



State of Wisconsin
2015 - 2016 LEGISLATURE

LRBa0395/1
CMH:cjs:cs

**ASSEMBLY AMENDMENT 5,
TO ASSEMBLY BILL 49**

April 22, 2015 - Offered by Representative GOYKE.

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

2 **1.** Page 2, line 11: after that line insert:

3 **"SECTION 3h.** 175.35 (2g) (bm) of the statutes is created to read:

4 175.35 **(2g)** (bm) The department shall promulgate rules specifying the
5 identifying information for a transferor that a transferee must provide to a firearms
6 dealer under sub. (2gm) (a) 1. c.

7 **SECTION 3L.** 175.35 (2g) (c) (intro.) of the statutes is amended to read:

8 175.35 **(2g)** (c) (intro.) The department of justice shall promulgate rules for
9 firearms restrictions record searches regarding transferees under ~~sub.~~ subs. (2) and
10 (2gm), including procedures for all of the following:".

11 **2.** Page 2, line 19: after that line insert:

12 **"SECTION 4d.** 175.35 (2g) (c) 5. of the statutes is created to read:

1 175.35 **(2g)** (c) 5. A firearms dealer to notify a transferor under sub. (2gm) in
2 writing of the results of a firearms restrictions record search regarding a transferee
3 who requests a firearms restrictions record search under sub. (2gm) (b).

4 **SECTION 4f.** 175.35 (2gm) of the statutes is created to read:

5 175.35 **(2gm)** (a) When a person, other than a firearms dealer, offers on the
6 Internet to sell or otherwise transfer possession of a handgun to another who is not
7 a firearms dealer, the person may not transfer possession of the handgun to the other
8 until all of the following have occurred:

9 1. The transferee has done all of the following:

10 a. Provided identification to a firearms dealer as required by rule under sub.
11 (2g) (a).

12 b. Completed a notification form described under sub. (2g) (b).

13 c. Provided the firearms dealer identifying information, specified by rule under
14 sub. (2g) (bm), for the transferor from whom the transferee intends to obtain the
15 handgun.

16 2. The transferor receives written notification from a firearms dealer that the
17 dealer requested the department of justice to conduct a firearms restrictions record
18 search regarding the transferee and either the department issued a unique approval
19 number for the transferee under sub. (2g) (c) 4. b. or the department did not complete
20 the firearms restrictions record search within the period under sub. (2g) (c) 4. c.

21 (b) If the transferee in a transaction to which par. (a) applies requests a
22 firearms dealer to request a firearms restrictions record search regarding the
23 transferee, the firearms dealer shall do all of the following:

24 1. Inspect identification a transferee provides under par. (a) 1. a. as required
25 by rule under sub. (2g) (a).

1 2. After receiving a completed notification form under par. (a) 1. b., promptly
2 convey the information from the completed notification form to the department as
3 required by rule under sub. (2g) (b) and request a firearms restrictions record search.

4 3. Promptly notify the transferor identified under par. (a) 1. c. in writing as
5 provided by rule under sub. (2g) (c) 5. of an approval or denial the department issues
6 under sub. (2g) (c) 4. or of the expiration of an applicable deadline for completing a
7 firearms restrictions record search under sub. (2g) (c) 4. c.

8 (c) The department of justice shall conduct a firearms restrictions record search
9 a firearms dealer requests under par. (b) 2. and notify the dealer of the results of the
10 search as provided by rule under sub. (2g) (c) 4.

11 (d) A firearms dealer may charge a transferee a fee of \$5, in addition to the fee
12 it collects under sub. (2i), for requesting the department to conduct a firearms
13 restrictions record search of the transferee under this subsection.

14 **SECTION 4h.** 175.35 (2i) of the statutes is amended to read:

15 175.35 **(2i)** The department shall charge a firearms dealer a \$10 fee for each
16 firearms restrictions record search that the firearms dealer requests under sub. (2)
17 (c) or (2gm) (b) 2. The firearms dealer may collect the fee from the transferee. The
18 department may refuse to conduct firearms restrictions record searches for any
19 firearms dealer who fails to pay any fee under this subsection within 30 days after
20 billing by the department.

21 **SECTION 4j.** 175.35 (2L) of the statutes is amended to read:

22 175.35 **(2L)** The department of justice shall promulgate rules providing for the
23 review of nonapprovals under sub. (2g) (c) 4. a. Any person who is denied the right
24 to purchase, or to be transferred the possession of, a handgun because the firearms
25 dealer received a nonapproval number under sub. (2g) (c) 4. a. may request a firearms

1 restrictions record search review under those rules. If the person disagrees with the
2 results of that review, the person may file an appeal under rules promulgated by the
3 department.

4 **SECTION 4L.** 175.35 (3) of the statutes is amended to read:

5 175.35 (3) Any person who intentionally violates sub. (2), (2e), (2f), (2gm) (a),
6 or (2j) shall be fined not less than \$500 nor more than \$10,000 and may be imprisoned
7 for not more than 9 months.”.

8 (END)