the date of his or her most recent finding.

13 (bv) The person has been adjudicated delinquent in this state for an act
14 committed on or after the effective date of this paragraph ... [LRB inserts date], that
15 if committed by an adult in this state would be a violent misdemeanor if not more
16 than 10 years have passed since the date of his or her most recent adjudication.

17 **SECTION 3.** 971.17 (1g) of the statutes is amended to read:

18 971.17 **(1g)** NOTICE OF RESTRICTION ON FIREARM POSSESSION. If the defendant
19 under sub. (1) is found not guilty of a felony or of a violent misdemeanor, as defined
20 in s. 941.29 (1g) (b), by reason of mental disease or defect, the court shall inform the
21 defendant of the requirements and penalties under s. 941.29.

22 **SECTION 4.** 973.176 (1) of the statutes is amended to read:

23 973.176 **(1)** FIREARM POSSESSION. Whenever a court imposes a sentence or
24 places a defendant on probation regarding a felony conviction or a conviction for a
25 violent misdemeanor, as defined in s. 941.29 (1g) (b), the court shall inform the

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1 defendant of the requirements and penalties applicable to him or her under s. 941.29

2 (1m) or (4m).

3 (END)