



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-6184/1
EW/MJ/CH/TD:all

2021 SENATE BILL 1091

March 10, 2022 - Introduced by Senators ROYS, AGARD, CARPENTER, LARSON and RINGHAND, cosponsored by Representatives MCGUIRE, STUBBS, ANDERSON, ANDRACA, CONLEY, CONSIDINE, DOYLE, EMERSON, HEBL, HESSELBEIN, HINTZ, OHNSTAD, RIEMER, S. RODRIGUEZ, SHELTON, SINICKI, SNODGRASS, SUBECK and VRUWINK. Referred to Committee on Judiciary and Public Safety.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to repeal* 20.455 (2) (cs), 20.455 (2) (ct), 20.455 (2) (dm), 165.95 (3) (a),
2 165.95 (5m), 175.35 (1) (b), 939.74 (2d) (c), 939.74 (2d) (e), 940.201 (title) and
3 (1), 940.42, 940.45 (title), 946.60 and 946.61; *to renumber* 175.35 (2) (a), (b),
4 (c) and (d) and 175.35 (2j); *to renumber and amend* 165.95 (3) (i), 165.95 (5)
5 (a), 165.95 (5) (b), 175.35 (2) (intro.), 175.35 (2i), 940.20 (3) (title), 940.20 (3),
6 940.201 (2), 940.43, 940.44, 940.45, 941.2905 (1) and 947.01 (1); *to*
7 *consolidate, renumber and amend* 940.48 (2) (intro.), (a) and (b); *to amend*
8 6.47 (1) (b), 20.455 (2) (em) (title), 20.455 (2) (gr), 46.48 (31), 46.536, 48.685 (2)
9 (bb), 48.685 (5) (bm) 4., 48.686 (1) (c) 9., 48.686 (1) (c) 12., 48.686 (2) (bb), 50.065
10 (2) (bb), 165.63 (3), 165.63 (4) (d), 165.70 (1) (b), 165.84 (7) (ab) 1., 165.84 (7) (ab)
11 2., 165.95 (title), 165.95 (2), 165.95 (2r), 165.95 (3) (b), 165.95 (3) (d), 165.95 (3)
12 (e), 165.95 (3) (g), 165.95 (3) (h), 165.95 (3) (j), 165.95 (3) (k), 165.95 (6), 165.95
13 (7), 165.95 (7m), 175.35 (title), 175.35 (1) (at), 175.35 (2g) (a), 175.35 (2g) (b) 1.,
14 175.35 (2g) (b) 2., 175.35 (2k) (ar) 2., 175.35 (2k) (c) 2. a., 175.35 (2k) (c) 2. b.,

SENATE BILL 1091

1 175.35 (2k) (g), 175.35 (2k) (h), 175.35 (2L), 175.35 (2t) (a), (b) and (c), 175.35
2 (3) (b) 2., 175.60 (7) (d), 175.60 (9g) (a) 2., 175.60 (11) (a) 2. f., 175.60 (15) (b) 4.
3 b., 301.048 (2) (bm) 1. a., 302.43, 767.461 (4), 801.58 (2m), 813.06, 813.126 (1),
4 813.127, 813.128 (2g) (b), 938.208 (1) (b), 938.34 (4m) (b) 2., 938.341, 939.22 (21)
5 (em), 939.22 (21) (k), 939.22 (21) (L), 939.31, 939.32 (1) (c), 939.6195 (1) (a) 1.,
6 939.632 (1) (e) 1., 939.632 (1) (e) 3., 940.03, 940.41 (intro.), 940.43 (title), 940.44
7 (title), 940.46, 940.47 (1), 940.47 (2), 940.48 (1), 940.49, 941.237 (1) (d), 941.29
8 (1g) (a), 941.29 (1g) (b), 941.29 (1m) (intro.), 941.29 (1m) (f), 941.291 (1) (b),
9 941.296 (1) (b), 941.38 (1) (b) 5m., 941.38 (1) (b) 11., 941.38 (1) (b) 12., 946.82
10 (4), 949.03 (1) (b), 961.472 (5) (b), 967.11 (1), 967.11 (2), 968.075 (1) (a) (intro.),
11 968.20 (3) (b), 968.26 (1b) (a) 2. a., 969.08 (10) (b), 971.17 (1g), 971.37 (1m) (a)
12 2., 973.055 (1) (a) 1., 973.123 (1), 973.155 (1m) and 973.176 (1); **to repeal and**
13 **recreate** 946.65; and **to create** 20.455 (2) (cs), 20.455 (2) (ct), 20.455 (2) (dm),
14 20.455 (5) (dm), 165.73, 165.95 (1) (ac), 165.95 (3) (ag), 165.95 (3) (bd), 165.95
15 (3) (cm) 2., 175.33, 175.35 (1) (br), 175.35 (2) (bm), 175.35 (2) (cm) (intro.), 175.35
16 (2i) (b) 2., 175.35 (2j) (b), 175.35 (2k) (cm), 175.35 (2k) (gm), 801.50 (5sb),
17 813.124, 939.74 (2d) (b), 940.202 (1) and (3), 940.41 (1d), 940.43 (1m), 941.29
18 (1m) (dm), (dn) and (do), 941.2905 (1) (b), 941.293, 943.20 (1) (f), 947.01 (1) (a),
19 968.075 (1) (f), 969.15 and 973.017 (3) (f) of the statutes; **relating to:** firearm
20 transfers and possession, certain Department of Justice and Department of
21 Corrections programs, law enforcement and prosecution, victims and
22 witnesses, obstruction of justice, mental health and substance use services,

SENATE BILL 1091

1 hate crimes reporting portal, fraud, making an appropriation, and providing a
2 penalty.

Analysis by the Legislative Reference Bureau

FIREARM TRANSFERS AND POSSESSION

Background checks before firearms transfers

Current law provides that a federally licensed firearms dealer may not transfer a handgun after a sale until the dealer has performed a background check on the prospective transferee to determine if he or she is prohibited from possessing a firearm under state or federal law. This bill generally prohibits any person from transferring any firearm, including the frame or receiver of a firearm, unless the transfer occurs through a federally licensed firearms dealer and involves a background check of the prospective transferee. Under the bill, the following are excepted from that prohibition: a transfer to a firearms dealer or to a law enforcement or armed services agency; a transfer of a firearm classified as antique; a transfer for no more than 14 days for the purpose of hunting or target shooting that involves no more than nominal consideration; or a transfer that is by gift, bequest, or inheritance to a family member. A person who is convicted of violating the prohibition is guilty of a misdemeanor and must be fined not less than \$500 nor more than \$10,000, may be imprisoned for not more than nine months, and may not possess a firearm for a period of two years.

Law enforcement access to handgun background checks

Current law provides that a federally licensed firearms dealer may not transfer a handgun after a sale until the dealer has requested the Department of Justice to perform a background check on the prospective transferee to determine if he or she is prohibited from possessing a firearm. Current law prohibits the following persons from possessing a firearm: persons who have been convicted of a felony; persons found not guilty of a felony by reason of mental disease or defect; persons who are subject to certain injunctions such as a domestic abuse or child abuse injunction or, in certain cases, a harassment or an individuals-at-risk injunction; and persons who have been involuntarily committed for mental health treatment and ordered not to possess a firearm. Current law also prohibits a person from intentionally furnishing, purchasing, or possessing a firearm for a person who is prohibited from possessing a firearm. This practice is commonly called straw purchasing.

Under current law, DOJ must deny access to records regarding background checks; however there are exceptions. The bill creates three new exceptions. First, under current law, if the background check reveals that a prospective transferee is prohibited from possessing a firearm under state law, the attorney general may disclose to a law enforcement agency that the person attempted to purchase a handgun. The bill adds that the attorney general may make such a disclosure to law enforcement if a prospective transferee is prohibited from possessing a firearm under federal law as well as state law. Second, the bill adds that the attorney general may

SENATE BILL 1091

disclose an attempted transfer to a law enforcement agency if the circumstances surrounding the request for a background check indicate that the prospective transferee is trying to make a straw purchase of a handgun. Third, the bill specifies that DOJ may forward the final transaction status of a background check to the National Instant Criminal Background Check System, commonly referred to as NICS, as provided under federal law.

Extreme risk protection order

Under current law, a person is prohibited from possessing a firearm, and must surrender all firearms, if the person is subject to a domestic abuse injunction, a child abuse injunction, or, in certain cases, a harassment or an individuals-at-risk injunction. If a person surrenders a firearm because the person is subject to one of those injunctions, the firearm may not be returned to the person until a court determines that the injunction has been vacated or has expired and that the person is not otherwise prohibited from possessing a firearm. A person who is prohibited from possessing a firearm under such an injunction is guilty of a Class G felony for violating the prohibition.

The bill creates an extreme risk protection temporary restraining order and injunction to prohibit a person from possessing a firearm. Under the bill, either a law enforcement officer or a family or household member of the person may file a petition with a court to request an extreme risk protection injunction. The petition must allege facts that show that the person is substantially likely to injure himself or herself or another if the person possesses a firearm.

Under the bill, the petitioner may request the court to consider first granting a temporary restraining order. If the petitioner does request a TRO, the petitioner must include evidence that there is an immediate and present danger that the person may injure himself or herself or another if the person possesses a firearm and that waiting for the injunction hearing may increase the immediate and present danger.

If the petitioner requests a TRO, the court must hear the petition in an expedited manner. The judge must issue a TRO if, after questioning the petitioner and witnesses or relying on affidavits, the judge determines that it is substantially likely that the petition for an injunction will be granted and the judge finds good cause to believe there is an immediate and present danger that the person will injure himself or herself or another if the person has a firearm and that waiting for the injunction hearing may increase the immediate and present danger. If the judge issues a TRO, the TRO is in effect until the injunction hearing, which must occur within 14 days of the TRO issuance. The TRO must require a law enforcement officer to personally serve the person with the order and to require the person to immediately surrender all firearms in his or her possession. If a law enforcement officer is unable to personally serve the person, then the TRO requires the person to surrender within 24 hours all firearms to a law enforcement officer or a firearms dealer and to provide the court a receipt indicating the surrender occurred.

At the injunction hearing, the court may grant an extreme risk protection injunction ordering the person to refrain from possessing a firearm and, if the person was not subject to a TRO, to surrender all firearms he or she possesses if the court finds by clear and convincing evidence that the person is substantially likely to injure

SENATE BILL 1091

himself or herself or another if the person possesses a firearm. An extreme risk protection injunction is effective for up to one year and may be renewed. A person who is subject to an extreme risk protection injunction may petition to vacate the injunction. If a person surrenders a firearm because the person is subject to an extreme risk protection TRO or injunction, the firearm may not be returned to the person until a court determines that the TRO has expired or the injunction has been vacated or has expired and that the person is not otherwise prohibited from possessing a firearm.

A person who possesses a firearm while subject to an extreme risk protection TRO or injunction is guilty of a Class G felony. In addition, a person who files a petition for an extreme risk protection injunction, knowing the information in the petition to be false, is guilty of the crime of false swearing, a Class H felony.

Misdemeanor crimes of domestic violence as a firearms disqualifier

Under federal law, a person is prohibited from possessing a firearm if he or she has been convicted of a misdemeanor crime of domestic violence. Under state law, a person who is prohibited from possessing a firearm under federal or state law also may not purchase a firearm or be issued a license to carry a concealed weapon. State law requires DOJ, before approving a handgun purchase or issuing a license, to conduct a background check to determine if the person is prohibited from possessing a firearm. To determine if the person is prohibited under federal law, DOJ must review court records of all of the person's criminal convictions to identify if any conviction is for a misdemeanor crime of domestic violence. DOJ must determine if the relationship between the offender and the victim qualifies as a domestic relationship and if the offender engaged in violent conduct when committing the crime. The bill reorganizes two statutes—the crime of disorderly conduct and the definition of domestic abuse—so that DOJ is able to more easily determine if a conviction qualifies as a misdemeanor crime of domestic violence.

First, under current law, a person is guilty of disorderly conduct if the person engages in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct and if the conduct tends to cause or provoke a disturbance. A person who has been convicted of disorderly conduct is prohibited from possessing a firearm if the disorderly conduct was a misdemeanor crime of domestic violence—that is if the person engaged in violent conduct and if the relationship between the person and the victim was domestic. The bill reorganizes the disorderly conduct statute to separate “violent” conduct from the other types of disorderly conduct so that the court record clearly indicates that the crime was a violent crime.

Second, under current state law, “domestic abuse” is defined as certain actions taken against a victim if the victim is related to the actor, has a child in common with the actor, or currently resides or has resided with the actor. Unlike state law, federal law does not define a crime as domestic violence if the only relationship is that the victim currently resides or has resided with the actor. The bill reorganizes the statute defining domestic abuse so that a court record would indicate the exact nature of the relationship. Therefore, under the bill, the court record would indicate

SENATE BILL 1091

when a person who is guilty under state law of a crime of domestic abuse is not guilty under federal law of a misdemeanor crime of domestic violence.

Domestic violence protection orders

Under federal law, a person is prohibited from possessing a firearm if the person is subject to a court order that restrains the person from harassing, stalking, or threatening an intimate partner or the partner's child and that contains a finding that the person represents a credible threat to the safety of the partner or child or an explicit term that prohibits the person from using, attempting to use, or threatening to use physical force against the partner or child.

Under the bill, if a person is released on bail or bond and the court issues such an order, the clerk of court must send a copy of the order to the appropriate sheriff within one business day of the person's release. The sheriff must then enter the court order into the information system so that law enforcement has access to the order similar to how law enforcement has access to other orders for domestic violence, harassment, or child abuse that prohibit a person from possessing a firearm.

Prohibition on undetectable "ghost" guns

The bill prohibits the manufacture, transportation, sale, possession, and carrying of firearms that cannot be detected by metal detectors or airport x-ray machines or scanners. Federal law currently has a comparable prohibition; under the bill, the person would violate state law as well. A person who violates the state prohibition is guilty of a Class G felony.

The bill also prohibits the sale, posting, provision, or possession of plans for manufacturing an undetectable firearm. A person who violates the prohibition is guilty of a Class H felony.

Finally, the bill prohibits the possession of a frame or a receiver of a firearm that is not marked with a serial number. A person who violates the prohibition is guilty of a Class I felony.

Penalty increase for the illegal possession of a firearm or for the straw purchase of a firearm

The bill increases the penalty for the illegal possession of a firearm or for the straw purchase of a firearm. Under current law either crime is a Class G felony. The bill increases the penalty to a Class F felony for a repeat offense.

VICTIMS AND WITNESSES***Victim witness reimbursement payments***

Under current law, DOJ provides reimbursement to counties for costs incurred in providing services to victims and witnesses of crime. The bill increases funding for these reimbursements by \$3,250,000 in each fiscal year of the 2021-23 biennium.

Address confidentiality program

The bill provides new general purpose revenue funding for the address confidentiality program operated by DOJ. Under current law, DOJ's address confidentiality program, known as "Safe at Home," provides certain victims of domestic abuse with a substitute legal address that can be used for both public and private purposes so that the victim's home address can remain confidential.

SENATE BILL 1091***Intimidation of a witness or a victim***

Under current law, the crime of intimidation of a witness or a victim is a Class A misdemeanor, unless certain aggravating factors are present, in which case it is a Class H felony. The bill increases the penalty for the crime of intimidation of a witness or a victim from a Class A misdemeanor to a Class H felony and from a Class H felony to a Class G felony if the aggravating factors are present.

Victim services

The bill provides an additional \$10,000,000 in the 2021-23 biennium for victim services provided by DOJ across the state.

LAW ENFORCEMENT RECRUITMENT, RETENTION, AND TRAINING***Reimbursement for law enforcement specialized training***

Under current law, the Law Enforcement Standards Board reimburses political subdivisions for certain expenses associated with certification training for law enforcement officers. Under current law, these reimbursements are funded from a combination of GPR and penalty surcharges on court fines and forfeitures. The bill increases GPR funding for law enforcement certification training reimbursements by \$1,000,000 GPR in each fiscal year.

Law enforcement officer recruitment, retention, and wellness grants

The bill requires DOJ to provide \$10,000,000 in grants in the 2021-23 fiscal biennium for programs designed to recruit and retain law enforcement officers and to promote officer wellness.

OBSTRUCTING JUSTICE***Obstructing justice***

Under current law, the crime of obstructing justice is defined as knowingly giving, for consideration, false information to a judge, court reporter, bailiff, or district attorney with intent to influence that person in the performance of official functions and is a Class I felony. Under current law, it is also a Class I felony to destroy documents that are subject to subpoena, and it is a Class H felony to bribe a witness.

Under the bill, the crime of obstructing justice is redefined to include a variety of acts that interfere with a governmental or criminal investigation, including all of the following:

1. Withholding or destroying records or oral testimony with intent to obstruct a legal investigation.
2. Interfering with a legal or governmental proceeding through the use of a bribe or a threat.
3. Interfering, by threat or force, with the exercise of rights or performance of duties pursuant to a court order.
4. Obstructing or otherwise interfering with the communication to a criminal investigator of information relating to a crime.
5. Altering or destroying a record, document, or other object in order to interfere with a governmental investigation or administration of any other matter in the jurisdiction of the state government.

SENATE BILL 1091

6. Accepting a bribe to influence, obstruct, or impede a legal or governmental proceeding.

Any of these activities is a Class H felony under the bill.

Battery or threat of a juror or a family member of a juror

Under current law, the crime of battery is defined as intentionally causing another person bodily harm and is a Class A misdemeanor. Under current law, if the battery is a special circumstance battery—for example, the battery is committed against an individual because of the individual’s status as a law enforcement officer, witness in a trial, or juror—the penalty is increased to a Class H felony. Under the bill, a threat or battery against a juror or a threat or battery against a family member of a juror is also a Class H felony.

