



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRBs0025/1  
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**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO ASSEMBLY BILL 13**

February 24, 2015 - Offered by Representative KNODL.

1 **AN ACT to amend** 165.63 (2) (intro.), 165.63 (3), 165.63 (4) (d), 968.20 (1) (b) and  
2 968.20 (1m) (b); and **to create** 165.63 (5) and 968.20 (1m) (d) of the statutes;  
3 **relating to:** the return of a seized firearm to the person who owns the firearm.

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

4 **SECTION 1.** 165.63 (2) (intro.) of the statutes is amended to read:  
5 165.63 (2) DEPARTMENT TO PROVIDE INFORMATION UPON REQUEST. (intro.) Upon  
6 a request under sub. (3) ~~or~~, (4), or (5), the department shall provide to the person  
7 making the request information regarding any of the following:

8 **SECTION 2.** 165.63 (3) of the statutes is amended to read:  
9 165.63 (3) ~~REQUESTS FOR INJUNCTIONS FROM COURTS~~. In making a determination  
10 required under s. 813.1285 (7) (a) or 968.20 (1m) (d) 1., a judge or court commissioner  
11 shall request information under sub. (2) from the department or from a law  
12 enforcement agency or law enforcement officer as provided in sub. (4) (d).

1           **SECTION 3.** 165.63 (4) (d) of the statutes is amended to read:

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

5           **SECTION 4.** 165.63 (5) of the statutes is created to read:

6           165.63 (5) In making a determination required under s. 968.20 (1m) (d) 2., an  
7 entity holding a seized firearm shall request information under sub. (2) from the  
8 department or from a law enforcement agency or law enforcement officer as provided  
9 in sub. (4) (d).

10          **SECTION 5.** 968.20 (1) (b) of the statutes is amended to read:

11          968.20 (1) (b) All proceedings and investigations in which it might be required  
12 have been completed.

13          **SECTION 6.** 968.20 (1m) (b) of the statutes is amended to read:

14          968.20 (1m) (b) If the seized property is a dangerous weapon or ammunition,  
15 the property shall not be returned to any person who committed a crime involving  
16 the use of the dangerous weapon or the ammunition. ~~The~~

17          (c) Subject to par. (d), seized property that is a dangerous weapon or  
18 ammunition may be returned to the rightful owner under this section if the owner  
19 had no prior knowledge of and gave no consent to the commission of the crime.

20          (e) Property which may not be returned to an owner under this subsection shall  
21 be disposed of under subs. (3) and (4).

22          **SECTION 7.** 968.20 (1m) (d) of the statutes is created to read:

23          968.20 (1m) (d) 1. If the seized property is a firearm, the property has not been  
24 returned under this section, and a person claiming the right to possession of the  
25 firearm has applied for its return under sub. (1), the court shall order a hearing under

1 sub. (1) to occur within 20 business days after the person applies for the return. If,  
2 at the hearing, all conditions under sub. (1) have been met and the person is not  
3 prohibited from possessing a firearm under state or federal law as determined by  
4 using information provided under s. 165.63, the court shall, within 5 days of the  
5 completion of the hearing and using a return of firearms form developed by the  
6 director of state courts, order the property returned if one of the following has  
7 occurred:

8 a. The district attorney has affirmatively declined to file charges in connection  
9 with the seizure against the person.

10 b. All charges filed in connection with the seizure against the person have been  
11 dismissed.

12 c. Ten months have passed since the seizure and no charges in connection with  
13 the seizure have been filed against the person.

14 d. The trial court has reached final disposition for all charges in connection with  
15 the seizure and the person has not been adjudged guilty, or not guilty by reason of  
16 mental disease or defect, of a crime in connection with the seizure.

17 e. The person has established that he or she had no prior knowledge of and gave  
18 no consent to the commission of the activity that led to the seizure.

19 2. If an entity holding a seized firearm receives a return of firearms form, the  
20 entity shall return the firearm within 10 business days of receiving the form unless  
21 the entity determines that the person who would receive the firearm is prohibited  
22 from possessing a firearm under state or federal law. The entity shall use the  
23 information provided under s. 165.63 to aid in making the determination under this  
24 subdivision.

25 **SECTION 8. Initial applicability.**

