



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBa1279/5
CMH:eev:jm

**ASSEMBLY AMENDMENT 1,
TO ASSEMBLY BILL 464**

December 6, 2013 – Offered by Representative BIES.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 8: delete “(bp) and”.

3 **2.** Page 3, line 8: delete “are created” and substitute “is created”.

4 **3.** Page 3, line 9: delete lines 9 and 10.

5 **4.** Page 3, line 11: before “(br)” insert “785.01 (1)”.

6 **5.** Page 4, line 6: delete the material beginning with “that” and ending with
7 “~~commissioner.~~” on line 10 and substitute “that he or she owns or has in his or her
8 possession to the sheriff of the county in which the action under this section was
9 commenced, to the sheriff of the county in which the respondent resides, or to another
10 person designated by the respondent and approved by the judge or circuit court
11 commissioner.”.

12 **6.** Page 4, line 16: delete “in” and substitute “, in”.

1 **7.** Page 7, line 12: delete the material beginning with “~~that~~” and ending with
2 “~~commissioner.~~” on line 16 and substitute “that he or she owns or has in his or her
3 possession to the sheriff of the county in which the action under this section was
4 commenced, to the sheriff of the county in which the respondent resides, or to another
5 person designated by the respondent and approved by the judge or circuit court
6 commissioner.”.

7 **8.** Page 7, line 22: delete “in” and substitute “, in”.

8 **9.** Page 8, line 24: delete the material beginning with “that he or she owns or
9 has” and ending with “~~commissioner.~~” on page 9, line 3, and substitute “that he or she
10 owns or has in his or her possession to the sheriff of the county in which the action
11 under this section was commenced, to the sheriff of the county in which the
12 respondent resides, or to another person designated by the respondent and approved
13 by the judge or circuit court commissioner.”.

14 **10.** Page 9, line 9: delete “in” and substitute “, in”.

15 **11.** Page 10, line 16: delete “possesses and the” and substitute “possesses,
16 the”.

17 **12.** Page 10, line 17: after “possesses” insert “, and the location of any firearm
18 he or she believes the respondent possesses”.

19 **13.** Page 11, line 20: after that line insert:

20 “6. The court has not opted to use the process under par. (c).”.

21 **14.** Page 11, line 24: after that line insert:

22 “(c) The respondent surrenders his or her firearm to a sheriff as provided under
23 par. (b), and a person who appeared at the injunction hearing under s. 813.12 (4),

1 813.122 (5), or 813.125 (4), whichever is appropriate, takes possession of the firearm
2 from the sheriff, if all of the following apply:

3 1. Paragraph (a) 4. and 5. apply.

4 2. The sheriff determines that the person is not prohibited from possessing a
5 firearm.”.

6 **15.** Page 12, line 5: delete that line and substitute “respondent.”.

7 **16.** Page 12, line 11: delete lines 11 to 22 and substitute:

8 “1. If the respondent wants to surrender his or her firearms to a person who is
9 not the sheriff and who appears at the hearing to surrender firearms and if the court,
10 after considering all relevant factors and input from the petitioner, approves the
11 surrender and informs the person to whom the firearms are surrendered of the
12 requirements and penalties under s. 941.29 (4), order the respondent to surrender
13 his or her firearms in one of the following ways:

14 a. To the person, after the person testifies under oath that he or she has received
15 the firearms listed on the respondent’s firearm possession form and after the court
16 determines that the person is not prohibited from possessing a firearm.

17 b. To the sheriff, who shall transfer the firearms to the person after determining
18 that the person is not prohibited from possessing a firearm.”.

19 **17.** Page 12, line 22: after that line insert:

20 “1m. If the respondent claims to have surrendered all of the firearms subject
21 to the order to the sheriff in accordance with sub. (6), verify that the respondent has
22 surrendered all such firearms.”.

23 **18.** Page 12, line 23: delete the material beginning with “on the respondent’s”
24 and ending with “court.” on page 13, line 2, and substitute “that the court finds the

1 respondent owns or possesses to a sheriff in accordance with sub. (6). If the
2 respondent has not provided to the court, within 48 hours of the order, a receipt as
3 specified in sub. (6) (b) that shows surrender of all of the firearms that were subject
4 to the order, the court shall presume the respondent is violating the order and may
5 do any of the following:

6 a. Notify the sheriff of the violation for investigation and appropriate action.

7 b. Schedule another hearing to surrender firearms under sub. (4).

8 c. Issue a warrant to the sheriff ordering that the respondent be brought before
9 the court to show cause why the respondent should not be held in contempt.”.

10 **19.** Page 14, line 10: after “person” insert “(whether directly or indirectly
11 through a sheriff)”.

12 **20.** Page 15, line 17: after that line insert:

13 “**SECTION 25h.** 818.02 (9) of the statutes is created to read:

14 818.02 (9) In a proceeding under s. 813.1285.”.

15 (END)