**DEPARTMENT OF JUSTICE AND DEPARTMENT OF CORRECTIONS
PROGRAMS*****Treatment alternatives and diversion grant program***

Under current law, DOJ, in collaboration with the Department of Corrections and the Department of Health Services, awards grants to counties or tribes that have established qualifying treatment alternatives and diversion (TAD) programs that offer substance abuse or mental health treatment services as alternatives to prosecution or incarceration in order to reduce recidivism, promote public safety, and reduce prison and jail populations.

Under current law, in order to qualify for a TAD grant, a county’s or tribe’s program is required to match 25 percent of the grant, and a program is required to charge participants a fee to participate. A county or tribe that receives a TAD grant must create an oversight committee to administer and evaluate its program. DOJ is required to make grants available to any county or tribe on a competitive basis every five years. At the end of the five-year grant cycle, DOJ is required to prepare a comprehensive report on the grant program based on annual reports and other data it collects from the counties and tribes.

The bill makes several changes to the TAD grant program. Under the bill, a program funded by a TAD grant need not focus solely on alcohol and other drug treatment but must employ evidence-based practices targeted to the population served by the program. The bill changes the match requirement from 25 percent to 10 percent and changes the competitive grant process to a four-year cycle. The bill allows, but does not require, an eligible program to charge participants a fee for their treatment. The bill also eliminates certain requirements pertaining to exposure of genitals during drug testing.

Under current law, when a person pleads or is found guilty of certain drug offenses, the court is required to order a substance use assessment. Under current law, the court does not have to order an assessment if the person is already covered by such an order, has recently completed an assessment under such an order, or is participating in a TAD program. The bill specifies that if a person is participating in any evidence-based substance use disorder treatment program as determined by DOJ, regardless of its status relating to the TAD program, the court does not need to order an assessment.

SENATE BILL 1091

The bill provides an additional \$15,522,000 of funding for TAD programs in the 2021-23 fiscal biennium.

Community policing and community prosecution grant program

The bill provides \$20,000,000 in grant funding in the 2021-23 fiscal biennium through DOJ to support community policing and community prosecution. In awarding the grants, DOJ may consider the use of hot-spot policing practices to address the needs of the community.

Violence prevention grants

The bill provides \$10,000,000 in grant funding in the 2021-23 fiscal biennium through DOJ for violence prevention programs. Under the bill, DOJ must consult with DHS to determine grant awards.

Becky Young recidivism reduction

The bill increases by \$5,000,000 in each fiscal year of the 2021-23 biennium the funding for community services established by the Department of Corrections that have the goals of increasing public safety, reducing the risk that offenders on community supervision will reoffend, and reducing recidivism among people who are on probation, parole, or extended supervision.

Increasing position authorizations for Department of Justice programs

The bill provides to DOJ the following position authorizations:

1. Five additional positions for the alternatives to prosecution and incarceration grant program.
2. Two additional positions for law enforcement officer training and wellness initiatives.
3. Four additional positions for law enforcement toxicology services.
4. Two new investigators in the Division of Criminal Investigation.
5. Two additional assistant attorney general positions to prosecute violent crimes.
6. Two positions for the Task Force on Missing and Murdered Indigenous Women.

The bill also converts to permanent positions 2.0 full-time GPR attorney project positions that assist the Division of Criminal Investigation in Wausau and Appleton and assist district attorneys in prosecuting drug-related offenses.

Funding and positions for the Office of School Safety

The bill provides funding and authorization for several project positions that, under current law, are funded with federal funds and are set to expire and for several new positions in the Office of School Safety in DOJ. The new positions include four resources center analyst positions for the Speak Up, Speak Out program. The bill also provides 4,160 hours of funding in the 2021-22 fiscal year and the same amount in the 2022-23 fiscal year for limited-term employees to review materials submitted by schools in accordance with 2017 Wisconsin Act 143. That act required schools to submit guidelines and procedures to address school violence, attacks, and threats, individual safety plans for each school building and facility, and blueprints of each school building and facility.

SENATE BILL 1091**MISCELLANEOUS*****Mental health and substance use services***

Currently, DHS must award crisis program enhancement grants to counties or multicounty regions to establish crisis programs to serve individuals having crises in rural areas in amounts that are half of the amount the counties or regions provide to establish or enhance the program. The bill eliminates the limitation that the grants be related to rural areas and the requirement that the county or region provide moneys itself in order to receive a grant. The bill increases the amount of funding for the program from \$250,000 per fiscal biennium of general purpose revenue to \$15,000,000 per fiscal biennium. Additionally, the bill increases general purpose revenue funding for grants for mental health and substance use services grants and programs, including peer-run respite centers and opioid and methamphetamine treatment programs.

Hate crimes reporting portal

This bill requires DOJ to develop an Internet-based reporting system and a telephone hotline for the reporting of hate crimes. Under the bill, DOJ must conduct a public education campaign on hate crimes and where to report them and must collect data relating to the reporting of hate crimes. Under the bill, DOJ is required to submit a biennial report to the legislature on the reporting of hate crimes.

Higher education and special education funding; maintenance of effort

The bill also provides additional funding for higher education and for special education aid the Department of Public Instruction pays to school districts, independent charter schools, cooperative educational service agencies, and county children with disabilities education boards, for purposes of maintaining compliance with maintenance of effort requirements of the federal Consolidated Appropriations Act and the federal American Rescue Plan Act.

Statute of limitations after discovery of DNA evidence

The bill changes the applicable time limits on prosecution when DNA evidence implicates an individual in the commission of a felony.

Under current law, prosecution for a felony generally must be commenced within six years of the commission of the felony, and prosecution of a misdemeanor must be commenced within three years of the commission of the misdemeanor. Certain crimes have a longer time limit on prosecutions, and prosecution for certain crimes may be commenced at any time.

Under current law, if, within the applicable time limit on prosecution or, if there is no time limit on prosecution, within six years of the commission of a felony, a DNA sample is collected that implicates a person in the commission of a felony, the state may commence prosecution of the person who is the source of the biological material for the felony or a crime that is related to the felony within 12 months after the DNA analysis results in a probable identification of the person or within the applicable time limit on prosecution, whichever is latest.

Under the bill, the statute of limitations is reset at the time a person is implicated in the commission of a felony by DNA evidence. Under the bill, the state may commence prosecution of the person for the felony or a crime related to the felony

SENATE BILL 1091

within the applicable statute of limitations beginning on the day that the person is implicated in the crime by DNA evidence.

Fraud scheme

The bill creates a new crime of fraud scheme. Under current law, obtaining title to property of another person by intentionally deceiving the person is a type of theft. Under current law, multiple thefts may be charged as one offense if they are part of a single deceptive scheme. The bill creates a new crime that combines these concepts for circumstances when a single deceptive scheme results in theft by fraud.

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.

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.** 6.47 (1) (b) of the statutes is amended to read:

2 6.47 (1) (b) “Offense relating to domestic abuse, sexual assault, or stalking”
3 means an offense specified in s. 940.19, 940.20 (1m), ~~940.201~~, 940.22, 940.225,
4 940.235, 940.32, 940.43 (2m) (a) to (c) or (3m), 940.44 (2m) (a) to (c), 947.013, 948.02,
5 948.025, 948.06, 948.085, 948.09, or 948.095.

6 **SECTION 2.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
7 the following amounts for the purposes indicated:

			2021-22	2022-23
8 20.455 Justice, department of				
9 (2) LAW ENFORCEMENT SERVICES				
10 (cs) Community policing and commu-				
11 nity prosecution grant program	GPR	A	10,000,000	10,000,000
12 (ct) Officer recruitment, retention,				
13 and wellness grant program	GPR	A	5,000,000	5,000,000

SENATE BILL 1091**SECTION 2**

1 (dm) Violence prevention grants GPR A 5,000,000 5,000,000

2 (5) VICTIMS AND WITNESSES

3 (dm) Address confidentiality program GPR A 180,200 180,100

4 **SECTION 3.** 20.455 (2) (cs) of the statutes is created to read:

5 20.455 (2) (cs) *Community policing and community prosecution grant program.*

6 The amounts in the schedule for the community policing and community prosecution
7 grant program under 2021 Wisconsin Act (this act), section 164 (4).

8 **SECTION 4.** 20.455 (2) (cs) of the statutes, as created by 2021 Wisconsin Act

9 (this act), is repealed.

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

11 20.455 (2) (ct) *Officer recruitment, retention, and wellness grant program.* The

12 amounts in the schedule for the officer recruitment, retention, and wellness grant
13 program under 2021 Wisconsin Act (this act), section 164 (5).

14 **SECTION 6.** 20.455 (2) (ct) of the statutes, as created by 2021 Wisconsin Act

15 (this act), is repealed.

16 **SECTION 7.** 20.455 (2) (dm) of the statutes is created to read:

17 20.455 (2) (dm) *Violence prevention grants.* The amounts in the schedule for
18 the violence prevention grant program under 2021 Wisconsin Act (this act),
19 section 164 (3).

20 **SECTION 8.** 20.455 (2) (dm) of the statutes, as created by 2021 Wisconsin Act

21 (this act), is repealed.

22 **SECTION 9.** 20.455 (2) (em) (title) of the statutes is amended to read:

23 20.455 (2) (em) (title) *Alternatives Grants for alternatives to prosecution and*
24 *incarceration for persons who use alcohol or other drugs; presentencing assessments.*

SENATE BILL 1091

1 **SECTION 10.** 20.455 (2) (gr) of the statutes is amended to read:

2 20.455 (2) (gr) *Handgun Firearm purchaser record check; checks for licenses or*
3 *certifications to carry concealed weapons.* All moneys received as fee payments under
4 ss. 175.35 (2i) (a), 175.49 (5m), and 175.60 (7) (c) and (d), (13), and (15) (b) 4. a. and
5 b. to provide services under ss. 175.35, 175.49, and 175.60.

6 **SECTION 11.** 20.455 (5) (dm) of the statutes is created to read:

7 20.455 (5) (dm) *Address confidentiality program.* The amounts in the schedule
8 for the address confidentiality program under s. 165.68.

9 **SECTION 12.** 46.48 (31) of the statutes is amended to read:

10 46.48 (31) PEER RUN RESPITE CENTERS. The department may distribute ~~not more~~
11 ~~than \$1,200,000 in each fiscal year, beginning in fiscal year 2014-15, grants~~ to
12 regional peer run respite centers for individuals with mental health and substance
13 abuse concerns.

14 **SECTION 13.** 46.536 of the statutes is amended to read:

15 **46.536 Crisis program enhancement grants.** From the appropriation
16 under s. 20.435 (5) (cf), the department shall award grants in the total amount of
17 ~~\$250,000~~ \$15,000,000 in each fiscal biennium to counties or regions comprised of
18 multiple counties to establish or enhance crisis programs to serve individuals having
19 crises in rural areas. ~~The department shall award a grant under this section in an~~
20 ~~amount equal to one-half the amount of money the county or region provides to~~
21 ~~establish or enhance crisis programs.~~

22 **SECTION 14.** 48.685 (2) (bb) of the statutes is amended to read:

23 48.685 (2) (bb) If information obtained under par. (am), (b), or (ba) indicates a
24 charge of a serious crime, but does not completely and clearly indicate the final
25 disposition of the charge, the department, county department, child welfare agency,

SENATE BILL 1091

1 or entity shall make every reasonable effort to contact the clerk of courts to determine
2 the final disposition of the charge. If a background information form under sub. (6)
3 (a) or (am) indicates a charge or a conviction of a serious crime, but information
4 obtained under par. (am), (b), or (ba) does not indicate such a charge or conviction,
5 the department, county department, child welfare agency, or entity shall make every
6 reasonable effort to contact the clerk of courts to obtain a copy of the criminal
7 complaint and the final disposition of the complaint. If information obtained under
8 par. (am), (b), or (ba), a background information form under sub. (6) (a) or (am), or
9 any other information indicates a conviction of a violation of s. 940.19 (1), 940.195,
10 940.20, 940.202, 941.30, 942.08, 947.01 (1), or 947.013 obtained not more than 5
11 years before the date on which that information was obtained, the department,
12 county department, child welfare agency, or entity shall make every reasonable
13 effort to contact the clerk of courts to obtain a copy of the criminal complaint and
14 judgment of conviction relating to that violation.

15 **SECTION 15.** 48.685 (5) (bm) 4. of the statutes is amended to read:

16 48.685 (5) (bm) 4. A violation of s. 940.19 (3), 1999 stats., or of s. 125.075 (1),
17 125.085 (3) (a) 2., 125.105 (2) (b), 125.66 (3), 125.68 (12), 940.09, 940.19 (2), (4), (5),
18 or (6), 940.20, 940.202, 940.203, 940.205, 940.207, ~~or 940.25, 940.43 (2m) (a) or (3m),~~
19 or 940.44 (2m) (a), a violation of s. 346.63 (1), (2), (5), or (6) that is a felony under s.
20 346.65 (2) (am) 4. to 7., or (f), (2j) (d), or (3m), or an offense under ch. 961 that is a
21 felony, if committed not more than 5 years before the date of the investigation under
22 sub. (2) (am).

23 **SECTION 16.** 48.686 (1) (c) 9. of the statutes is amended to read:

24 48.686 (1) (c) 9. A violation of s. 125.075 (1), 125.085 (3) (a) 2., 125.105 (2) (b),
25 125.66 (3), 125.68 (12), 940.09, 940.19 (2), (4), (5), or (6), 940.20, 940.202, 940.203,

SENATE BILL 1091

1 940.205, 940.207, 940.25, or 943.23 (1g), a violation of s. 346.63 (1), (2), (5), or (6) that
2 is a felony under s. 346.65 (2) (am) 4., 5., 6., or 7. or (f), (2j) (d), or (3m), or an offense
3 under ch. 961 that is a felony.

4 **SECTION 17.** 48.686 (1) (c) 12. of the statutes is amended to read:

5 48.686 (1) (c) 12. A violation of the laws of another state or United States
6 jurisdiction that if committed in this state would constitute felony battery under s.
7 940.19 (2), (4), (5), or (6) ~~or~~ 940.20, or 940.202, a felony offense of domestic abuse, as
8 defined in s. 813.12 (1) (am), a sex offense or a violent crime under ch. 948, or a
9 violation of s. 940.225 if the victim was a child.

10 **SECTION 18.** 48.686 (2) (bb) of the statutes is amended to read:

11 48.686 (2) (bb) If information obtained under par. (am) indicates a charge of a
12 serious crime, but does not completely and clearly indicate the final disposition of the
13 charge, the department shall make every reasonable effort to contact the clerk of
14 courts to determine the final disposition of the charge. If information submitted to
15 the department under par. (ag) indicates a charge or a conviction of a serious crime,
16 but information obtained under par. (am) does not indicate such a charge or
17 conviction, the department shall make every reasonable effort to contact the clerk
18 of courts to obtain a copy of the criminal complaint and the final disposition of the
19 complaint. If information obtained under par. (am), information submitted under
20 par. (ag), or any other information indicates a conviction of a violation of s. 940.19 (1),
21 940.195, 940.20, 940.202, 941.30, 942.08, 947.01 (1), or 947.013 obtained not more
22 than 5 years before the date on which that information was obtained, the department
23 shall make every reasonable effort to contact the clerk of courts to obtain a copy of
24 the criminal complaint and judgment of conviction relating to that violation.

25 **SECTION 19.** 50.065 (2) (bb) of the statutes is amended to read:

SENATE BILL 1091

1 50.065 (2) (bb) If information obtained under par. (am) or (b) indicates a charge
2 of a serious crime, but does not completely and clearly indicate the final disposition
3 of the charge, the department or entity shall make every reasonable effort to contact
4 the clerk of courts to determine the final disposition of the charge. If a background
5 information form under sub. (6) (a) or (am), or any disclosure made pursuant to a
6 disclosure policy described under sub. (6) (am), indicates a charge or a conviction of
7 a serious crime, but information obtained under par. (am) or (b) does not indicate
8 such a charge or conviction, the department or entity shall make every reasonable
9 effort to contact the clerk of courts to obtain a copy of the criminal complaint and the
10 final disposition of the complaint. If information obtained under par. (am) or (b), a
11 background information form under sub. (6) (a) or (am), any disclosure made
12 pursuant to a disclosure policy described under sub. (6) (am), or any other
13 information indicates a conviction of a violation of s. 940.19 (1), 940.195, 940.20,
14 940.202, 941.30, 942.08, 947.01 (1), or 947.013 obtained not more than 5 years before
15 the date on which that information was obtained, the department or entity shall
16 make every reasonable effort to contact the clerk of courts to obtain a copy of the
17 criminal complaint and judgment of conviction relating to that violation.

18 **SECTION 20.** 165.63 (3) of the statutes is amended to read:

19 165.63 (3) REQUESTS FROM COURTS. In making a determination required under
20 s. 813.124 (7) (a), 813.1285 (7) (a), or 968.20 (1m) (d) 1., a judge or court commissioner
21 shall request information under sub. (2) from the department or from a law
22 enforcement agency or law enforcement officer as provided in sub. (4) (d).

23 **SECTION 21.** 165.63 (4) (d) of the statutes is amended to read:

SENATE BILL 1091

1 165.63 (4) (d) Aid the court in making a determination required under s.
2 813.124 (7) (a), 813.1285 (7) (a), or 968.20 (1m) (d) 1. or aid an entity in making a
3 determination required under s. 968.20 (1m) (d) 2.

4 **SECTION 22.** 165.70 (1) (b) of the statutes is amended to read:

5 165.70 (1) (b) Except as provided in sub. (1m), enforce chs. 945 and 961 and ss.
6 ~~940.20 (3), 940.201, 940.202, 940.43 (3m)~~, 941.25, 941.26, 943.01 (2) (c), 943.011,
7 943.27, 943.28, 943.30, 944.30 (1m), 944.31, 944.32, 944.33, 944.34, 946.65, 947.02
8 (3) and (4), 948.075, 948.08, and 948.081.

