



2017 SENATE BILL 349

July 13, 2017 - Introduced by Senators L. TAYLOR and MILLER, cosponsored by Representatives YOUNG, CROWLEY, ANDERSON, BERCEAU, BROSTOFF, KESSLER, SARGENT, C. TAYLOR, ZAMARRIPA, SUBECK and ZEPNICK. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT to amend** 175.35 (1) (at) and 175.60 (9g) (a) 2.; and **to create** 165.63 (2)
2 (c), 165.8286 and 941.29 (1m) (h) of the statutes; **relating to:** prohibiting
3 persons on the federal no fly list from possessing a firearm and providing a
4 criminal penalty.

Analysis by the Legislative Reference Bureau

Under this bill, a person who is on the federal “no fly” list is prohibited from possessing a firearm and is guilty of a Class G felony for violating the prohibition. This bill requires the Department of Justice to maintain an updated list of such persons and to check the list when conducting background checks related to handgun purchases or licenses to carry a concealed weapon.

For further information see the *state* 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:

5 **SECTION 1.** 165.63 (2) (c) of the statutes is created to read:
6 165.63 (2) (c) Individuals prohibited from possessing a firearm because they
7 are on the list maintained by the department of justice under s. 165.8286.

SENATE BILL 349**SECTION 2**

1 **SECTION 2.** 165.8286 of the statutes is created to read:

2 **165.8286 Identification of persons on the federal no fly list.** The
3 department of justice shall maintain an updated list that is identical to the list that
4 the federal bureau of investigation maintains of people who are not permitted to
5 board a commercial aircraft. The department of justice shall include a search of its
6 list to respond to a request under s. 165.63, as part of a firearms restrictions record
7 search under s. 175.35 (2g) (c), or as part of a background check under s. 175.60 (9g)
8 (a).

9 **SECTION 3.** 175.35 (1) (at) of the statutes is amended to read:

10 175.35 (1) (at) “Firearms restrictions record search” means a search of
11 department of justice records to determine whether a person seeking to purchase a
12 handgun is prohibited from possessing a firearm under s. 941.29. “Firearms
13 restrictions record search” includes a criminal history record search, a search to
14 determine whether a person is prohibited from possessing a firearm because he or
15 she is on the list maintained by the department of justice under s. 165.8286, a search
16 to determine whether a person is prohibited from possessing a firearm under s. 51.20
17 (13) (cv) 1., 2007 stats., a search in the national instant criminal background check
18 system to determine whether a person has been ordered not to possess a firearm
19 under s. 51.20 (13) (cv) 1., 51.45 (13) (i) 1., 54.10 (3) (f) 1., or 55.12 (10) (a), a search
20 to determine whether the person is subject to an injunction under s. 813.12 or
21 813.122, or a tribal injunction, as defined in s. 813.12 (1) (e), issued by a court
22 established by any federally recognized Wisconsin Indian tribe or band, except the
23 Menominee Indian tribe of Wisconsin, that includes notice to the respondent that he
24 or she is subject to the requirements and penalties under s. 941.29 and that has been
25 filed with the circuit court under s. 813.128 (3g), and a search to determine whether

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1 the person is prohibited from possessing a firearm under s. 813.123 (5m) or 813.125
2 (4m).

3 **SECTION 4.** 175.60 (9g) (a) 2. of the statutes is amended to read:

4 175.60 **(9g)** (a) 2. The department shall conduct a criminal history record
5 search and shall search its records and conduct a search in the national instant
6 criminal background check system to determine whether the applicant is prohibited
7 from possessing a firearm under federal law; whether the applicant is prohibited
8 from possessing a firearm under s. 941.29; whether the applicant is prohibited from
9 possessing a firearm because he or she is on the list maintained by the department
10 of justice under s. 165.8286; whether the applicant is prohibited from possessing a
11 firearm under s. 51.20 (13) (cv) 1., 2007 stats.; whether the applicant has been
12 ordered not to possess a firearm under s. 51.20 (13) (cv) 1., 51.45 (13) (i) 1., 54.10 (3)
13 (f) 1., or 55.12 (10) (a); whether the applicant is subject to an injunction under s.
14 813.12 or 813.122, or a tribal injunction, as defined in s. 813.12 (1) (e), issued by a
15 court established by any federally recognized Wisconsin Indian tribe or band, except
16 the Menominee Indian tribe of Wisconsin, that includes notice to the respondent that
17 he or she is subject to the requirements and penalties under s. 941.29 and that has
18 been filed with the circuit court under s. 813.128 (3g); and whether the applicant is
19 prohibited from possessing a firearm under s. 813.123 (5m) or 813.125 (4m); and to
20 determine if the court has prohibited the applicant from possessing a dangerous
21 weapon under s. 969.02 (3) (c) or 969.03 (1) (c) and if the applicant is prohibited from
22 possessing a dangerous weapon as a condition of release under s. 969.01.

23 **SECTION 5.** 941.29 (1m) (h) of the statutes is created to read:

