



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBa2400/1
CMH:amn/wlj/ahe

**SENATE AMENDMENT 3,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 843**

March 20, 2018 - Offered by Senators LARSON, SCHACHTNER, MILLER, RISSER, CARPENTER, BEWLEY, L. TAYLOR, RINGHAND, JOHNSON, HANSEN, SHILLING and ERPENBACH.

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page 1, line 7: after “safety;” insert “the possession of a firearm by a person
- 3 who has committed a misdemeanor crime of domestic violence;”.
- 4 **2.** Page 11, line 21: after that line insert:
- 5 “**SECTION 28b.** 941.29 (1g) (a) of the statutes is renumbered 941.29 (1g) (at).
- 6 **SECTION 28bd.** 941.29 (1g) (ah) of the statutes is created to read:
- 7 941.29 (**1g**) (ah) “Misdemeanor crime of domestic violence” has the meaning
- 8 given in s. 973.136 (1) (c).
- 9 **SECTION 28be.** 941.29 (1m) (ag) of the statutes is created to read:
- 10 941.29 (**1m**) (ag) The person has been convicted on or after the effective date
- 11 of this paragraph [LRB inserts date], of a misdemeanor crime of domestic violence.
- 12 **SECTION 28bg.** 941.29 (1m) (cm) of the statutes is created to read:

1 941.29 **(1m)** (cm) The person has been found not guilty by reason of mental
2 disease or defect on or after the effective date of this paragraph [LRB inserts date],
3 of a misdemeanor crime of domestic violence.

4 **SECTION 28bi.** 971.17 (1g) of the statutes is renumbered 971.17 (1g) (a).

5 **SECTION 28bk.** 971.17 (1g) (b) of the statutes is created to read:

6 971.17 **(1g)** (b) 1. In this paragraph, “misdemeanor crime of domestic violence”
7 has the meaning given in s. 973.136 (1) (c).

8 2. If the defendant under sub. (1) is found not guilty by reason of mental disease
9 or defect of a misdemeanor crime of domestic violence, the court shall enter a finding
10 to that effect in the record for purposes of determining whether the person is
11 prohibited from possessing a firearm under s. 941.29 and shall inform the defendant
12 of the requirements and penalties under s. 941.29.

13 **SECTION 28bm.** 973.136 of the statutes is created to read:

14 **973.136 Prohibition for certain misdemeanor crimes. (1)** In this section:

15 (a) “Dating relationship” means a romantic or intimate social relationship
16 between 2 individuals but “dating relationship” does not include a casual
17 relationship or an ordinary fraternization between 2 individuals in a business or
18 social context. A court shall determine if a dating relationship existed by considering
19 the length of the relationship, the type of the relationship, and the frequency of the
20 interaction between the individuals involved in the relationship.

21 (b) “Family member” has the meaning given in s. 813.12 (1) (b).

22 (c) “Misdemeanor crime of domestic violence” means any of the following:

23 1. A violation or attempted violation of s. 940.19 (1), 940.195 (1), 940.225 (3m),
24 or 941.20 (1) when committed by an adult family member against another family
25 member, by an adult against his or her former spouse, by an adult against a person

1 with whom the adult has or had a dating relationship, or by an adult against a person
2 with whom the adult has a child in common.

3 2. A violation of s. 947.01 in which the adult actor engaged in violent or abusive
4 conduct to harm, intimidate, or threaten a person who is the adult actor's family
5 member, the adult actor's former spouse, a person with whom the adult actor has or
6 had a dating relationship, or a person with whom the adult actor has a child in
7 common.

8 3. A misdemeanor, except a misdemeanor listed in subd. 1. or 2., committed by
9 an adult family member against another family member, by an adult against his or
10 her former spouse, by an adult against a person with whom the adult has or had a
11 dating relationship, or by an adult against a person with whom the adult has a child
12 in common, if the court has increased the maximum term of imprisonment under s.
13 939.63 (1) (a).

14 (2) If a person is convicted of a misdemeanor crime of domestic violence, the
15 court shall enter a finding to that effect in the record for purposes of determining
16 whether the person is prohibited from possessing a firearm under s. 941.29.

17 **SECTION 28bp.** 973.176 (1) of the statutes is amended to read:

18 973.176 (1) FIREARM POSSESSION. Whenever a court imposes a sentence or
19 places a defendant on probation regarding a felony conviction for a felony or for a
20 misdemeanor crime of domestic violence, as defined in s. 973.136 (1) (c), the court
21 shall inform the defendant of the requirements and penalties applicable to him or her
22 under s. 941.29 (1m) or (4m).".

23 **3.** Page 13, line 2: after that line insert:

24 **"SECTION 30g. Initial applicability.**

(1) The treatment of section 971.17 (1g) (b) of the statutes first applies to a finding of not guilty by reason of mental disease or defect that occurs on the effective date of this subsection.

(2) The treatment of section 973.136 of the statutes first applies to a conviction that occurs on the effective date of this subsection.”.

(END)