9 **SECTION 23.** 165.73 of the statutes is created to read:

10 **165.73 Hate crimes reporting. (1)** In this section, “hate crime” means an
11 act described under s. 939.645 (1).

12 **(2)** The department of justice shall provide a publicly accessible
13 Internet-based reporting system and a telephone hotline for the reporting of hate
14 crimes. The department of justice shall ensure that the reporting system and hotline
15 do all of the following:

16 (a) Relay a report of a hate crime to the appropriate employee of the department
17 or law enforcement officer for investigation.

18 (b) Direct individuals to appropriate local support services.

19 (c) Maintain confidentiality for any personally identifiable information that an
20 individual provides through the reporting system or hotline, except as needed for
21 investigative, legal, or crime victims service purposes.

22 (d) Are staffed by individuals who are trained to be knowledgeable about
23 applicable federal, state, and local hate crime laws and law enforcement and support
24 services.

SENATE BILL 1091

1 **(3)** The department of justice shall collaborate with community organizations
2 to provide a public education campaign to raise awareness of hate crimes and to
3 promote the reporting of hate crimes using the reporting system and hotline
4 described in sub. (2).

5 **(4)** The department of justice shall collect data on hate crime reporting under
6 sub. (2).

7 **(5)** The department of justice shall, biennially, submit a report to the
8 appropriate standing committees of the legislature under s. 13.172 (3) on the
9 department's activities under this section.

10 **SECTION 24.** 165.84 (7) (ab) 1. of the statutes, as affected by 2021 Wisconsin Act
11 76, is amended to read:

12 165.84 **(7)** (ab) 1. A felony violation of s. 940.01, 940.05, 940.198 (2), 940.21,
13 940.225 (1), (2), or (3), 940.235, 940.30, 940.302 (2), 940.305, 940.31, 940.32 (2), (2e),
14 or (2m), 940.43, ~~940.45 (1m) or (2m)~~, 940.44, 941.20, 941.21, 941.327, 943.02, 943.06,
15 943.10, 943.23 (1g) or (2), 943.32, 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c) or (5)
16 (a) 1., 2., 3., or 4., 948.05, 948.051, 948.055, 948.07, 948.08, 948.085, 948.095, or
17 948.30 (2).

18 **SECTION 25.** 165.84 (7) (ab) 2. of the statutes is amended to read:

19 165.84 **(7)** (ab) 2. A felony violation of s. 940.02, 940.03, 940.06, 940.07, 940.08,
20 940.09 (1c), 940.10, 940.19 (2), (4), (5), or (6), 940.195 (2), (4), (5), or (6), 940.20,
21 ~~940.201 (2)~~ 940.202, 940.203 (2), 940.205 (2), 940.207 (2), 940.208, 940.23, 940.43
22 (3m), 941.30, or 948.03 (3) or (5) (a) 4.

23 **SECTION 26.** 165.95 (title) of the statutes is amended to read:

24 **165.95** (title) **Alternatives to prosecution and incarceration; grant**
25 **program.**

SENATE BILL 1091

1 **SECTION 27.** 165.95 (1) (ac) of the statutes is created to read:

2 165.95 (1) (ac) “Evidence-based practice” means a practice that has been
3 developed using research to determine its efficacy for achieving positive measurable
4 outcomes, including reducing recidivism and increasing public safety.

5 **SECTION 28.** 165.95 (2) of the statutes is amended to read:

6 165.95 (2) The department of justice shall make grants to counties and to tribes
7 to enable them to establish and operate programs, including suspended and deferred
8 prosecution programs and programs based on principles of restorative justice, that
9 provide alternatives to prosecution and incarceration for criminal offenders who
10 abuse alcohol or other drugs. The department of justice shall make the grants from
11 the appropriations under s. 20.455 (2) (ek), (em), (jd), (kn), and (kv). The department
12 of justice shall collaborate with the departments of corrections and health and family
13 services in establishing this grant program.

14 **SECTION 29.** 165.95 (2r) of the statutes is amended to read:

15 165.95 (2r) Any county or tribe that receives a grant under this section ~~on or~~
16 ~~after January 1, 2012,~~ shall provide matching funds that are equal to ~~25~~ 10 percent
17 of the amount of the grant.

18 **SECTION 30.** 165.95 (3) (a) of the statutes is repealed.

19 **SECTION 31.** 165.95 (3) (ag) of the statutes is created to read:

20 165.95 (3) (ag) The program operates within the continuum from arrest to
21 discharge from supervision and provides an alternative to prosecution, revocation,
22 or incarceration through the use of pre-charge and post-charge diversion programs
23 or treatment courts and community-based corrections.

24 **SECTION 32.** 165.95 (3) (b) of the statutes is amended to read:

SENATE BILL 1091**SECTION 32**

1 165.95 (3) (b) The program employs evidence-based practices and is designed
2 to promote and facilitate the implementation of effective criminal justice policies and
3 practices that maximize justice and public and victim safety, reduce prison and jail
4 populations, reduce prosecution and incarceration costs, and reduce recidivism, ~~and~~
5 ~~improve the welfare of participants' families by meeting the comprehensive needs of~~
6 ~~participants.~~

7 **SECTION 33.** 165.95 (3) (bd) of the statutes is created to read:

8 165.95 (3) (bd) The program identifies each target population served by the
9 program and identifies the evidence-based practices the program employs for each
10 target population it serves.

11 **SECTION 34.** 165.95 (3) (cm) 2. of the statutes is created to read:

12 165.95 (3) (cm) 2. If the program is administered by a tribe, the criminal justice
13 oversight committee shall consist of a representative of the judiciary, a
14 representative of criminal prosecution and criminal defense, a social services
15 provider, a behavioral health treatment provider, a law enforcement officer, a
16 representative of corrections, and other members that the oversight committee
17 determines are appropriate to the program.

18 **SECTION 35.** 165.95 (3) (d) of the statutes is amended to read:

19 165.95 (3) (d) Services provided under the program are consistent with
20 evidence-based practices ~~in substance abuse and mental health treatment, as~~
21 ~~determined by the department of health services,~~ and the program provides
22 intensive case management.

23 **SECTION 36.** 165.95 (3) (e) of the statutes is amended to read:

24 165.95 (3) (e) The program uses graduated sanctions and incentives to promote
25 ~~successful substance abuse treatment~~ success.

SENATE BILL 1091

1 **SECTION 37.** 165.95 (3) (g) of the statutes is amended to read:

2 165.95 (3) (g) The program is designed to integrate all mental health services
3 provided to program participants by state and local government agencies, tribes, and
4 other organizations. The program shall require regular communication and
5 coordination among a participant's ~~substance abuse treatment providers, other~~
6 service providers, the case manager, and any person designated under the program
7 to monitor the person's compliance with his or her obligations under the program,
8 and any probation, extended supervision, and parole agent assigned to the
9 participant.

10 **SECTION 38.** 165.95 (3) (h) of the statutes is amended to read:

11 165.95 (3) (h) The program provides ~~substance abuse and mental health~~
12 ~~treatment services through providers that~~ who use evidence-based practices in the
13 delivery of services and, where applicable, who are certified by the department of
14 ~~health services or licensed to provide the services approved under the program.~~

15 **SECTION 39.** 165.95 (3) (i) of the statutes is renumbered 165.95 (3d) and
16 amended to read:

17 165.95 (3d) The A program requires that receives a grant under this section
18 may require participants to pay a reasonable amount for their treatment, based on
19 their income and available assets, and pursues and uses all possible resources
20 available through insurance and federal, state, and local aid programs, including
21 cash, vouchers, and direct services.

22 **SECTION 40.** 165.95 (3) (j) of the statutes is amended to read:

23 165.95 (3) (j) The program is developed with input from, and implemented in
24 collaboration with, one or more circuit court judges, the district attorney, the state
25 public defender, local and, if applicable, tribal law enforcement officials, county

SENATE BILL 1091**SECTION 40**

1 agencies and, if applicable, tribal agencies responsible for providing social services,
2 including services relating to ~~alcohol and other drug addiction~~ substance use
3 disorder, child welfare, mental health, and the Wisconsin Works program, the
4 departments of corrections, children and families, and health services, private social
5 services agencies, and substance ~~abuse~~ use disorder treatment providers.

6 **SECTION 41.** 165.95 (3) (k) of the statutes is amended to read:

7 165.95 (3) (k) The county or tribe complies with other eligibility requirements
8 established by the department of justice to promote the objectives listed in ~~pars. (a)~~
9 ~~and (b)~~ this subsection.

10 **SECTION 42.** 165.95 (5) (a) of the statutes is renumbered 165.95 (3) (cm) (intro.)
11 and amended to read:

12 165.95 (3) (cm) (intro.) ~~A county or tribe that receives a grant under this section~~
13 ~~shall create an~~ The program identifies a criminal justice oversight committee to
14 develop and implement the program design and advise the county or tribe in
15 administering and evaluating its program. ~~Each~~ The membership of each criminal
16 justice oversight committee shall be as follows:

17 1. If the program is administered by a county, or by a county and a tribe
18 pursuant to sub. (6), the criminal justice oversight committee shall consist of a circuit
19 court judge, the district attorney or his or her designee, the state public defender or
20 his or her designee, a local law enforcement official, a representative of the county,
21 a representative of the tribe, if applicable, a representative of each other county
22 agency and, if applicable, tribal agency responsible for providing social services,
23 including services relating to child welfare, ~~mental health, and the Wisconsin Works~~
24 ~~program~~, representatives of the department of corrections and department of health
25 services, a representative from private social services agencies, a representative of

SENATE BILL 1091

1 ~~substance abuse~~ behavioral health treatment providers, and other members to be
2 ~~determined by the county or tribe~~ the oversight committee determines are
3 appropriate for the program.

4 **SECTION 43.** 165.95 (5) (b) of the statutes is renumbered 165.95 (5) (ag) and
5 amended to read:

6 165.95 (5) (ag) A county or tribe that receives a grant under this section shall
7 comply with state audits and shall submit an annual report to the department of
8 justice and to the criminal justice oversight committee ~~created under par. (a)~~
9 identified in sub. (3) (cm) regarding the ~~impact of the program on jail and prison~~
10 ~~populations and its progress in attaining the goals specified in sub. (3) (b) and (f).~~

11 **SECTION 44.** 165.95 (5m) of the statutes is repealed.

12 **SECTION 45.** 165.95 (6) of the statutes is amended to read:

13 165.95 (6) A county or tribe may, with one or more other counties or tribes,
14 jointly apply for and receive a grant under this section. Upon submitting a joint
15 application, each county or tribe shall include with the application a written
16 agreement specifying each tribe's and each county department's role in developing,
17 administering, and evaluating the program. The criminal justice oversight
18 committee ~~established under sub. (5) (a)~~ identified in sub. (3) (cm) shall consist of
19 representatives from each county or tribe that participates in the program.

20 **SECTION 46.** 165.95 (7) of the statutes is amended to read:

21 165.95 (7) Grants provided under this section shall be provided on a calendar
22 year basis ~~beginning on January 1, 2007. If the department of justice decides to make~~
23 ~~a grant to a county or tribe under this section, the department of justice shall notify~~
24 ~~the county or tribe of its decision and the amount of the grant no later than~~
25 ~~September 1 of the year preceding the year for which the grant will be made.~~

SENATE BILL 1091

1 **SECTION 47.** 165.95 (7m) of the statutes is amended to read:

2 165.95 **(7m)** Beginning in fiscal year ~~2012-13~~ 2021-22, the department of
3 justice shall, every ~~5~~ 4 years, make grants under this section available to any county
4 or tribe on a competitive basis. A county or tribe may apply for a grant under this
5 subsection regardless of whether the county or tribe has received a grant previously
6 under this section.

7 **SECTION 48.** 175.33 of the statutes is created to read:

8 **175.33 Transfer of firearms. (1)** In this section:

9 (a) “Family member” means a spouse, parent, grandparent, sibling, child, or
10 grandchild. The relationship may be by blood, marriage, or adoption.

11 (b) “Firearm” includes the frame or receiver of a firearm.

12 (c) “Firearms dealer” has the meaning given in s. 175.35 (1) (ar).

13 (d) “Transfer” has the meaning given in s. 175.35 (1) (br).

14 **(2)** No person may transfer ownership of a firearm, or be transferred ownership
15 of a firearm, unless one of the following applies:

16 (a) The transferor is a firearms dealer.

17 (b) The transferor makes the transfer to or through a firearms dealer and
18 obtains a receipt under s. 175.35 (2j) (b).

19 (c) The transfer of ownership of the firearm is one of the transfers listed under
20 s. 175.35 (2t).

21 (d) The transferor is transferring ownership of the firearm to a family member
22 by gift, bequest, or inheritance, the transferee is not prohibited from possessing a
23 firearm under state or federal law, and the transferee is at least 18 years of age.

24 (e) The transferor is transferring the firearm with the intent that the transfer
25 is for the purpose of hunting or target shooting if the transfer is for no longer than

SENATE BILL 1091

1 14 days, the transferor did not receive in exchange for the transfer more than
2 nominal consideration, the transferee is not prohibited from possessing a firearm
3 under state or federal law, and the transfer is not otherwise prohibited by law.

4 (3) Any person who intentionally violates sub. (2) is guilty of a misdemeanor
5 and shall be fined not less than \$500 nor more than \$10,000 and may be imprisoned
6 for not more than 9 months. The person is also prohibited under s. 941.29 from
7 possessing a firearm for a period of 2 years.

8 **SECTION 49.** 175.35 (title) of the statutes is amended to read:

9 **175.35 (title) Purchase Transfer of handguns firearms.**

10 **SECTION 50.** 175.35 (1) (at) of the statutes is amended to read:

11 175.35 (1) (at) “Firearms restrictions record search” means a search of
12 department of justice records to determine whether a person seeking to purchase a
13 handgun is prohibited from possessing a firearm under s. 941.29. “Firearms
14 restrictions record search” includes a criminal history record search, a search to
15 determine whether a person is prohibited from possessing a firearm under s. 51.20
16 (13) (cv) 1., 2007 stats., a search in the national instant criminal background check
17 system to determine whether a person has been ordered not to possess a firearm
18 under s. 51.20 (13) (cv) 1., 51.45 (13) (i) 1., 54.10 (3) (f) 1., or 55.12 (10) (a), a search
19 to determine whether the person is subject to an injunction under s. 813.12 or
20 813.122, or a tribal injunction, as defined in s. 813.12 (1) (e), issued by a court
21 established by any federally recognized Wisconsin Indian tribe or band, except the
22 Menominee Indian tribe of Wisconsin, that includes notice to the respondent that he
23 or she is subject to the requirements and penalties under s. 941.29 and that has been
24 filed with the circuit court under s. 813.128 (3g), a search to determine whether the
25 person is subject to a temporary restraining order or injunction under s. 813.124, and

SENATE BILL 1091

1 a search to determine whether the person is prohibited from possessing a firearm
2 under s. 813.123 (5m) or 813.125 (4m).

3 **SECTION 51.** 175.35 (1) (at) of the statutes, as affected by 2021 Wisconsin Act
4 (this act), is amended to read:

5 175.35 (1) (at) “Firearms restrictions record search” means a search of
6 department of justice records to determine whether a person seeking to purchase be
7 transferred a handgun firearm is prohibited from possessing a firearm under s.
8 941.29. “Firearms restrictions record search” includes a criminal history record
9 search, a search to determine whether a person is prohibited from possessing a
10 firearm under s. 51.20 (13) (cv) 1., 2007 stats., a search in the national instant
11 criminal background check system to determine whether a person has been ordered
12 not to possess a firearm under s. 51.20 (13) (cv) 1., 51.45 (13) (i) 1., 54.10 (3) (f) 1., or
13 55.12 (10) (a), a search to determine whether the person is subject to an injunction
14 under s. 813.12 or 813.122, or a tribal injunction, as defined in s. 813.12 (1) (e), issued
15 by a court established by any federally recognized Wisconsin Indian tribe or band,
16 except the Menominee Indian tribe of Wisconsin, that includes notice to the
17 respondent that he or she is subject to the requirements and penalties under s.
18 941.29 and that has been filed with the circuit court under s. 813.128 (3g), a search
19 to determine whether the person is subject to a temporary restraining order or
20 injunction under s. 813.124, and a search to determine whether the person is
21 prohibited from possessing a firearm under s. 813.123 (5m) or 813.125 (4m).

22 **SECTION 52.** 175.35 (1) (b) of the statutes is repealed.

23 **SECTION 53.** 175.35 (1) (br) of the statutes is created to read:

24 175.35 (1) (br) “Transfer” includes to sell, assign, pledge, lease, loan, give away,
25 or otherwise dispose of.

SENATE BILL 1091

1 **SECTION 54.** 175.35 (2) (intro.) of the statutes is renumbered 175.35 (2) (am)
2 and amended to read:

3 175.35 (2) (am) When a firearms dealer sells transfers a handgun firearm,
4 including the frame or receiver of a firearm, he or she may not transfer possession
5 of that handgun firearm to any other person until all of the following have occurred:
6 requirements under par. (cm) have been met.

7 **SECTION 55.** 175.35 (2) (a), (b), (c) and (d) of the statutes are renumbered 175.35
8 (2) (cm) 1., 2., 3. and 4.

9 **SECTION 56.** 175.35 (2) (bm) of the statutes is created to read:

10 175.35 (2) (bm) When a person transfers a firearm, including the frame or
11 receiver of a firearm, through a firearms dealer, the transfer of possession of that
12 firearm may not be made until all of the requirements of par. (cm) have been met.

13 **SECTION 57.** 175.35 (2) (cm) (intro.) of the statutes is created to read:

14 175.35 (2) (cm) (intro.) All of the following must occur before a transfer of a
15 firearm occurs under par. (am) or (bm):

16 **SECTION 58.** 175.35 (2g) (a) of the statutes is amended to read:

17 175.35 (2g) (a) The department of justice shall promulgate rules prescribing
18 procedures for use under sub. (2) (cm) 1. for a transferee to provide and a firearms
19 dealer to inspect identification containing a photograph of the transferee.

