



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-1660/1
CMH:amn

2017 ASSEMBLY BILL 428

June 30, 2017 - Introduced by Representatives SUBECK, ANDERSON, BERCEAU, OHNSTAD, SARGENT, ZAMARRIPA and ZEPNICK, cosponsored by Senators L. TAYLOR, JOHNSON and LARSON. Referred to Committee on Criminal Justice and Public Safety.

1 **AN ACT to amend** 165.83 (2) (d), 175.37 (title) and 175.37 (2); and **to create**
2 165.83 (2) (dd), 175.36 and 175.37 (1m) of the statutes; **relating to:** a
3 requirement to report lost or stolen firearms and providing criminal penalties.

Analysis by the Legislative Reference Bureau

Under this bill, a person who owns a firearm that is stolen or missing must report the theft or loss to a law enforcement agency within 24 hours of discovering the theft or loss. A person who violates this requirement is guilty of a Class A misdemeanor for a first offense and guilty of a Class I felony for a second or subsequent offense. A person who falsely reports a stolen or lost firearm is guilty of the current-law crime of obstructing an officer and is subject to a fine of up to \$10,000 or a sentence of imprisonment of up to nine months, or both.

This bill also requires a person who commercially sells or transfers a firearm to provide the purchaser or transferee a written notice of the requirement, created in this bill, to report a theft or loss of a firearm within 24 hours of discovering it. A seller or transferor who violates this requirement is subject to a fine of up to \$500 or imprisonment for up to 30 days, or both.

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:

ASSEMBLY BILL 428**SECTION 1**

1 **SECTION 1.** 165.83 (2) (d) of the statutes is amended to read:

2 165.83 **(2)** (d) Obtain Except as provided in par. (dd), obtain and file
3 information relating to identifiable stolen or lost property.

4 **SECTION 2.** 165.83 (2) (dd) of the statutes is created to read:

5 165.83 **(2)** (dd) 1. If a law enforcement agency forwards a file under s. 175.36
6 (2) (a) 2. to the department, enter the information into the national crime
7 information center systems and put the file in a database that is created for stolen
8 or lost firearms and make the database available to law enforcement agencies for the
9 purpose of locating and identifying stolen or lost firearms and identifying violators
10 of s. 175.36 (1).

11 2. If a law enforcement agency notifies the department under s. 175.36 (2) (b)
12 that a stolen or lost firearm has been recovered, enter that information into the
13 national crime information center systems and add to the database a notation that
14 the firearm has been recovered and the date on which it was recovered.

15 **SECTION 3.** 175.36 of the statutes is created to read:

16 **175.36 Reporting stolen or lost firearm.** (1) (a) A person who owns a
17 firearm and who discovers that the firearm is stolen or lost shall, within 24 hours of
18 the discovery, report the theft or loss to a law enforcement agency that has
19 jurisdiction over the area in which the firearm was stolen or lost.

20 (b) If a person who has reported a theft or loss under par. (a) recovers the
21 firearm, the person shall report as soon as practicable to a law enforcement agency
22 the date on which the firearm was recovered.

23 **(2)** (a) A law enforcement agency that receives under sub. (1) (a) a report of a
24 stolen or lost firearm shall do all of the following:

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1 1. Create a file that includes, if known, the date on which the firearm was stolen
2 or lost; the caliber, make, and model of the firearm; the serial number of the firearm;
3 any distinguishing mark on the firearm; and the location at which the firearm was
4 purchased by, or transferred to, the person making the report under sub. (1) (a).

5 2. As soon as practicable, forward a copy of the file created under subd. 1. to the
6 department of justice for inclusion in a database under s. 165.83 (2) (dd).

7 (b) A law enforcement agency that receives under sub. (1) (b) a report of a
8 recovered firearm shall report to the department of justice the date on which the
9 firearm was recovered.

10 **(3)** A person who reports under sub. (1) (a) a stolen or lost firearm, when he or
11 she knows that the report is false, is subject to the penalty for obstructing a law
12 enforcement officer under s. 946.41.

13 **(4)** A person who violates sub. (1) (a) is guilty of one of the following:

14 (a) For a first offense, a Class A misdemeanor.

15 (b) For a 2nd or subsequent offense, a Class I felony.

16 **SECTION 4.** 175.37 (title) of the statutes is amended to read:

17 **175.37** (title) **Warning Requirements whenever transferring a firearm.**

18 **SECTION 5.** 175.37 (1m) of the statutes is created to read:

19 **175.37 (1m)** Upon the retail commercial sale or transfer of a firearm, the seller
20 or transferor shall provide to the buyer or transferee a written notice of the
21 requirements under s. 175.36 (1) and of the penalties under s. 175.36 (4).

22 **SECTION 6.** 175.37 (2) of the statutes is amended to read:

23 **175.37 (2)** Any person who violates sub. (1) or (1m) may be fined not more than
24 \$500 or imprisoned for not more than 30 days or both.

25 **SECTION 7. Initial applicability.**

