LRB-1916/1 CMH:klm

## 2017 ASSEMBLY BILL 89

February 24, 2017 - Introduced by Representatives Sanfelippo, Jagler, Horlacher, Murphy, Duchow, Tusler, Gannon, Ott, Spiros, Tittl, Skowronski, Kremer, E. Brooks and Allen, cosponsored by Senators Vukmir, Wanggaard, Darling, Nass and Feyen. Referred to Committee on Criminal Justice and Public Safety.

## \*\*\*AUTHORS SUBJECT TO CHANGE\*\*\*

AN ACT to renumber and amend 941.29 (4m) (a) 2.; to amend 941.29 (4m) (a)

(intro.); and to create 941.29 (4m) (a) 2. (intro.), b. and c. of the statutes;

relating to: mandatory minimum incarceration period following illegal possession of a firearm.

## Analysis by the Legislative Reference Bureau

Under current law, if a person who is prohibited from possessing a firearm due to the commission of, or the solicitation, conspiracy, or attempt to commit, a violent felony is convicted of illegally possessing a firearm, the court must impose a mandatory minimum three-year incarceration period if the person, within the five years prior to the illegal possession of the firearm, was serving a sentence, was on parole, or was committed for a subsequent felony or a violent misdemeanor. Under this bill, the court must also impose the mandatory minimum three-year incarceration period if the person who is prohibited from possessing a firearm violated the prohibition while on probation, parole, extended supervision, or conditional release for the commission of a prior felony or violent misdemeanor.

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

**Section 1.** 941.29 (4m) (a) (intro.) of the statutes is amended to read:

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941.29 (4m) (a) (intro.) The If a person commits a violation of sub. (1m), the
court shall impose a bifurcated sentence under s. $973.01$ and the confinement portion
of the bifurcated sentence imposed on the person shall be not less than $3$ years if all
of the following are true:
SECTION 2. 941.29 (4m) (a) 2. (intro.), b. and c. of the statutes are created to
read:
941.29 (4m) (a) 2. (intro.) Any of the following applies:
b. The person committed the current offense while on probation, parole,
extended supervision, or conditional release for the commission of a prior felony or
violent misdemeanor.
c. The person committed the current offense within 5 years after being
discharged from commitment under ch. 971 for the commission of a prior felony or
violent misdemeanor.
<b>SECTION 3.</b> 941.29 (4m) (a) 2. of the statutes is renumbered 941.29 (4m) (a) 2.
a. and amended to read:
941.29 (4m) (a) 2. a. The person committed the current offense within 5 years
after completing his or her sentence, including any <del>probation,</del> parole, or extended
supervision, or being discharged by the department of corrections, after completing
a period of probation imposed for a prior felony or violent misdemeanor.

(END)