20 **SECTION 59.** 175.35 (2g) (b) 1. of the statutes is amended to read:

21 175.35 (2g) (b) 1. The department of justice shall promulgate rules prescribing
22 a notification form for use under sub. (2) (cm) 2. and 3. requiring the transferee to
23 provide his or her name, date of birth, gender, race and social security number and
24 other identification necessary to permit an accurate firearms restrictions record

SENATE BILL 1091**SECTION 59**

1 search under par. (c) 3. and the required notification under par. (c) 4. ~~The department~~
2 ~~of justice shall make the forms available at locations throughout the state.~~

3 **SECTION 60.** 175.35 (2g) (b) 2. of the statutes is amended to read:

4 175.35 **(2g)** (b) 2. The department of justice shall ensure that each notification
5 form under subd. 1. requires the transferee to indicate that he or she is not
6 ~~purchasing~~ receiving a transfer of the firearm with the purpose or intent to transfer
7 the firearm to a person who is prohibited from possessing a firearm under state or
8 federal law and that each notification form informs the transferee that making a
9 false statement with regard to this purpose or intent is a Class H felony.

10 **SECTION 61.** 175.35 (2i) of the statutes is renumbered 175.35 (2i) (a) and
11 amended to read:

12 175.35 **(2i)** (a) The department shall charge a firearms dealer a \$10 fee for each
13 firearms restrictions record search that the firearms dealer requests under sub. (2)
14 (e) ~~(cm)~~ 3.

15 (b) 1. The firearms dealer may collect the fee under par. (a) from the transferee.

16 (c) The department may refuse to conduct firearms restrictions record searches
17 for any firearms dealer who fails to pay any fee under ~~this subsection~~ par. (a) within
18 30 days after billing by the department.

19 **SECTION 62.** 175.35 (2i) (b) 2. of the statutes is created to read:

20 175.35 **(2i)** (b) 2. If the transfer is made under sub. (2) (bm), the firearms dealer
21 may collect from the transferor the fee under par. (a) and any additional amount to
22 cover any costs he or she incurs in processing the transfer.

23 **SECTION 63.** 175.35 (2j) of the statutes is renumbered 175.35 (2j) (a).

24 **SECTION 64.** 175.35 (2j) (b) of the statutes is created to read:

SENATE BILL 1091

1 175.35 (2j) (b) If a person transfers a firearm through a firearms dealer under
2 sub. (2) (bm), or transfers a firearm to a firearms dealer, the firearms dealer shall
3 provide the person a written receipt documenting the dealer's participation in the
4 transfer.

5 **SECTION 65.** 175.35 (2k) (ar) 2. of the statutes is amended to read:

6 175.35 (2k) (ar) 2. Check each notification form received under sub. (2j) (a)
7 against the information recorded by the department regarding the corresponding
8 request for a firearms restrictions record search under sub. (2g). If the department
9 previously provided a unique approval number regarding the request and nothing
10 in the completed notification form indicates that the transferee is prohibited from
11 possessing a firearm under s. 941.29, the department shall destroy all records
12 regarding that firearms restrictions record search within 30 days after receiving the
13 notification form.

14 **SECTION 66.** 175.35 (2k) (c) 2. a. of the statutes is amended to read:

15 175.35 (2k) (c) 2. a. A statement that the Wisconsin law enforcement agency
16 is conducting an investigation of a crime in which a handgun firearm was used or was
17 attempted to be used or was unlawfully possessed.

18 **SECTION 67.** 175.35 (2k) (c) 2. b. of the statutes is amended to read:

19 175.35 (2k) (c) 2. b. A statement by a division commander or higher authority
20 within the Wisconsin law enforcement agency that he or she has a reasonable
21 suspicion that the person who is the subject of the information request has obtained
22 or is attempting to obtain a handgun firearm.

23 **SECTION 68.** 175.35 (2k) (cm) of the statutes is created to read:

SENATE BILL 1091

1 175.35 (2k) (cm) The department of justice may forward a final transaction
2 status to the national instant criminal background check system in accordance with
3 applicable federal regulations.

4 **SECTION 69.** 175.35 (2k) (g) of the statutes is amended to read:

5 175.35 (2k) (g) If a search conducted under sub. (2g) indicates that the
6 transferee is prohibited from possessing a firearm under s. 941.29 or 18 USC 922, the
7 attorney general or his or her designee may disclose to a law enforcement agency that
8 the transferee has attempted to obtain a handgun.

9 **SECTION 70.** 175.35 (2k) (g) of the statutes, as affected by 2021 Wisconsin Act
10 (this act), is amended to read:

11 175.35 (2k) (g) If a search conducted under sub. (2g) indicates that the
12 transferee is prohibited from possessing a firearm under s. 941.29 or 18 USC 922, the
13 attorney general or his or her designee may disclose to a law enforcement agency that
14 the transferee has attempted to obtain a ~~handgun~~ firearm.

15 **SECTION 71.** 175.35 (2k) (gm) of the statutes is created to read:

16 175.35 (2k) (gm) If the circumstances surrounding a search conducted under
17 sub. (2g) indicate a potential violation of s. 941.2905 (1), the attorney general or his
18 or her designee may disclose to a law enforcement agency any information sufficient
19 for the law enforcement agency to conduct an investigation of the potential violation.

20 **SECTION 72.** 175.35 (2k) (h) of the statutes is amended to read:

21 175.35 (2k) (h) If a search conducted under sub. (2g) indicates a felony charge
22 without a recorded disposition and the attorney general or his or her designee has
23 reasonable grounds to believe the transferee may pose a danger to himself, herself
24 or another, the attorney general or his or her designee may disclose to a law

SENATE BILL 1091

1 enforcement agency that the transferee has obtained or has attempted to obtain a
2 handgun firearm.

3 **SECTION 73.** 175.35 (2L) of the statutes is amended to read:

4 175.35 (2L) The department of justice shall promulgate rules providing for the
5 review of nonapprovals under sub. (2g) (c) 4. a. Any person who is denied the right
6 to purchase receive a transfer of a handgun firearm because the firearms dealer
7 received a nonapproval number under sub. (2g) (c) 4. a. may request a firearms
8 restrictions record search review under those rules. If the person disagrees with the
9 results of that review, the person may file an appeal under rules promulgated by the
10 department.

11 **SECTION 74.** 175.35 (2t) (a), (b) and (c) of the statutes are amended to read:

12 175.35 (2t) (a) Transfers of any handgun firearm classified as an antique by
13 regulations of the U.S. department of the treasury.

14 (b) Transfers of any handgun firearm between firearms dealers or between
15 wholesalers and dealers.

16 (c) Transfers of any handgun firearm to law enforcement or armed services
17 agencies.

18 **SECTION 75.** 175.35 (3) (b) 2. of the statutes is amended to read:

19 175.35 (3) (b) 2. A person who violates sub. (2e) by intentionally providing false
20 information regarding whether he or she is purchasing receiving a transfer of the
21 firearm with the purpose or intent to transfer the firearm to another who the person
22 knows or reasonably should know is prohibited from possessing a firearm under
23 state or federal law is guilty of a Class H felony. The penalty shall include a fine that
24 is not less than \$500.

25 **SECTION 76.** 175.60 (7) (d) of the statutes is amended to read:

SENATE BILL 1091

1 175.60 (7) (d) A fee for a background check that is equal to the fee charged under
2 s. 175.35 (2i) (a).

3 **SECTION 77.** 175.60 (9g) (a) 2. of the statutes is amended to read:

4 175.60 (9g) (a) 2. The department shall conduct a criminal history record
5 search and shall search its records and conduct a search in the national instant
6 criminal background check system to determine whether the applicant is prohibited
7 from possessing a firearm under federal law; whether the applicant is prohibited
8 from possessing a firearm under s. 941.29; whether the applicant is prohibited from
9 possessing a firearm under s. 51.20 (13) (cv) 1., 2007 stats.; whether the applicant
10 has been ordered not to possess a firearm under s. 51.20 (13) (cv) 1., 51.45 (13) (i) 1.,
11 54.10 (3) (f) 1., or 55.12 (10) (a); whether the applicant is subject to an injunction
12 under s. 813.12 or 813.122, or a tribal injunction, as defined in s. 813.12 (1) (e), issued
13 by a court established by any federally recognized Wisconsin Indian tribe or band,
14 except the Menominee Indian tribe of Wisconsin, that includes notice to the
15 respondent that he or she is subject to the requirements and penalties under s.
16 941.29 and that has been filed with the circuit court under s. 813.128 (3g); whether
17 the applicant is subject to a temporary restraining order or injunction under s.
18 813.124; and whether the applicant is prohibited from possessing a firearm under
19 s. 813.123 (5m) or 813.125 (4m); and to determine if the court has prohibited the
20 applicant from possessing a dangerous weapon under s. 969.02 (3) (c) or 969.03 (1)
21 (c) and if the applicant is prohibited from possessing a dangerous weapon as a
22 condition of release under s. 969.01.

23 **SECTION 78.** 175.60 (11) (a) 2. f. of the statutes is amended to read:

SENATE BILL 1091

1 175.60 (11) (a) 2. f. The individual becomes subject to an a temporary
2 restraining order or injunction described in s. 941.29 (1m) (f) or is ordered not to
3 possess a firearm under s. 813.123 (5m) or 813.125 (4m).

4 **SECTION 79.** 175.60 (15) (b) 4. b. of the statutes is amended to read:

5 175.60 (15) (b) 4. b. A fee for a background check that is equal to the fee charged
6 under s. 175.35 (2i) (a).

7 **SECTION 80.** 301.048 (2) (bm) 1. a. of the statutes, as affected by 2021 Wisconsin
8 Act 76, is amended to read:

9 301.048 (2) (bm) 1. a. A crime specified in s. 940.19 (3), 1999 stats., s. 940.195
10 (3), 1999 stats., s. 943.23 (1m), 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 940.01,
11 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (4) or (5), 940.195 (4)
12 or (5), 940.198 (2), 940.20, ~~940.201~~, 940.202, 940.203, 940.21, 940.225 (1) to (3),
13 940.23, 940.235, 940.285 (2) (a) 1. or 2., 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2., or 3.,
14 940.31, 940.43 (1) to (3), ~~940.45 (1) to (3)~~ (2m) (a) to (c) or (3m), 940.44 (2m) (a) to (c),
15 941.20 (2) or (3), 941.26, 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02,
16 943.04, 943.06, 943.10 (2), 943.23 (1g), 943.30, 943.32, 946.43, 947.015, 948.02 (1) or
17 (2), 948.025, 948.03, 948.04, 948.05, 948.051, 948.06, 948.07, 948.08, 948.085, or
18 948.30.

19 **SECTION 81.** 302.43 of the statutes is amended to read:

20 **302.43 Good time.** Every inmate of a county jail is eligible to earn good time
21 in the amount of one-fourth of his or her term for good behavior if sentenced to at
22 least 4 days, but fractions of a day shall be ignored. An inmate shall be given credit
23 for time served prior to sentencing under s. 973.155, including good time under s.
24 973.155 (4). An inmate who violates any law or any regulation of the jail, or neglects
25 or refuses to perform any duty lawfully required of him or her, may be deprived by

SENATE BILL 1091**SECTION 81**

1 the sheriff of good time under this section, except that the sheriff shall not deprive
2 the inmate of more than 2 days good time for any one offense without the approval
3 of the court. An inmate who files an action or special proceeding, including a petition
4 for a common law writ of certiorari, to which s. 807.15 applies shall be deprived of
5 the number of days of good time specified in the court order prepared under s. 807.15
6 (3). This section does not apply to a person who is confined in the county jail in
7 connection with his or her participation in a ~~substance abuse treatment~~ program
8 that meets the requirements of s. 165.95 (3), as determined by the department of
9 justice under s. 165.95 (9) and (10).

10 **SECTION 82.** 767.461 (4) of the statutes, as created by 2021 Wisconsin Act 20,
11 is amended to read:

12 767.461 (4) A term of incarceration, extended supervision, parole, or probation
13 for a violation of s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10,
14 940.19, 940.195, 940.20, ~~940.201 (2)~~ 940.202, 940.203 (2), 940.225 (1), (2), or (3),
15 940.23, 940.235, 940.24 (1), 940.30, 940.302 (2), 940.305, 940.31, 940.32 (2), (2e), or
16 (2m), ~~940.42~~, 940.43, 940.44, ~~940.45~~, 941.20, 941.29, 941.30, 941.39, 943.011 (2),
17 947.012, 947.013, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.051, 948.055,
18 948.06, 948.07, 948.08, 948.085, 948.095, 948.30, 948.55, or 951.02 or any felony to
19 which the penalty enhancer under s. 939.621 could be imposed, for a violation of a
20 72-hour no contact order under s. 968.075 (5), for a violation of a domestic abuse
21 restraining order, child abuse restraining order, or harassment restraining order, or
22 for a violation to which a penalty enhancer for the use of a dangerous weapon is
23 applied.

24 **SECTION 83.** 801.50 (5sb) of the statutes is created to read:

SENATE BILL 1091

1 801.50 **(5sb)** Venue of an action under s. 813.124 shall be in the county in which
2 the cause of action arose or where the petitioner or the respondent resides.

3 **SECTION 84.** 801.58 (2m) of the statutes is amended to read:

4 801.58 **(2m)** If, under sub. (2), the judge determines that the request for
5 substitution was made timely and in proper form, any ex parte order granted by the
6 original judge remains in effect according to the terms, except that a temporary
7 restraining order issued under s. 813.12 (3), 813.122 (4), 813.123 (4), 813.124 (2t), or
8 813.125 (3) by the original judge is extended until the newly assigned judge holds a
9 hearing on the issuance of an injunction. The newly assigned judge shall hear any
10 subsequent motion to modify or vacate any ex parte order granted by the original
11 judge.

12 **SECTION 85.** 813.06 of the statutes is amended to read:

13 **813.06 Security for damages.** In proceedings under s. 767.225 the court or
14 judge may, and in all other proceedings except proceedings under ss. 813.12, 813.122,
15 813.124, 813.125 and 823.113 the court or judge shall, require a bond of the party
16 seeking an injunction, with sureties, to the effect that he or she will pay to the party
17 enjoined such damages, not exceeding an amount to be specified, as he or she may
18 sustain by reason of the injunction if the court finally decides that the party was not
19 entitled thereto. Copies of such bond, affidavit or other pleading shall be served upon
20 the party enjoined and the officer serving the same shall, within 8 days after such
21 service, file his or her return in the office of the clerk of the court.

22 **SECTION 86.** 813.124 of the statutes is created to read:

23 **813.124 Extreme risk protection temporary restraining orders and**
24 **injunctions. (1) DEFINITIONS.** In this section:

25 (a) “Family or household member” means any of the following:

SENATE BILL 1091**SECTION 86**

1 1. A person related by blood, adoption, or marriage to the respondent.

2 2. A person with whom the respondent has or had a dating relationship, as
3 defined in s. 813.12 (1) (ag), or with whom the respondent has a child in common.

4 3. A person who resides with, or within the 6 months before filing a petition,
5 had resided with, the respondent.

6 4. A domestic partner under ch. 770 of the respondent.

7 5. A person who is acting or has acted as the respondent's legal guardian or who
8 is or was a foster parent or other physical custodian described in s. 48.62 (2) of the
9 respondent.

10 6. A person for whom the respondent is acting or has acted as a legal guardian
11 or for whom the respondent is or was the foster parent or other physical custodian
12 described in s. 48.62 (2).

13 (b) "Firearms dealer" has the meaning given in s. 175.35 (1) (ar).

14 (c) "Law enforcement officer" has the meaning given in s. 165.85 (2) (c).

15 **(2)** COMMENCEMENT OF ACTION AND RESPONSE. No action under this section may
16 be commenced by complaint and summons. An action under this section may be
17 commenced only by a petition described under sub. (4) (a).

18 **(2m)** PROCEDURE. Procedure for an action under this section is as follows:

19 (a) If the petitioner requests an extreme risk protection temporary restraining
20 order, the court shall consider the request as provided under sub. (2t). If the court
21 issues a temporary restraining order, the court shall set forth the date, that must be
22 within 14 days of issuing the temporary restraining order, for the hearing on the
23 injunction and shall forward a copy of the temporary restraining order, the
24 injunction hearing date, and the petition to the appropriate law enforcement agency
25 with jurisdiction over the respondent's residence. The law enforcement agency shall

SENATE BILL 1091

1 immediately, or as soon as practicable, serve it on the respondent. If personal service
2 cannot be effected upon the respondent, the court may order other appropriate
3 service.

4 (b) The court shall hold a hearing under sub. (3) on whether to issue an extreme
5 risk protection injunction, which is the final relief. If there was no temporary
6 restraining order, the respondent shall be served notice of the petition by a law
7 enforcement officer and the date for the hearing shall be set upon motion by either
8 party. If personal service cannot be effected upon the respondent, the court may
9 order other appropriate service. The service shall include the name of the respondent
10 and of the petitioner, and, if known, notice of the date, time, and place of the
11 injunction hearing.

12 (c) When the respondent is served under this subsection, the respondent shall
13 be provided notice of the requirements and penalties under s. 941.29.

14 **(2t) EXTREME RISK PROTECTION TEMPORARY RESTRAINING ORDER.** (a) A judge shall
15 issue an extreme risk protection temporary restraining order under this subsection
16 prohibiting the respondent from possessing a firearm and ordering the respondent
17 to surrender all firearms in the respondent's possession if all of the following occur:

18 1. A petitioner files a petition alleging the elements under sub. (4) (a), and
19 requests a temporary restraining order. The petition requesting a temporary
20 restraining order shall be heard by the court in an expedited manner. The court shall
21 examine under oath the petitioner and any witness the petitioner may produce or
22 may rely on an affidavit submitted in support of the petition.

23 2. The judge finds all of the following:

24 a. Substantial likelihood that the petition for an injunction will be successful.

SENATE BILL 1091

1 b. Good cause to believe that there is an immediate and present danger that
2 the respondent may injure himself or herself or another person if the respondent
3 possesses a firearm and that waiting for the injunction hearing may increase the
4 immediate and present danger.

5 (b) A temporary restraining order issued under this section shall remain in
6 effect until a hearing is held on issuance of an injunction under sub. (3). Notice need
7 not be given to the respondent before issuing a temporary restraining order under
8 this subsection. A temporary restraining order may be entered only against the
9 respondent named in the petition and may not be renewed or extended.

10 (c) A temporary restraining order issued under this subsection shall inform the
11 respondent named in the petition of the requirements and penalties under s. 941.29.

12 (d) The temporary restraining order issued under par. (a) shall require one of
13 the following:

14 1. If a law enforcement officer is able to personally serve the respondent with
15 the order, the officer to require the respondent to immediately surrender all firearms
16 in the respondent's possession.

17 2. If a law enforcement officer is not able to personally serve the respondent
18 with the order, the respondent to, within 24 hours of service, surrender all firearms
19 in the respondent's possession to a law enforcement officer or transfer or sell all
20 firearms in the respondent's possession to a firearms dealer. Within 48 hours of
21 service, the respondent shall file with the court that issued the order under par. (a)
22 a receipt indicating that the respondent surrendered, transferred, or sold the
23 firearms. The receipt must include the date on which the firearm was surrendered,
24 transferred, or sold and the manufacturer, model, and serial number of each firearm

SENATE BILL 1091

1 and must be signed by either the law enforcement officer to whom the firearm was
2 surrendered or the firearms dealer to whom the firearm was transferred or sold.

3 **(3) EXTREME RISK PROTECTION INJUNCTION.** (a) The court shall hold a hearing on
4 whether to issue an extreme risk protection injunction, which is the final relief. At
5 the hearing, a judge may grant an injunction prohibiting the respondent from
6 possessing a firearm and, if there was no temporary restraining order under sub. (2t),
7 ordering the respondent to surrender all firearms in the respondent's possession if
8 all of the following occur:

9 1. The petitioner files a petition alleging the elements set forth under sub. (4)
10 (a).

11 2. The petitioner serves upon the respondent a copy or summary of the petition
12 and notice of the time for hearing on the issuance of the injunction, or the respondent
13 serves upon the petitioner notice of the time for hearing on the issuance of the
14 injunction.

15 3. The judge finds by clear and convincing evidence that the respondent is
16 substantially likely to injure himself or herself or another person if the respondent
17 possesses a firearm.

18 (b) The judge may enter an injunction only against the respondent named in
19 the petition.

20 (c) 1. Unless a judge vacates the injunction under par. (d), an injunction under
21 this subsection is effective for a period determined by the judge that is no longer than
22 one year.

23 2. When an injunction expires, the court shall extend the injunction, upon
24 petition, for up to one year if the judge finds by clear and convincing evidence that

SENATE BILL 1091**SECTION 86**

1 the respondent is still substantially likely to injure himself or herself or another
2 person if the respondent possesses a firearm.

3 (d) A respondent who is subject to an injunction issued under this subsection
4 may request in writing a judge to vacate the injunction one time during any
5 injunction period. If a respondent files a request under this paragraph, the
6 petitioner shall be notified of the request before the judge considers the request. The
7 judge shall vacate the injunction if the respondent demonstrates by clear and
8 convincing evidence that the respondent is no longer substantially likely to injure
9 himself or herself or another person if the respondent possesses a firearm.

10 (e) An injunction issued under this subsection shall inform the respondent
11 named in the petition of the requirements and penalties under s. 941.29.

12 **(4) PETITION.** (a) The petition shall allege facts sufficient to show the following:

13 1. The name of the petitioner and, unless the petitioner is a law enforcement
14 officer, how the petitioner is a family or household member of the respondent.

15 2. The name of the respondent.

16 3. That the respondent is substantially likely to injure himself or herself or
17 another person if the respondent possesses a firearm.

18 4. If the petitioner knows, the number, types, and locations of any firearms that
19 the respondent possesses.

20 5. If requesting a temporary restraining order, evidence of an immediate and
21 present danger that the respondent may injure himself or herself or another person
22 if the respondent possesses a firearm and that waiting for the injunction hearing may
23 increase the immediate and present danger.

24 (b) The clerk of the circuit court shall provide simplified forms to help a person
25 file a petition.

SENATE BILL 1091

- 1 (c) Only the following persons may file a petition under this section:
- 2 1. A law enforcement officer.
- 3 2. A family or household member of the respondent.
- 4 **(5) ENFORCEMENT ASSISTANCE.** (a) 1. If a temporary restraining order is issued
- 5 under sub. (2t) or an injunction is issued, extended, or vacated under sub. (3), the
- 6 clerk of the circuit court shall notify the department of justice of the action and shall
- 7 provide the department of justice with information concerning the period during
- 8 which the order or injunction is in effect or the date on which the injunction is vacated
- 9 and with information necessary to identify the respondent for purposes of
- 10 responding to a request under s. 165.63 or for purposes of a firearms restrictions
- 11 record search under s. 175.35 (2g) (c) or a background check under s. 175.60 (9g) (a).
- 12 2. Except as provided in subd. 3., the department of justice may disclose
- 13 information that it receives under subd. 1. only to respond to a request under s.
- 14 165.63 or as part of a firearms restrictions record search under s. 175.35 (2g) (c) or
- 15 a background check under s. 175.60 (9g) (a).
- 16 3. The department of justice shall disclose any information that it receives
- 17 under subd. 1. to a law enforcement agency when the information is needed for law
- 18 enforcement purposes.
- 19 (b) Within one business day after a temporary restraining order is issued under
- 20 sub. (2t) or an injunction is issued, extended, or vacated under this section, the clerk
- 21 of the circuit court shall send a copy of the temporary restraining order, of the
- 22 injunction, or of the order extending or vacating an injunction, to the sheriff or to any
- 23 other local law enforcement agency which is the central repository for injunctions
- 24 and which has jurisdiction over the petitioner's premises.

SENATE BILL 1091**SECTION 86**

1 (c) No later than 24 hours after receiving the information under par. (b), the
2 sheriff or other appropriate local law enforcement agency under par. (b) shall enter
3 the information concerning a temporary restraining order issued under sub. (2t) or
4 concerning an injunction issued, extended, or vacated under this section into the
5 transaction information for management of enforcement system. The sheriff or other
6 appropriate local law enforcement agency shall also make available to other law
7 enforcement agencies, through a verification system, information on the existence
8 and status of any order or injunction issued under this section. The information need
9 not be maintained after the order or injunction is no longer in effect.

10 (d) 1. The court may schedule a hearing to surrender firearms for any reason
11 relevant to the surrender of firearms.

12 2. If the respondent does not comply with an order issued at a hearing to
13 surrender firearms, or a law enforcement officer has probable cause to believe that
14 the respondent possesses a firearm, the law enforcement officer shall request a
15 search warrant to seize the firearms and may use information contained in the
16 petition to establish probable cause.

17 **(6) PENALTY FOR FALSE SWEARING.** Whoever files a petition under this section for
18 knowing the information in the petition to be false is subject to prosecution for false
19 swearing under s. 946.32 (1).

20 **(7) RETURN OF FIREARMS AND FORM.** (a) A firearm surrendered under this section
21 may not be returned to the respondent until the respondent completes a petition for
22 the return of firearms under par. (c) and a judge or circuit court commissioner
23 determines all of the following:

24 1. If a temporary restraining order was issued, that the temporary restraining
25 order has expired and no injunction has been issued.

SENATE BILL 1091

1 2. If an injunction was issued, that the injunction has been vacated or has
2 expired and not been extended.

3 3. That the person is not prohibited from possessing a firearm under any state
4 or federal law or by the order of any federal court or state court, other than an order
5 from which the judge or circuit court commissioner is competent to grant relief. The
6 judge or commissioner shall use the information provided under s. 165.63 to aid in
7 making the determination under this subdivision.

8 (b) If a respondent surrenders under this section a firearm that is owned by a
9 person other than the respondent, the person who owns the firearm may apply for
10 its return to the circuit court for the county in which the person to whom the firearm
11 was surrendered is located. The court shall order such notice as it considers
12 adequate to be given to all persons who have or may have an interest in the firearm
13 and shall hold a hearing to hear all claims to its true ownership. If the right to
14 possession is proved to the court's satisfaction, it shall order the firearm returned.
15 If the court returns a firearm under this paragraph, the court shall inform the person
16 to whom the firearm is returned of the requirements and penalties under s. 941.2905.

17 (c) The director of state courts shall develop a petition for the return of firearms
18 form that is substantially the same as the form under s. 813.1285 (5) (b).

19 **(8) NOTICE OF FULL FAITH AND CREDIT.** A temporary restraining order issued
20 under sub. (2t) and an injunction issued under sub. (3) shall include a statement that
21 the order or injunction may be accorded full faith and credit in every civil or criminal
22 court of the United States, civil or criminal courts of any other state, and Indian
23 tribal courts to the extent that such courts may have personal jurisdiction over
24 nontribal members.

25 **SECTION 87.** 813.126 (1) of the statutes is amended to read:

SENATE BILL 1091

1 813.126 (1) TIME LIMITS. If a party seeks to have the judge conduct a hearing
2 de novo under s. 757.69 (8) of a determination, order, or ruling entered by a court
3 commissioner in an action under s. 813.12, 813.122, 813.123, 813.124, or 813.125,
4 including a denial of a request for a temporary restraining order, the motion
5 requesting the hearing must be filed with the court within 30 days after the circuit
6 court commissioner issued the determination, order, or ruling. The court shall hold
7 the de novo hearing within 30 days after the motion requesting the hearing is filed
8 with the court unless the court finds good cause for an extension. Any determination,
9 order, or ruling entered by a court commissioner in an action under s. 813.12,
10 813.122, 813.123, 813.124, or 813.125 remains in effect until the judge in the de novo
11 hearing issues his or her final determination, order, or ruling.

12 **SECTION 88.** 813.127 of the statutes is amended to read:

13 **813.127 Combined actions; domestic abuse, child abuse, extreme risk**
14 **protection, and harassment.** A petitioner may combine in one action 2 or more
15 petitions under one or more of the provisions in ss. 813.12, 813.122, 813.124, and
16 813.125 if the respondent is the same person in each petition. In any such action,
17 there is only one fee applicable under s. 814.61 (1) (a). In any such action, the
18 hearings for different types of temporary restraining orders or injunctions may be
19 combined.

20 **SECTION 89.** 813.128 (2g) (b) of the statutes is amended to read:

21 813.128 (2g) (b) A foreign protection order or modification of the foreign
22 protection order that meets the requirements under this section has the same effect
23 as an order issued under s. 813.12, 813.122, 813.123, 813.124, or 813.125, except that
24 the foreign protection order or modification shall be enforced according to its own
25 terms.

SENATE BILL 1091

1 **SECTION 90.** 938.208 (1) (b) of the statutes is amended to read:

2 938.208 (1) (b) Probable cause exists to believe that the juvenile possessed,
3 used or threatened to use a handgun, as defined in s. ~~175.35 (1) (b)~~ 941.237 (1) (d),
4 short-barreled rifle, as defined in s. 941.28 (1) (b), or short-barreled shotgun, as
5 defined in s. 941.28 (1) (c), while committing a delinquent act that would be a felony
6 under ch. 940 if committed by an adult.

7 **SECTION 91.** 938.34 (4m) (b) 2. of the statutes is amended to read:

8 938.34 (4m) (b) 2. The juvenile has possessed, used or threatened to use a
9 handgun, as defined in s. ~~175.35 (1) (b)~~ 941.237 (1) (d), short-barreled rifle, as
10 defined in s. 941.28 (1) (b), or short-barreled shotgun, as defined in s. 941.28 (1) (c),
11 while committing a delinquent act that would be a felony under ch. 940 if committed
12 by an adult.

13 **SECTION 92.** 938.341 of the statutes is amended to read:

14 **938.341 Delinquency adjudication; restriction on firearm possession.**
15 Whenever a court adjudicates a juvenile delinquent for an act that if committed by
16 an adult in this state would be a felony or for a violation under s. 175.33 (2), the court
17 shall inform the juvenile of the requirements and penalties under s. 941.29.

18 **SECTION 93.** 939.22 (21) (em) of the statutes is amended to read:

19 939.22 (21) (em) Battery or threat to witness a juror, as prohibited in s. ~~940.201~~
20 940.202.

21 **SECTION 94.** 939.22 (21) (k) of the statutes is amended to read:

22 939.22 (21) (k) Intimidation of witnesses, as prohibited in s. ~~940.42 or~~ 940.43.

23 **SECTION 95.** 939.22 (21) (L) of the statutes is amended to read:

24 939.22 (21) (L) Intimidation of victims, as prohibited in s. ~~940.44 or~~ 940.45.

25 **SECTION 96.** 939.31 of the statutes is amended to read:

SENATE BILL 1091**SECTION 96**

1 **939.31 Conspiracy.** Except as provided in ss. 940.43 (4), ~~940.45 (4) (2m) (d),~~
2 940.44 (2m) (d), and 961.41 (1x), whoever, with intent that a crime be committed,
3 agrees or combines with another for the purpose of committing that crime may, if one
4 or more of the parties to the conspiracy does an act to effect its object, be fined or
5 imprisoned or both not to exceed the maximum provided for the completed crime;
6 except that for a conspiracy to commit a crime for which the penalty is life
7 imprisonment, the actor is guilty of a Class B felony.

8 **SECTION 97.** 939.32 (1) (c) of the statutes is amended to read:

9 939.32 (1) (c) Whoever attempts to commit a crime under ss. ~~940.42 to 940.45~~
10 s. 940.43 or 940.44 is subject to the penalty for the completed act, as provided in s.
11 940.46.

12 **SECTION 98.** 939.6195 (1) (a) 1. of the statutes is amended to read:

13 939.6195 (1) (a) 1. A violation of s. 941.29 ~~or~~, 941.2905, or 941.293.

14 **SECTION 99.** 939.632 (1) (e) 1. of the statutes, as affected by 2021 Wisconsin Act
15 76, is amended to read:

16 939.632 (1) (e) 1. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09
17 (1c), 940.19 (2), (4) or (5), 940.198 (2) (a) or (c), 940.21, 940.225 (1), (2) or (3), 940.235,
18 940.305, 940.31, 940.43, 940.44, 941.20, 941.21, 943.02, 943.06, 943.10 (2), 943.23
19 (1g), 943.32 (2), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c) or (5) (a) 1., 2., 3., or
20 4., 948.05, 948.051, 948.055, 948.07, 948.08, 948.085, or 948.30 (2) or under s.
21 940.302 (2) if s. 940.302 (2) (a) 1. b. applies.

22 **SECTION 100.** 939.632 (1) (e) 3. of the statutes is amended to read:

23 939.632 (1) (e) 3. Any misdemeanor under s. 940.19 (1), 940.225 (3m), 940.32
24 (2), ~~940.42, 940.44~~, 941.20 (1), 941.23, 941.231, 941.235, or 941.38 (3).

25 **SECTION 101.** 939.74 (2d) (b) of the statutes is created to read:

SENATE BILL 1091

1 939.74 **(2d)** (b) Notwithstanding that the applicable time limitation under sub.
2 (1) or (2) has expired, if a deoxyribonucleic acid profile implicates a known person in
3 the commission of a felony, the state may commence prosecution of that person for
4 the felony or a crime that is related to the felony for a period of time following the
5 implication of the person in the felony that is equal to the applicable time limitation
6 under sub. (1) or (2).

7 **SECTION 102.** 939.74 (2d) (c) of the statutes is repealed.

8 **SECTION 103.** 939.74 (2d) (e) of the statutes is repealed.

9 **SECTION 104.** 940.03 of the statutes is amended to read:

10 **940.03 Felony murder.** Whoever causes the death of another human being
11 while committing or attempting to commit a crime specified in s. 940.19, 940.195,
12 940.20, ~~940.201~~ 940.202, 940.203, 940.225 (1) or (2) (a), 940.30, 940.31, 940.43 (3m),
13 943.02, 943.10 (2), 943.23 (1g), or 943.32 (2) may be imprisoned for not more than 15
14 years in excess of the maximum term of imprisonment provided by law for that crime
15 or attempt.

16 **SECTION 105.** 940.20 (3) (title) of the statutes is renumbered 940.202 (title) and
17 amended to read:

18 **940.202** (title) **Battery or threat to jurors.**

19 **SECTION 106.** 940.20 (3) of the statutes is renumbered 940.202 (2) and amended
20 to read:

21 940.202 **(2)** Whoever intentionally causes bodily harm or threatens to cause
22 bodily harm to a person who he or she knows or has reason to know is ~~or was~~ a grand
23 ~~or petit~~ juror, and by reason of ~~any verdict or indictment assented to by the person~~
24 the person's service as a juror, without the consent of the person ~~injured, harmed or~~
25 threatened is guilty of a Class H felony.

SENATE BILL 1091**SECTION 107**

1 **SECTION 107.** 940.201 (title) and (1) of the statutes are repealed.

2 **SECTION 108.** 940.201 (2) of the statutes is renumbered 940.43 (3m), and 940.43
3 (3m) (intro.), as renumbered, is amended to read:

4 940.43 **(3m)** (intro.) Whoever does any of the following is guilty of a Class ~~H~~ G
5 felony:

6 **SECTION 109.** 940.202 (1) and (3) of the statutes are created to read:

7 940.202 **(1)** In this section:

8 (a) “Family member” means a spouse, child, stepchild, foster child, parent,
9 sibling, or grandchild.

10 (b) “Juror” means a person who is or was a grand or petit juror or is a
11 prospective grand or petit juror who has received a summons to appear for jury
12 service.

13 **(3)** Whoever intentionally causes bodily harm or threatens to cause bodily
14 harm to a person who he or she knows or has reason to know is a family member of
15 a juror or is sharing a common domicile with a juror, for a reason related to the juror’s
16 service as a juror, without the consent of the person harmed or threatened is guilty
17 of a Class H felony.

18 **SECTION 110.** 940.41 (intro.) of the statutes is amended to read:

19 **940.41 Definitions.** (intro.) In ss. ~~940.42~~ 940.43 to 940.49:

20 **SECTION 111.** 940.41 (1d) of the statutes is created to read:

21 940.41 **(1d)** “Family member” means a spouse, child, stepchild, foster child,
22 parent, sibling, or grandchild.

23 **SECTION 112.** 940.42 of the statutes is repealed.

24 **SECTION 113.** 940.43 (title) of the statutes is amended to read:

25 **940.43** (title) **Intimidation of witnesses; felony.**

SENATE BILL 1091

1 **SECTION 114.** 940.43 of the statutes is renumbered 940.43 (2m), and 940.43
2 (2m) (intro.), (b), (c) and (e), as renumbered, are amended to read:

3 940.43 **(2m)** (intro.) Whoever violates ~~s. 940.42 sub. (1m)~~ under any of the
4 following circumstances is guilty of a Class G felony:

5 (b) Where the act is accompanied by injury or damage to the real or personal
6 property of any person covered under ~~sub. (1) par. (a)~~.

7 (c) Where the act is accompanied by any express or implied threat of force,
8 violence, injury or damage described in ~~sub. (1) or (2) par. (a) or (b)~~.

9 (e) Where the act is committed by any person who has suffered any prior
10 conviction for any violation under this section, s. 943.30, 1979 stats., ~~ss. s. 940.42 to~~
11 ~~940.45, 2019 stats., s. 940.44~~, or any federal statute or statute of any other state
12 which, if the act prosecuted was committed in this state, would be a violation under
13 ~~ss. 940.42 to 940.45~~ this section or s. 940.44.

14 **SECTION 115.** 940.43 (1m) of the statutes is created to read:

15 940.43 **(1m)** Whoever knowingly uses intimidation against, threatens, or
16 corruptly persuades another person or engages in misleading conduct toward
17 another person with intent to do any of the following is guilty of a Class H felony:

18 (a) Influence, dissuade, delay, or prevent the testimony of any person at any
19 trial, proceeding, or inquiry authorized by law.

20 (b) Cause or induce any person to do any of the following:

21 1. Withhold testimony or a record, document, or other object from any trial,
22 proceeding, or inquiry authorized by law.

23 2. Alter, destroy, mutilate, or conceal any record, document, or other object with
24 intent to impair its integrity or availability for use in any trial, proceeding, or inquiry
25 authorized by law.

SENATE BILL 1091**SECTION 115**

1 3. Evade legal process summoning the person as a witness or to produce a
2 record, document, or other object in any trial, proceeding, or inquiry authorized by
3 law.

4 4. Be absent from any trial, proceeding, or inquiry authorized by law to which
5 the person has been summoned by legal process.

6 (c) Hinder, delay, or prevent the communication of information relating to the
7 commission or possible commission of a violation of the criminal code to a law
8 enforcement officer, public officer, or public employee.

9 **SECTION 116.** 940.44 (title) of the statutes is amended to read:

10 **940.44** (title) **Intimidation of victims; misdemeanor.**

11 **SECTION 117.** 940.44 of the statutes is renumbered 940.44 (1m), and 940.44
12 (1m) (intro.), as renumbered, is amended to read:

13 940.44 **(1m)** (intro.) ~~Except as provided in s. 940.45, whoever~~ Whoever
14 knowingly and maliciously prevents or dissuades, ~~or who attempts to so prevent or~~
15 ~~dissuade,~~ another person who has been the victim of any crime or who is acting on
16 behalf of the victim from doing any of the following is guilty of a Class ~~A~~
17 ~~misdemeanor~~ H felony:

18 **SECTION 118.** 940.45 (title) of the statutes is repealed.

19 **SECTION 119.** 940.45 of the statutes is renumbered 940.44 (2m), and 940.44
20 (2m) (intro.), (b), (c) and (e), as renumbered, are amended to read:

21 940.44 **(2m)** (intro.) Whoever violates s. ~~940.44 sub. (1m)~~ under any of the
22 following circumstances is guilty of a Class G felony:

23 (b) Where the act is accompanied by injury or damage to the real or personal
24 property of any person covered under ~~sub. (1) par. (a)~~.

SENATE BILL 1091

1 (c) Where the act is accompanied by any express or implied threat of force,
2 violence, injury or damage described in ~~sub. (1) or (2) par. (a) or (b).~~

3 (e) Where the act is committed by any person who has suffered any prior
4 conviction for any violation under this section, s. 943.30, 1979 stats., ~~ss. s. 940.42 to~~
5 ~~940.45, 2019 stats., s. 940.43~~, or any federal statute or statute of any other state
6 which, if the act prosecuted was committed in this state, would be a violation under
7 ~~ss. 940.42 to 940.45~~ this section or s. 940.43.

8 **SECTION 120.** 940.46 of the statutes is amended to read:

9 **940.46 Attempt prosecuted as completed act.** Whoever attempts the
10 commission of any act prohibited under ~~ss. 940.42 to 940.45~~ s. 940.43 or 940.44 is
11 guilty of the offense attempted without regard to the success or failure of the attempt.
12 The fact that no person was injured physically or in fact intimidated is not a defense
13 against any prosecution under ~~ss. 940.42 to 940.45~~ s. 940.43 or 940.44.

14 **SECTION 121.** 940.47 (1) of the statutes is amended to read:

15 940.47 (1) An order that a defendant not violate ~~ss. 940.42 to 940.45~~ s. 940.43
16 or 940.44.

17 **SECTION 122.** 940.47 (2) of the statutes is amended to read:

18 940.47 (2) An order that a person before the court other than a defendant,
19 including, but not limited to, a subpoenaed witness or other person entering the
20 courtroom of the court, not violate ~~ss. 940.42 to 940.45~~ s. 940.43 or 940.44.

21 **SECTION 123.** 940.48 (1) of the statutes is amended to read:

22 940.48 (1) If applicable, the person may be prosecuted under ~~ss. 940.42 to~~
23 ~~940.45~~ s. 940.43 or 940.44.

24 **SECTION 124.** 940.48 (2) (intro.), (a) and (b) of the statutes are consolidated,
25 renumbered 940.48 (2) and amended to read:

SENATE BILL 1091**SECTION 124**

1 940.48 (2) As a contempt of court under ch. 785. A finding of contempt is not
2 a bar to prosecution under ~~ss. 940.42 to 940.45~~, but: (a) ~~Any s. 940.43 or 940.44.~~
3 However, any person who commits a contempt of court is entitled to credit for any
4 punishment imposed therefor against any sentence imposed on conviction under ss.
5 940.42 to 940.45; s. 940.43 or 940.44, and (b) ~~Any any conviction or acquittal for any~~
6 a substantive offense under ss. 940.42 to 940.45 s. 940.43 or 940.44 is a bar to
7 subsequent punishment for contempt arising out of the same act.

8 **SECTION 125.** 940.49 of the statutes is amended to read:

9 **940.49 Pretrial release.** Any pretrial release of any defendant whether on
10 bail or under any other form of recognizance shall be deemed to include a condition
11 that the defendant neither do, nor cause to be done, nor permit to be done on his or
12 her behalf, any act proscribed by ~~ss. 940.42 to 940.45~~ s. 940.43 or 940.44 and any
13 willful violation of the condition is subject to punishment as prescribed in s. 940.48
14 (3) whether or not the defendant was the subject of an order under s. 940.47.

15 **SECTION 126.** 941.237 (1) (d) of the statutes is amended to read:

16 941.237 (1) (d) “Handgun” ~~has the meaning given in s. 175.35 (1) (b)~~ means any
17 weapon designed or redesigned, or made or remade, and intended to be fired while
18 held in one hand and to use the energy of an explosive to expel a projectile through
19 a smooth or rifled bore.

20 **SECTION 127.** 941.29 (1g) (a) of the statutes, as affected by 2021 Wisconsin Act
21 76, is amended to read:

22 941.29 (1g) (a) “Violent felony” means any felony under s. 943.23 (1m), 1999
23 stats., or s. 943.23 (1r), 1999 stats., this section, or s. 940.01, 940.02, 940.03, 940.05,
24 940.06, 940.08, 940.09, 940.10, 940.19, 940.195, 940.198, 940.20, 940.201, 940.202,
25 940.203, 940.21, 940.225, 940.23, 940.235, 940.285 (2), 940.29, 940.295 (3), 940.30,

SENATE BILL 1091

1 940.302, 940.305, 940.31, 940.43 ~~(1) to (3)~~, ~~940.45 (1) to (3)~~ (2m) (a) to (c) or (3m),
2 940.44 (2m) (a) to (c), 941.20, 941.26, 941.28, 941.2905, 941.292, 941.30, 941.327 (2)
3 (b) 3. or 4., 943.02, 943.04, 943.06, 943.10 (2), 943.23 (1g), 943.32, 943.87, 946.43,
4 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.051, 948.06, 948.07, 948.08,
5 948.085, or 948.30.

6 **SECTION 128.** 941.29 (1g) (b) of the statutes is amended to read:

7 941.29 **(1g)** (b) “Violent misdemeanor” means a violation of s. 940.42, 2019
8 stats., s. 940.44, 2019 stats., or s. 813.12, 813.122, 813.125, 940.19 (1), 940.195,
9 940.42, 940.44, 941.20 (1), 941.26, 941.38 (3), 941.39, 947.013, 948.55, 951.02,
10 951.08, 951.09, or 951.095 or a violation to which a penalty specified in s. 939.63 (1)
11 is applied.

12 **SECTION 129.** 941.29 (1m) (intro.) of the statutes is amended to read:

13 941.29 **(1m)** (intro.) A person who possesses a firearm is guilty of a Class G
14 felony for a first offense and a Class F felony for a 2nd or subsequent offense, if any
15 of the following applies:

16 **SECTION 130.** 941.29 (1m) (dm), (dn) and (do) of the statutes are created to read:

17 941.29 **(1m)** (dm) The person has been convicted of a misdemeanor under s.
18 175.33 (2), unless at least 2 years have passed since the conviction.

19 (dn) The person has been adjudicated delinquent for a violation under s. 175.33
20 (2), unless at least 2 years have passed since the adjudication.

21 (do) The person has been found not guilty of a misdemeanor under s. 175.33 (2)
22 by reason of mental disease or defect, unless at least 2 years have passed since the
23 finding.

24 **SECTION 131.** 941.29 (1m) (f) of the statutes is amended to read:

SENATE BILL 1091**SECTION 131**

1 941.29 (1m) (f) The person is subject to an injunction issued under s. 813.12
2 or 813.122, a temporary restraining order or an injunction issued under s. 813.124,
3 or ~~under~~ a tribal injunction, as defined in s. 813.12 (1) (e), issued by a court
4 established by any federally recognized Wisconsin Indian tribe or band, except the
5 Menominee Indian tribe of Wisconsin, that includes notice to the respondent that he
6 or she is subject to the requirements and penalties under this section and that has
7 been filed under s. 813.128 (3g).

8 **SECTION 132.** 941.2905 (1) of the statutes is renumbered 941.2905 (1) (intro.)
9 and amended to read:

10 941.2905 (1) (intro.) Whoever intentionally furnishes, purchases, or possesses
11 a firearm for a person, knowing that the person is prohibited from possessing a
12 firearm under s. 941.29 (1m), is guilty of ~~a~~ one of the following:

13 (a) Except as provided in par. (b), a Class G felony.

14 **SECTION 133.** 941.2905 (1) (b) of the statutes is created to read:

15 941.2905 (1) (b) For a 2nd or subsequent offense, a Class F felony.

16 **SECTION 134.** 941.291 (1) (b) of the statutes, as affected by 2021 Wisconsin Act
17 76, is amended to read:

18 941.291 (1) (b) “Violent felony” means any felony, or the solicitation, conspiracy,
19 or attempt to commit any felony, under s. 943.23 (1m) or (1r), 1999 stats., or s. 940.01,
20 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19, 940.195, 940.198,
21 940.20, ~~940.201~~ 940.202, 940.203, 940.21, 940.225, 940.23, 940.285 (2), 940.29,
22 940.295 (3), 940.30, 940.305, 940.31, 940.43 (1) to (3), ~~940.45 (1) to (3)~~ (1m), (2m) (a)
23 to (c), or (3m), 940.44 (1m) or (2m) (a) to (c), 941.20, 941.26, 941.28, 941.29, 941.293,
24 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.04, 943.06, 943.10 (2),
25 943.23 (1g), 943.32, 943.81, 943.82, 943.83, 943.85, 943.86, 943.87, 943.88, 943.89,

SENATE BILL 1091

1 943.90, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.06,
2 948.07, 948.08, 948.085, or 948.30; or, if the victim is a financial institution, as
3 defined in s. 943.80 (2), a felony, or the solicitation, conspiracy, or attempt to commit
4 a felony under s. 943.84 (1) or (2).

5 **SECTION 135.** 941.293 of the statutes is created to read:

6 **941.293 Undetectable firearms; serial numbers on firearm**
7 **components. (1)** In this section:

8 (a) "Major component" means the barrel, the slide or cylinder, or the frame or
9 receiver of a firearm.

10 (b) "Undetectable firearm" means any of the following:

11 1. A firearm that, after the removal of grips, stocks, and magazines, is not
12 detectable by a metal detector calibrated to detect the security exemplar, as defined
13 in 18 USC 922 (p) (2) (C).

14 2. A firearm if any major component of it does not generate an image that
15 accurately depicts the shape of the component when subject to inspection by security
16 scanners, x-ray machines, or other security devices commonly used at airports.

17 **(2) (a) 1.** Whoever sells, offers to sell, transfers, transports, manufactures,
18 possesses, or goes armed with an undetectable firearm is guilty of a Class G felony.

19 2. Whoever sells, offers to sell, transfers, posts, provides to another, or
20 possesses plans for manufacturing an undetectable firearm is guilty of a Class H
21 felony.

22 (b) Paragraph (a) does not apply to a person who is licensed to manufacture
23 undetectable firearms while the person is on official duty. Paragraph (a) 1. does not
24 apply to a law enforcement officer while on official duty or to armed forces or national
25 guard personnel while on official duty.

SENATE BILL 1091**SECTION 135**

1 **(3)** (a) Whoever possesses a frame or a receiver of a firearm that is not attached
2 to a firearm and that is not marked or engraved with a serial number is guilty of a
3 Class I felony.

4 (b) Paragraph (a) does not apply to a firearm frame or receiver manufactured
5 before 1968, a person who is licensed to manufacture undetectable firearms while the
6 person is on official duty, a law enforcement officer while on official duty, or armed
7 forces or national guard personnel while on official duty.

8 **SECTION 136.** 941.296 (1) (b) of the statutes is amended to read:

9 941.296 **(1)** (b) "Handgun" has the meaning given in s. ~~175.35 (1) (b)~~ 941.237
10 (1) (d).

11 **SECTION 137.** 941.38 (1) (b) 5m. of the statutes is amended to read:

12 941.38 **(1)** (b) 5m. Battery or threat to witness a juror, as prohibited in s.
13 ~~940.201~~ 940.202.

14 **SECTION 138.** 941.38 (1) (b) 11. of the statutes is amended to read:

15 941.38 **(1)** (b) 11. Intimidation of witnesses, as prohibited in s. ~~940.42~~ or 940.43.

16 **SECTION 139.** 941.38 (1) (b) 12. of the statutes is amended to read:

17 941.38 **(1)** (b) 12. Intimidation of victims, as prohibited in s. ~~940.44~~ or ~~940.45~~.

18 **SECTION 140.** 943.20 (1) (f) of the statutes is created to read:

19 943.20 **(1)** (f) Having devised or intending to devise any scheme or artifice to
20 defraud, obtains money or property by means of false or fraudulent pretenses,
21 representations, or promises.

22 **SECTION 141.** 946.60 of the statutes is repealed.

23 **SECTION 142.** 946.61 of the statutes is repealed.

24 **SECTION 143.** 946.65 of the statutes is repealed and recreated to read:

SENATE BILL 1091

1 **946.65 Obstructing justice. (1m)** In this section:

2 (a) “Criminal investigator” means any individual authorized by a department,
3 agency, or political subdivision of the state or the Wisconsin national guard to
4 conduct or engage in an investigation of or prosecution for a crime.

5 (b) “Record” means any material on which written, drawn, printed, spoken,
6 visual, or electromagnetic information or electronically generated or stored data is
7 recorded or preserved, regardless of physical form or characteristics. “Record”
8 includes handwritten, typed, or printed pages, maps, charts, photographs, films,
9 recordings, tapes, optical discs, and any other medium on which electronically
10 generated or stored data is recorded or preserved.

11 **(2m)** Whoever does any of the following is guilty of a Class H felony:

12 (a) With intent to avoid, evade, prevent, or obstruct compliance with any
13 governmental civil or criminal investigative demand, intentionally withholds,
14 misrepresents, removes from any place, conceals, covers up, destroys, mutilates,
15 alters, or falsifies any record or oral testimony that is the subject of the demand.

16 (b) Intentionally, by offer of consideration, threat or force, or
17 misrepresentation, influences, obstructs, or impedes any proceeding before a court,
18 court commissioner, administrative law judge, or department or agency of the state
19 or any inquiry or investigation by the legislature.

20 (c) Intentionally, by threat or force, prevents, obstructs, impedes, or interferes
21 with due exercise of rights or the performance of duties pursuant to any order,
22 judgment, or decree of a court of this state. No injunctive or other civil relief against
23 the conduct made criminal by this section shall be denied on the ground that such
24 conduct may be punished under this paragraph.

SENATE BILL 1091**SECTION 143**

1 (d) Intentionally prevents or obstructs the communication of information
2 relating to a crime to a criminal investigator.

3 (e) Attempts to commit any of the acts described in pars. (a) to (d).

4 (f) Knowingly alters, destroys, mutilates, conceals, covers up, or falsifies any
5 record, document, or tangible object with the intent to impede, obstruct, or influence
6 the investigation or proper administration of any matter within the jurisdiction of
7 any department, agency, or political subdivision of the state.

8 (g) Knowingly accepts consideration with the intent to influence, obstruct, or
9 impede or attempt to influence, obstruct, or impede the administration of the law in
10 any proceeding before a court, court commissioner, administrative law judge, or
11 department, agency, or political subdivision of the state.

12 **SECTION 144.** 946.82 (4) of the statutes is amended to read:

13 946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961
14 (1) in effect as of April 27, 1982, or the attempt, conspiracy to commit, or commission
15 of any of the felonies specified in: chs. 945 and 961, subch. V of ch. 551, and ss. 49.49,
16 134.05, 139.44 (1), 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625,
17 221.0636, 221.0637, 221.1004, 553.41 (3) and (4), 553.52 (2), 940.01, 940.19 (4) to (6),
18 940.20, ~~940.201~~ 940.202, 940.203, 940.21, 940.30, 940.302 (2), 940.305, 940.31,
19 940.43 (2m) and (3m), 940.44 (2m), 941.20 (2) and (3), 941.26, 941.28, 941.298,
20 941.31, 941.32, 942.09, 943.01 (2), (2d), or (2g), 943.011, 943.012, 943.013, 943.02,
21 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (bf) to (e), 943.201, 943.203, 943.23
22 (1g), (2) and (3), 943.24 (2), 943.27, 943.28, 943.30, 943.32, 943.34 (1) (bf), (bm), and
23 (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and (c), 943.50 (4) (bf), (bm), and (c) and
24 (4m), 943.60, 943.70, 943.76, 943.81, 943.82, 943.83, 943.84, 943.85, 943.86, 943.87,
25 943.88, 943.89, 943.90, 944.21 (5) (c) and (e), 944.32, 944.34, 945.03 (1m), 945.04

SENATE BILL 1091

1 (1m), 945.05 (1), 945.08, 946.10, 946.11, 946.12, 946.13, 946.31, 946.32 (1), 946.48,
2 946.49, ~~946.61~~, 946.64, 946.65, 946.72, 946.76, 946.79, 947.015, 948.05, 948.051,
3 948.08, 948.12, and 948.30.

4 **SECTION 145.** 947.01 (1) of the statutes is renumbered 947.01 (1) (intro.) and
5 amended to read:

6 947.01 (1) (intro.) Whoever, in a public or private place, engages in violent,
7 ~~abusive~~ any of the following is guilty of a Class B misdemeanor:

8 (b) Abusive, indecent, profane, boisterous, unreasonably loud or otherwise
9 disorderly conduct under circumstances in which the conduct tends to cause or
10 provoke a disturbance ~~is guilty of a Class B misdemeanor.~~

11 **SECTION 146.** 947.01 (1) (a) of the statutes is created to read:

12 947.01 (1) (a) Violent behavior that involves the use or attempted use of
13 physical force or the use or threat to use a dangerous weapon.

14 **SECTION 147.** 949.03 (1) (b) of the statutes, as affected by 2021 Wisconsin Act
15 76, is amended to read:

16 949.03 (1) (b) The commission or the attempt to commit any crime specified in
17 s. 346.62 (4), 346.63 (2) or (6), 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08,
18 940.09, 940.10, 940.19, 940.198, 940.20, ~~940.201~~ 940.202, 940.21, 940.22 (2),
19 940.225, 940.23, 940.235, 940.24, 940.25, 940.285, 940.29, 940.30, 940.302 (2),
20 940.305, 940.31, 940.32, 940.43 (2m) or (3m), 940.44 (2m), 941.327, 942.09, 943.02,
21 943.03, 943.04, 943.10, 943.20, 943.23 (1g), 943.32, 943.81, 943.86, 943.87, 948.02,
22 948.025, 948.03, 948.04, 948.05, 948.051, 948.06, 948.07, 948.075, 948.08, 948.085,
23 948.09, 948.095, 948.20, 948.21 (1), 948.30 or 948.51.

24 **SECTION 148.** 961.472 (5) (b) of the statutes is amended to read:

SENATE BILL 1091**SECTION 148**

1 961.472 (5) (b) The person is participating in a an evidence-based substance
2 abuse use disorder treatment program that meets the requirements of s. 165.95 (3),
3 as determined by the department of justice ~~under s. 165.95 (9) and (10).~~

4 **SECTION 149.** 967.11 (1) of the statutes is amended to read:

5 967.11 (1) In this section, “approved ~~substance abuse treatment~~ program”
6 means a ~~substance abuse treatment~~ program that meets the requirements of s.
7 165.95 (3), as determined by the department of justice under s. 165.95 (9) and (10).

8 **SECTION 150.** 967.11 (2) of the statutes is amended to read:

9 967.11 (2) If a county establishes an approved ~~substance abuse treatment~~
10 program and the approved program authorizes the use of surveillance and
11 monitoring technology or day reporting programs, a court or a district attorney may
12 require a person participating in an the approved ~~substance abuse treatment~~
13 program to submit to surveillance and monitoring technology or a day reporting
14 program as a condition of participation.

15 **SECTION 151.** 968.075 (1) (a) (intro.) of the statutes is amended to read:

16 968.075 (1) (a) (intro.) “Domestic abuse” means any of the following engaged
17 in by an adult person against ~~his or her spouse or former spouse, against an adult~~
18 ~~with whom the person resides or formerly resided or against an adult with whom the~~
19 ~~person has a child in common~~ a relative of the adult person:

20 **SECTION 152.** 968.075 (1) (f) of the statutes is created to read:

21 968.075 (1) (f) “Relative” means any of the following:

- 22 1. Spouse or former spouse.
- 23 2. Parent or stepparent.
- 24 3. Legal guardian.
- 25 4. Person with whom the adult person has a child in common.

SENATE BILL 1091

1 5. Person with whom the adult person is cohabiting or has cohabited as a
2 spouse, a parent, or a legal guardian.

3 6. Person who is similarly situated to the adult person as a spouse, a parent,
4 or a legal guardian.

5 7. An adult who is residing or has resided with the adult person if subd. 1., 2.,
6 3., 4., 5., or 6. does not apply.

7 **SECTION 153.** 968.20 (3) (b) of the statutes is amended to read:

8 968.20 (3) (b) Except as provided in par. (a) or sub. (1m) or (4), a city, village,
9 town or county or other custodian of a seized dangerous weapon or ammunition, if
10 the dangerous weapon or ammunition is not required for evidence or use in further
11 investigation and has not been disposed of pursuant to a court order at the
12 completion of a criminal action or proceeding, shall make reasonable efforts to notify
13 all persons who have or may have an authorized rightful interest in the dangerous
14 weapon or ammunition of the application requirements under sub. (1). If, within 30
15 days after the notice, an application under sub. (1) is not made and the seized
16 dangerous weapon or ammunition is not returned by the officer under sub. (2), the
17 city, village, town or county or other custodian may retain the dangerous weapon or
18 ammunition and authorize its use by a law enforcement agency, except that a
19 dangerous weapon used in the commission of a homicide or a handgun, as defined
20 in s. ~~175.35 (1) (b)~~ 941.237 (1) (d), may not be retained. If a dangerous weapon other
21 than a firearm is not so retained, the city, village, town or county or other custodian
22 shall safely dispose of the dangerous weapon or, if the dangerous weapon is a motor
23 vehicle, as defined in s. 340.01 (35), sell the motor vehicle following the procedure
24 under s. 973.075 (4). If a firearm or ammunition is not so retained, the city, village,
25 town or county or other custodian shall ship it to the state crime laboratories and it

SENATE BILL 1091

1 is then the property of the laboratories. A person designated by the department of
2 justice may destroy any material for which the laboratories have no use or arrange
3 for the exchange of material with other public agencies. In lieu of destruction,
4 shoulder weapons for which the laboratory has no use shall be turned over to the
5 department of natural resources for sale and distribution of proceeds under s. 29.934
6 or for use under s. 29.938.

7 **SECTION 154.** 968.26 (1b) (a) 2. a. of the statutes, as affected by 2021 Wisconsin
8 Act 76, is amended to read:

9 968.26 (1b) (a) 2. a. Section 940.04, 940.11, 940.19 (2), (4), (5), or (6), 940.195
10 (2), (4), (5), or (6), 940.198 (2) (b) or (c) or (3), 940.20, ~~940.201~~ 940.202, 940.203,
11 940.205, 940.207, 940.208, 940.22 (2), 940.225 (3), 940.29, 940.302 (2) (c), 940.32,
12 940.43 (2m) or (3m), 940.44 (2m), 941.32, 941.38 (2), 942.09 (2), 943.10, 943.205,
13 943.32 (1), 946.43, 946.44, 946.47, 946.48, 948.02 (3), 948.03 (2) (b) or (c), (3), or (4),
14 948.04, 948.055, 948.095, 948.10 (1) (a), 948.11, 948.13 (2) (a), 948.14, 948.20, 948.23
15 (1), (2), or (3) (c) 2. or 3., or 948.30 (1).

16 **SECTION 155.** 969.08 (10) (b) of the statutes, as affected by 2021 Wisconsin Act
17 76, is amended to read:

18 969.08 (10) (b) "Serious crime" means any crime specified in s. 943.23 (1m),
19 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 346.62 (4), 940.01, 940.02, 940.03,
20 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (5), 940.195 (5), 940.198 (2) (a) or (c),
21 940.20, ~~940.201~~ 940.202 (2), 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.24,
22 940.25, 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2. or 3., 940.302 (2), 940.31, 940.43 (2m)
23 or (3m), 940.44 (2m), 941.20 (2) or (3), 941.26, 941.30, 941.327, 943.01 (2) (c), 943.011,
24 943.013, 943.02, 943.03, 943.04, 943.06, 943.10, 943.23 (1g), 943.30, 943.32, 943.81,
25 943.82, 943.83, 943.85, 943.86, 943.87, 943.88, 943.89, 943.90, 946.01, 946.02,

SENATE BILL 1091

1 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.051, 948.06,
2 948.07, 948.085, or 948.30 or, if the victim is a financial institution, as defined in s.
3 943.80 (2), a crime under s. 943.84 (1) or (2).

4 **SECTION 156.** 969.15 of the statutes is created to read:

5 **969.15 Enforcement assistance for court orders that render persons**
6 **ineligible to possess a firearm under federal law.** If a person who is released
7 on bail or bond under this chapter is subject to a court order described in 18 USC 922
8 (g) (8), all of the following shall occur:

9 (1) Within one business day of the person's release, the clerk shall send a copy
10 of the court order to the sheriff with jurisdiction over the person's residence.

11 (2) No later than 24 hours after receiving the copy of the court order under sub.
12 (1), the sheriff shall enter the court order, including modifying or cancelling a
13 previous court order per the current court order, into the transaction information for
14 management of enforcement system. The sheriff shall ensure that the information
15 on the existence and status of any court order under this section is available to other
16 law enforcement agencies through a verification system. The information does not
17 need to be maintained after the order is no longer in effect.

18 (3) A law enforcement agency or a clerk may use electronic transmission to
19 facilitate the exchange of information under this section. Any person who uses
20 electronic transmission shall ensure that the electronic transmission does not allow
21 unauthorized disclosure of the information transmitted.

22 **SECTION 157.** 971.17 (1g) of the statutes is amended to read:

23 971.17 (1g) NOTICE OF RESTRICTION ON FIREARM POSSESSION. If the defendant
24 under sub. (1) is found not guilty of a felony, or of a violation under s. 175.33 (2), by

SENATE BILL 1091

1 reason of mental disease or defect, the court shall inform the defendant of the
2 requirements and penalties under s. 941.29.

3 **SECTION 158.** 971.37 (1m) (a) 2. of the statutes is amended to read:

4 971.37 **(1m)** (a) 2. An adult accused of or charged with a criminal violation of
5 s. 940.19, 940.20 (1m), ~~940.201~~, 940.225, 940.23, 940.285, 940.30, ~~940.42~~, 940.43,
6 940.44, ~~940.45~~, 940.48, 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49,
7 947.01 (1), 947.012 or 947.0125 and the conduct constituting the violation involved
8 an act by the adult person against his or her spouse or former spouse, against an
9 adult with whom the adult person resides or formerly resided or against an adult
10 with whom the adult person has created a child.

11 **SECTION 159.** 973.017 (3) (f) of the statutes is created to read:

12 973.017 **(3)** (f) The fact that the person committed or attempted to commit a
13 violation of s. 940.01 because the victim of the homicide or attempted homicide was
14 any of the following:

15 1. A juror, as defined in s. 940.202 (1) (b), or a family member, as defined in s.
16 940.41 (1d), of a juror.

17 2. A witness, as defined in s. 940.41 (3), or a family member, as defined in s.
18 940.41 (1d), of a witness.

19 3. A victim, as defined in s. 940.41 (2), or a family member, as defined in s.
20 940.41 (1d), of a victim.

21 **SECTION 160.** 973.055 (1) (a) 1. of the statutes is amended to read:

22 973.055 **(1)** (a) 1. The court convicts the person of a violation of a crime specified
23 in s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.19, 940.20 (1m), ~~940.201~~, 940.21,
24 940.225, 940.23, 940.235, 940.285, 940.30, 940.305, 940.31, 940.32, ~~940.42~~, 940.43,
25 940.44, ~~940.45~~, 940.48, 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49,

SENATE BILL 1091

1 947.01 (1), 947.012 or 947.0125 or of a municipal ordinance conforming to s. 940.201
2 940.43 (3m), 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49, 947.01 (1),
3 947.012 or 947.0125; and

4 **SECTION 161.** 973.123 (1) of the statutes, as affected by 2021 Wisconsin Act 76,
5 is amended to read:

6 973.123 (1) In this section, “violent felony” means any felony under s. 943.23
7 (1m), 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 940.01, 940.02, 940.03, 940.05,
8 940.06, 940.08, 940.09, 940.10, 940.19, 940.195, 940.198, 940.20, ~~940.201~~ 940.202,
9 940.203, 940.21, 940.225, 940.23, 940.235, 940.285 (2), 940.29, 940.295 (3), 940.30,
10 940.302, 940.305, 940.31, 940.43 (1) to (3), ~~940.45 (1) to (3)~~ (2m) (a) to (c) or (3m),
11 940.44 (2m) (a) to (c), 941.20, 941.26, 941.28, 941.29, 941.292, 941.30, 941.327 (2) (b)
12 3. or 4., 943.02, 943.04, 943.06, 943.10 (2), 943.23 (1g), 943.32, 943.87, 946.43, 948.02
13 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.051, 948.06, 948.07, 948.08, 948.085,
14 or 948.30.

15 **SECTION 162.** 973.155 (1m) of the statutes is amended to read:

16 973.155 (1m) A convicted offender shall be given credit toward the service of
17 his or her sentence for all days spent in custody as part of a ~~substance abuse~~
18 ~~treatment~~ program that meets the requirements of s. 165.95 (3), as determined by
19 the department of justice under s. 165.95 (9) and (10), for any offense arising out of
20 the course of conduct that led to the person’s placement in that program.

21 **SECTION 163.** 973.176 (1) of the statutes is amended to read:

22 973.176 (1) FIREARM POSSESSION. Whenever a court imposes a sentence or
23 places a defendant on probation regarding a felony conviction or regarding a
24 conviction for a misdemeanor under s. 175.33 (2), the court shall inform the

SENATE BILL 1091**SECTION 163**

1 defendant of the requirements and penalties applicable to him or her under s. 941.29
2 (1m) or (4m).

3 **SECTION 164. Nonstatutory provisions.**

4 (1) FIELD PROSECUTOR POSITIONS; DRUG-RELATED OFFENSES.

5 (a) *Project positions.* The authorized FTE positions for the department of
6 justice, funded from the appropriation under s. 20.455 (1) (a), are decreased by 2.0
7 GPR project positions on the effective date of this paragraph for the purpose of
8 assisting the division of criminal investigation in the field offices of Wausau and
9 Appleton and for assisting district attorneys in prosecuting drug-related offenses.

10 (b) *Field prosecutors.*

11 1. Notwithstanding s. 230.15 (1), (3), or (7), all incumbent employees holding
12 project positions in the department of justice eliminated under par. (a) are
13 transferred to the positions authorized under SECTION 165 (9) of this act on the
14 effective date of this subdivision.

15 2. Notwithstanding s. 230.27 (2m) (a), an employee who is transferred under
16 subd. 1. may transfer rights and benefits, including seniority and continuous service
17 earned while serving the project appointment, to the permanent position.

18 3. Notwithstanding s. 230.28 (4), no employee transferred under subd. 1. is
19 required to serve a probationary period.

20 (2) COMMUNITY SERVICES TO REDUCE RECIDIVISM; ONETIME FUNDING.

21 Notwithstanding s. 16.42 (1) (e), in submitting information under s. 16.42 for the
22 2023-25 biennial budget bill, the department of justice shall submit information
23 concerning the appropriation under s. 20.455 (1) (ds) as though the increase in the
24 dollar amount of that appropriation by SECTION 165 (8) of this act did not take effect.

SENATE BILL 1091

1 (3) VIOLENCE PREVENTION GRANTS. The department of justice shall establish a
2 program to award grants from the appropriation under s. 20.455 (2) (dm) in the
3 2021-23 fiscal biennium for violence prevention programs. Grant applications are
4 due no later than June 30 of each fiscal year. The department of justice shall consult
5 with the department of health services to determine grant awards under this section.

6 (4) COMMUNITY POLICING AND COMMUNITY PROSECUTION GRANT PROGRAM. From the
7 appropriation under s. 20.455 (2) (cs), the department of justice shall provide grants
8 in the 2021-23 fiscal biennium for community policing and community prosecution.
9 In determining whether to award a grant under this section, the department of
10 justice may consider whether the grant will be used to address community policing
11 needs through hot-spot policing.

12 (5) OFFICER RECRUITMENT, RETENTION, AND WELLNESS GRANT PROGRAM. From the
13 appropriation under s. 20.455 (2) (ct), the department of justice shall provide grants
14 in the 2021-23 fiscal biennium for programs designed to recruit and retain law
15 enforcement officers and to promote officer wellness.

16 (6) CRIME VICTIM SERVICES; ONETIME FUNDING. Notwithstanding s. 16.42 (1) (e),
17 in submitting information under s. 16.42 for the 2023-25 biennial budget bill, the
18 department of justice shall submit information concerning the appropriation under
19 s. 20.455 (5) (a) as though the increase in the dollar amount of that appropriation by
20 SECTION 165 (10) of this act did not take effect.

SECTION 165. Fiscal changes.

21 (1) ALTERNATIVES TO PROSECUTION AND INCARCERATION GRANT PROGRAM
22 ADMINISTRATION. In the schedule under s. 20.005 (3) for the appropriation to the
23 department of justice under s. 20.455 (2) (a), the dollar amount for fiscal year
24 2021-22 is increased by \$426,800 to increase the authorized FTE positions for the
25

SENATE BILL 1091**SECTION 165**

1 department by 5.0 GPR positions to administer the alternatives to prosecution and
2 incarceration grant program under s. 165.95. In the schedule under s. 20.005 (3) for
3 the appropriation to the department of justice under s. 20.455 (2) (a), the dollar
4 amount for fiscal year 2022-23 is increased by \$426,800 to provide funding for the
5 positions authorized under this subsection.

6 (2) ALTERNATIVES TO PROSECUTION AND INCARCERATION GRANT PROGRAM. In the
7 schedule under s. 20.005 (3) for the appropriation to the department of justice under
8 s. 20.455 (2) (ek), the dollar amount for fiscal year 2021-22 is increased by \$7,761,000
9 for the purposes for which the appropriation is made. In the schedule under s. 20.005
10 (3) for the appropriation to the department of justice under s. 20.455 (2) (ek), the
11 dollar amount for fiscal year 2022-23 is increased by \$7,761,000 for the purposes for
12 which the appropriation is made.

13 (3) INVESTIGATOR AND ATTORNEY POSITIONS. In the schedule under s. 20.005 (3)
14 for the appropriation to the department of justice under s. 20.455 (1) (a), the dollar
15 amount for fiscal year 2021-22 is increased by \$483,600 to increase the authorized
16 FTE positions for the the department of justice by 2.0 GPR investigator positions in
17 the division of criminal investigation for investigators and 2.0 GPR attorney
18 positions for assistant attorneys general. The investigator and attorney positions
19 authorized under this subsection shall handle cases primarily involving felony
20 violations subject to s. 939.63, if a felony is committed while armed, and under s.
21 940.01 to 940.03, 940.05, 940.06, 940.225, 943.23 (1g), and 943.32 (2). In the schedule
22 under s. 20.005 (3) for the appropriation to the department of justice under s. 20.455
23 (1) (a), the dollar amount for fiscal year 2022-23 is increased by \$483,600 to fund the
24 positions authorized under this subsection.

SENATE BILL 1091

1 (4) TASK FORCE ON MISSING AND MURDERED INDIGENOUS WOMEN. In the schedule
2 under s. 20.005 (3) for the appropriation to the department of justice under s. 20.455
3 (1) (a), the dollar amount for fiscal year 2021-22 is increased by \$131,200 to increase
4 the authorized FTE positions for the department of justice by 2.0 GPR positions for
5 the purpose of assisting the Task Force on Missing and Murdered Indigenous
6 Women. In the schedule under s. 20.005 (3) for the appropriation to the department
7 of justice under s. 20.455 (1) (a), the dollar amount for fiscal year 2022-23 is
8 increased by \$131,200 to fund the positions authorized under this subsection.

9 (5) LAW ENFORCEMENT OFFICER TRAINING AND WELLNESS. In the schedule under
10 s. 20.005 (3) for the appropriation to the department of justice under s. 20.455 (2) (a),
11 the dollar amount for fiscal year 2021-22 is increased by \$131,600 to increase the
12 authorized FTE positions for the department by 2.0 GPR positions for law
13 enforcement officer training and wellness initiatives. In the schedule under s. 20.005
14 (3) for the appropriation to the department of justice under s. 20.455 (2) (a), the dollar
15 amount for fiscal year 2022-23 is increased by \$131,600 to provide funding for the
16 positions authorized under this subsection.

17 (6) LAW ENFORCEMENT SERVICES; TOXICOLOGISTS. In the schedule under s. 20.005
18 (3) for the appropriation to the department of justice under s. 20.455 (2) (a), the dollar
19 amount for fiscal year 2021-22 is increased by \$234,400 to increase the authorized
20 FTE positions for the department by 4.0 GPR positions for law enforcement
21 toxicology services. In the schedule under s. 20.005 (3) for the appropriation to the
22 department of justice under s. 20.455 (2) (a), the dollar amount for fiscal year
23 2022-23 is increased by \$234,400 to provide funding for the positions authorized
24 under this subsection.

SENATE BILL 1091**SECTION 165**

1 (7) OFFICER TRAINING REIMBURSEMENTS; SUPPLEMENTAL FUNDS. In the schedule
2 under s. 20.005 (3) for the appropriation to the department of justice under s. 20.455
3 (2) (as), the dollar amount for fiscal year 2021-22 is increased by \$1,000,000 for law
4 enforcement training reimbursements under s. 165.85 (5) (b). In the schedule under
5 s. 20.005 (3) for the appropriation to the department of justice under s. 20.455 (2) (as),
6 the dollar amount for fiscal year 2022-23 is increased by \$1,000,000 for law
7 enforcement training reimbursements under s. 165.85 (5) (b).

8 (8) COMMUNITY SERVICES TO REDUCE RECIDIVISM. In the schedule under s. 20.005
9 (3) for the appropriation to the department of corrections under s. 20.410 (1) (ds), the
10 dollar amount for fiscal year 2021-22 is increased by \$5,000,000 for recidivism
11 reduction. In the schedule under s. 20.005 (3) for the appropriation to the
12 department of corrections under s. 20.410 (1) (ds), the dollar amount for fiscal year
13 2022-23 is increased by \$5,000,000 for recidivism reduction.

14 (9) FIELD PROSECUTORS; DRUG-RELATED OFFENSES. In the schedule under s. 20.005
15 (3) for the appropriation to the department of justice under s. 20.455 (1) (a), the dollar
16 amount for fiscal year 2021-22 is increased by \$300,000 to increase the authorized
17 FTE positions for the department by 2.0 GPR attorney positions for the purpose of
18 assisting the division of criminal investigation in the field offices of Wausau and
19 Appleton and for assisting district attorneys in prosecuting drug-related offenses.
20 In the schedule under s. 20.005 (3) for the appropriation to the department of justice
21 under s. 20.455 (1) (a), the dollar amount for fiscal year 2022-23 is increased by
22 \$300,000 to provide funding for the positions authorized under this subsection.

23 (10) VICTIM SERVICES. In the schedule under s. 20.005 (3) for the appropriation
24 to the department of justice under s. 20.455 (5) (a), the dollar amount for fiscal year
25 2021-22 is increased by \$5,000,000 to fund victim service programs. In the schedule

SENATE BILL 1091

1 under s. 20.005 (3) for the appropriation to the department of justice under s. 20.455
2 (5) (a), the dollar amount for fiscal year 2022-23 is increased by \$5,000,000 to fund
3 victim service programs.

4 (11) HATE CRIMES REPORTING PORTAL. In the schedule under s. 20.005 (3) for the
5 appropriation to the department of justice under s. 20.455 (2) (a), the dollar amount
6 for fiscal year 2021-22 is increased by \$591,400 to increase the authorized FTE
7 positions for the department by 4.0 GPR victim service specialist positions, 1.0 GPR
8 research analyst position, and 1.0 GPR program and policy analyst position. In the
9 schedule under s. 20.005 (3) for the appropriation to the department of justice under
10 s. 20.455 (2) (a), the dollar amount for fiscal year 2022-23 is increased by \$591,400
11 for the positions authorized under this subsection.

12 (12) OFFICE OF SCHOOL SAFETY FUNDING.

13 (a) *Fully funding existing positions.* In the schedule under s. 20.005 (3) for the
14 appropriation to the department of justice under s. 20.455 (2) (a), the dollar amount
15 for fiscal year 2021-22 is increased by \$63,100 to increase the authorized FTE
16 positions for the department by 1.2 GPR positions for the purposes of replacing the
17 grant specialist project position that expires on December 30, 2021, and increasing
18 a current 0.8 FTE position in the office of school safety by 0.2 GPR positions. In the
19 schedule under s. 20.005 (3) for the appropriation to the department of justice under
20 s. 20.455 (2) (a), the dollar amount for fiscal year 2022-23 is increased by \$188,700
21 to increase the authorized FTE positions for the department by 1.0 GPR positions for
22 the purpose of replacing the federal coordinator position that expires on September
23 30, 2022, and to provide funding for the other positions authorized under this
24 paragraph.

SENATE BILL 1091**SECTION 165**

1 (b) *Fully fund existing supplies and services.* In the schedule under s. 20.005
2 (3) for the appropriation to the department of justice under s. 20.455 (2) (a), the dollar
3 amount for fiscal year 2021-22 is increased by \$144,900 and the dollar amount for
4 fiscal year 2022-23 is increased by \$144,900 for existing supplies and services of the
5 office of school safety.

6 (c) *Funding for existing Speak Up, Speak Out program positions.* In the
7 schedule under s. 20.005 (3) for the appropriation to the department of justice under
8 s. 20.455 (2) (a), the dollar amount for fiscal year 2021-22 is increased by \$345,000
9 to increase the authorized FTE positions for the department by 5.0 GPR positions to
10 replace the 5 resource center analyst project positions for the Speak Up, Speak Out
11 program that expire on September 30, 2021. In the schedule under s. 20.005 (3) for
12 the appropriation to the department of justice under s. 20.455 (2) (a), the dollar
13 amount for fiscal year 2022-23 is increased by \$441,100 to provide funding for the
14 positions authorized under this paragraph.

15 (d) *Fund existing Speak Up, Speak Out program.* In the schedule under s.
16 20.005 (3) for the appropriation to the department of justice under s. 20.455 (2) (a),
17 the dollar amount for fiscal year 2021-22 is increased by \$73,000 and the dollar
18 amount for fiscal year 2022-23 is increased by \$73,000 for user trainings and public
19 awareness campaigns for the Speak Up, Speak Out program.

20 (e) *Expand positions for the Speak Up, Speak Out program.* In the schedule
21 under s. 20.005 (3) for the appropriation to the department of justice under s. 20.455
22 (2) (a), the dollar amount for fiscal year 2022-23 is increased by \$208,000 to increase
23 the authorized FTE positions for the department by 4.0 GPR positions to create
24 additional resource center analysts for the Speak Up, Speak Out program to start on
25 September 30, 2022.

SENATE BILL 1091

1 (f) *Adding 2017 Wisconsin Act 143 compliance audit LTEs.* In the schedule
2 under s. 20.005 (3) for the appropriation to the department of justice under s. 20.455
3 (2) (a), the dollar amount for fiscal year 2021-22 is increased by \$96,200 and the
4 dollar amount for fiscal year 2022-23 is increased by \$96,200 to fund in each fiscal
5 year 4,160 hours for limited-term employees to review materials submitted by
6 schools under 2017 Wisconsin Act 143.

7 (13) REIMBURSEMENT TO COUNTIES FOR VICTIM-WITNESS SERVICES. In the schedule
8 under s. 20.005 (3) for the appropriation to the department of justice under s. 20.455
9 (5) (f), the dollar amount for fiscal year 2021-22 is increased by \$3,250,000 for the
10 purposes for which the appropriation is made. In the schedule under s. 20.005 (3)
11 for the appropriation to the department of justice under s. 20.455 (5) (f), the dollar
12 amount for fiscal year 2022-23 is increased by \$3,250,000 for the purposes for which
13 the appropriation is made.

14 (14) CRISIS PROGRAM ENHANCEMENT GRANTS. In the schedule under s. 20.005 (3)
15 for the appropriation to the department of health services under s. 20.435 (5) (cf), the
16 dollar amount for fiscal year 2021-22 is increased by \$7,375,000 for the purpose for
17 which the appropriation is made. In the schedule under s. 20.005 (3) for the
18 appropriation to the department of health services under s. 20.435 (5) (cf), the dollar
19 amount for fiscal year 2022-23 is increased by \$7,375,000 for the purpose for which
20 the appropriation is made.

21 (15) MENTAL HEALTH AND SUBSTANCE USE SERVICES GRANTS AND PROGRAMS. In the
22 schedule under s. 20.005 (3) for the appropriation to the department of health
23 services under s. 20.435 (5) (bc), the dollar amount for fiscal year 2021-22 is
24 increased by \$5,000,000 for the purposes for which the appropriation is made that
25 are related to mental health and substance use services. In the schedule under s.

SENATE BILL 1091**SECTION 165**

1 20.005 (3) for the appropriation to the department of health services under s. 20.435
2 (5) (bc), the dollar amount for fiscal year 2022-23 is increased by \$5,000,000 for the
3 purposes for which the appropriation is made that are related to mental health and
4 substance use services.

5 (16) SPECIAL EDUCATION AID. In the schedule under s. 20.005 (3) for the
6 appropriation to the department of public instruction under s. 20.255 (2) (b), the
7 dollar amount is increased by \$36,530,000 for the 2021-22 fiscal year to increase
8 funding for aids for special education under s. 115.88. In the schedule under s. 20.005
9 (3) for the appropriation to the department of public instruction under s. 20.255 (2)
10 (b), the dollar amount is increased by \$36,530,000 for the 2022-23 fiscal year to
11 increase funding for aids for special education under s. 115.88.

12 (17) UW SYSTEM, GENERAL PROGRAM OPERATIONS. In the schedule under s. 20.005
13 (3) for the appropriation to the Board of Regents of the University of Wisconsin
14 System under s. 20.285 (1) (a), the dollar amount is increased by \$9,130,000 for the
15 2021-22 fiscal year to increase funding for the purpose for which the appropriation
16 is made. In the schedule under s. 20.005 (3) for the appropriation to the Board of
17 Regents of the University of Wisconsin System under s. 20.285 (1) (a), the dollar
18 amount is increased by \$9,130,000 for the 2022-23 fiscal year to increase funding for
19 the purpose for which the appropriation is made.

20 **SECTION 166. Initial applicability.**

21 (1) DOMESTIC VIOLENCE PROTECTION ORDERS. The treatment of s. 969.15 first
22 applies to releases that occur on the effective date of this subsection.

23 (2) TREATMENT ALTERNATIVES AND DIVERSIONS. The treatment of ss. 165.95 (1)
24 (ac), (2), (2r), (3) (a), (ag), (b), (bd), (cm) 2., (d), (e), (g), (h), (i), (j), and (k), (5) (a) and

SENATE BILL 1091

1 (b), (5m), (6), (7), and (7m) first applies to grants awarded under s. 165.95 (2) on the
2 effective date of this subsection.

3 (3) STATUTE OF LIMITATIONS IN A FELONY CASE. Notwithstanding s. 990.06, the
4 treatment of s. 939.74 (2d) (b), (c), and (e) first applies to an action for which the time
5 limit under s. 939.74 (1) or (2) for prosecution has expired as of the effective date of
6 this subsection.

7 (4) OBSTRUCTION OF JUSTICE. The treatment of ss. 6.47 (1) (b), 48.685 (2) (bb) and
8 (5) (bm) 4., 48.686 (1) (c) 9. and 12. and (2) (bb), 50.065 (2) (bb), 165.70 (1) (b), 165.84
9 (7) (ab) 1. and 2., 301.048 (2) (bm) 1. a., 767.461 (4), 939.22 (21) (em), (k), and (L),
10 939.31, 939.32 (1) (c), 939.632 (1) (e) 1. and 3., 940.03, 940.20 (3), 940.201 (2), 940.41
11 (intro.), 940.44, 940.45, 940.46, 940.47 (1) and (2), 940.48 (1) and (2) (intro.), (a), and
12 (b), 940.49, 941.29 (1g) (a) and (b), 941.291 (1) (b), 941.38 (1) (b) 5m., 11., and 12.,
13 946.65, 946.82 (4), 949.03 (1) (b), 968.26 (1b) (a) 2. a., 969.08 (10) (b), 971.37 (1m) (a)
14 2., 973.055 (1) (a) 1., and 973.123 (1), the repeal of ss. 940.201 (title) and (1), 940.42,
15 946.60, and 946.61, the renumbering and amendment of s. 940.43, and the creation
16 of ss. 940.202 (1) and (3), 940.41 (1d), 940.43 (1m), and 973.017 (3) (f) first apply to
17 an act committed on the effective date of this subsection.

18 (5) ILLEGAL POSSESSION OF A FIREARM OR STRAW PURCHASING. The treatment of s.
19 941.29 (1m) (intro.), the renumbering and amendment of s. 941.2905 (1), and the
20 creation of s. 941.2905 (1) (b) first apply to an offense committed on the effective date
21 of this subsection but does not preclude the counting of an offense committed before
22 the effective date of this subsection as a prior offense for the purposes of sentencing.

23 **SECTION 167. Effective dates.** This act takes effect on the day after
24 publication, except as follows:

