



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-5581/1
CMH:ahc

2017 ASSEMBLY BILL 1043

March 21, 2018 - Introduced by Representative YOUNG. Referred to Committee on Natural Resources and Sporting Heritage.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT to amend** 165.70 (1) (b), 938.78 (3), 939.632 (1) (e) 1., 946.82 (4) and
2 969.08 (10) (b); and **to create** 941.285 of the statutes; **relating to:** ban on
3 semiautomatic weapons and providing a criminal penalty.

Analysis by the Legislative Reference Bureau

This bill bans the transportation, purchase, possession, or transfer of a semiautomatic assault weapon and specifically defines “assault weapon” for the purpose of the ban. Under the bill, whoever transports, purchases, possesses, or transfers a semiautomatic assault weapon is guilty of a felony and may be fined up to \$10,000, sentenced to a term of imprisonment of up to six years, or both. If the crime is committed in a school zone, the maximum term of imprisonment is increased by five years. This ban does not apply 1) to the transportation, purchase, possession, or transfer of a semiautomatic assault weapon that is rendered permanently inoperative; 2) to any law enforcement officer or armed forces or military personnel while on official duty; 3) to a licensed importer or manufacturer of semiautomatic assault weapons; or 4) to a firearms dealer who is authorized to sell semiautomatic assault weapons.

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

4 **SECTION 1.** 165.70 (1) (b) of the statutes is amended to read:

ASSEMBLY BILL 1043**SECTION 1**

1 165.70 (1) (b) Except as provided in sub. (1m), enforce chs. 945 and 961 and ss.
2 940.20 (3), 940.201, 941.25, 941.26, 941.285, 943.01 (2) (c), 943.011, 943.27, 943.28,
3 943.30, 944.30 (1m), 944.31, 944.32, 944.33, 944.34, 946.65, 947.02 (3) and (4),
4 948.075, and 948.08.

5 **SECTION 2.** 938.78 (3) of the statutes is amended to read:

6 **938.78 (3) RELEASE OF INFORMATION WHEN ESCAPE OR ABSENCE; RULES.** If a juvenile
7 adjudged delinquent under s. 48.12, 1993 stats., or s. 938.12 or found to be in need
8 of protection or services under s. 48.13 (12), 1993 stats., or s. 48.13 (14), 1993 stats.,
9 or s. 938.13 (12) or (14) on the basis of a violation of s. 943.23 (1m) or (1r), 1999 stats.,
10 or s. 941.10, 941.11, 941.20, 941.21, 941.23, 941.231, 941.235, 941.237, 941.26,
11 941.28, 941.285, 941.295, 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03,
12 943.04, 943.10 (2) (a), 943.23 (1g), 943.32 (2), 948.02, 948.025, 948.03, 948.05,
13 948.055, 948.085 (2), 948.60, 948.605, or 948.61 or any crime specified in ch. 940 has
14 escaped from a juvenile correctional facility, residential care center for children and
15 youth, inpatient facility, as defined in s. 51.01 (10), juvenile detention facility, or
16 juvenile portion of a county jail, or from the custody of a peace officer or a guard of
17 such a facility, center, or jail, or has been allowed to leave a juvenile correctional
18 facility, residential care center for children and youth, inpatient facility, juvenile
19 detention facility, or juvenile portion of a county jail for a specified time period and
20 is absent from the facility, center, home, or jail for more than 12 hours after the
21 expiration of the specified period, the department of corrections or county
22 department, whichever has supervision over the juvenile, may release the juvenile's
23 name and any information about the juvenile that is necessary for the protection of
24 the public or to secure the juvenile's return to the facility, center, home, or jail. The

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1 department of corrections shall promulgate rules establishing guidelines for the
2 release of the juvenile's name or information about the juvenile to the public.

3 **SECTION 3.** 939.632 (1) (e) 1. of the statutes is amended to read:

4 939.632 (1) (e) 1. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09
5 (1c), 940.19 (2), (4) or (5), 940.21, 940.225 (1), (2) or (3), 940.235, 940.305, 940.31,
6 941.20, 941.21, 941.285, 943.02, 943.06, 943.10 (2), 943.23 (1g), 943.32 (2), 948.02 (1)
7 or (2), 948.025, 948.03 (2) (a) or (c) or (5) (a) 1., 2., 3., or 4., 948.05, 948.051, 948.055,
8 948.07, 948.08, 948.085, or 948.30 (2) or under s. 940.302 (2) if s. 940.302 (2) (a) 1.
9 b. applies.

10 **SECTION 4.** 941.285 of the statutes is created to read:

11 **941.285 Possession of semiautomatic assault weapons. (1)** In this
12 section:

13 (a) "Assault weapon" means any of the following:

14 1. A semiautomatic rifle that has the capacity to accept a detachable magazine
15 and that has any of the following:

- 16 a. A pistol grip that protrudes beneath the action of the weapon.
17 b. A folding, telescoping, or thumbhole stock.
18 c. A 2nd handgrip or protruding grip that can be held by the nontrigger hand.
19 d. A bayonet mount.
20 e. A flash suppressor, muzzle brake, or muzzle compensator or a threaded
21 barrel capable of accepting a flash suppressor, muzzle brake, or muzzle compensator.
22 f. A grenade launcher.

23 2. A semiautomatic shotgun that has any of the following:

- 24 a. A folding, telescoping, or thumbhole stock.
25 b. A 2nd handgrip or protruding grip that can be held by the nontrigger hand.

ASSEMBLY BILL 1043**SECTION 4**

1 c. A fixed magazine capacity in excess of 7 rounds.

2 d. The capacity to accept a detachable magazine.

3 3. A semiautomatic pistol that has the capacity to accept a detachable
4 magazine and that has any of the following:

5 a. A folding, telescoping, or thumbhole stock.

6 b. A 2nd handgrip or protruding grip that can be held by the nontrigger hand.

7 c. The capacity to accept an ammunition magazine that attaches to the pistol
8 outside of the pistol grip.

9 d. A threaded barrel capable of accepting a barrel extender, flash suppressor,
10 forward handgrip, or silencer.

11 e. A shroud that is attached to, or partially or completely encircles, the barrel,
12 and that permits the user to hold the firearm with the nontrigger hand without being
13 burned.

14 f. A manufactured weight of at least 50 ounces when the pistol is unloaded.

15 (b) "Detachable magazine" means any ammunition feeding device, the function
16 of which is to deliver one or more ammunition cartridges into the firing chamber, that
17 can be removed from the firearm without any tool, bullet, or ammunition cartridge.

18 (c) "Firearms dealer" has the meaning given in s. 175.35 (1) (ar).

19 (d) "Muzzle brake" means a device that is attached to the muzzle of a weapon
20 and that uses escaping gas to reduce recoil.

21 (e) "Muzzle compensator" means a device that is attached to the muzzle of a
22 weapon and that uses escaping gas to control muzzle movement.

23 (f) "Rifle" has the meaning given in s. 941.28 (1) (a).

24 (g) "Semiautomatic" means that the firearm is a repeating firearm that
25 requires a separate pull of the trigger to fire each cartridge and that uses a portion

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1 of the energy of a firing cartridge to extract the fired cartridge case and to place
2 another unfired cartridge into the chamber.

3 (h) "Shotgun" has the meaning given in s. 941.28 (1) (d).

4 **(2)** Whoever manufactures, transports, purchases, possesses, goes armed with,
5 or sells or otherwise transfers possession of an assault weapon is guilty of a Class H
6 felony.

7 **(3)** Subsection (2) does not apply to any of the following:

8 (a) The transportation, purchase, possession, sale, or transfer of possession of
9 an assault weapon modified to render it permanently inoperative.

10 (b) Any law enforcement officer while on official duty.

11 (c) Any armed forces or military personnel while on official duty.

12 (d) The possession of an assault weapon by any licensed importer or
13 manufacturer under 26 USC 5801 to 5872 authorized to import or manufacture that
14 assault weapon.

15 (e) The possession of an assault weapon under any of the following conditions
16 by a firearms dealer authorized to sell assault weapons:

17 1. Transporting an assault weapon to another firearms dealer authorized to sell
18 assault weapons.

19 2. Transporting an assault weapon to and displaying the assault weapon at a
20 gun show.

21 **SECTION 5.** 946.82 (4) of the statutes is amended to read:

22 946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961
23 (1) in effect as of April 27, 1982, or the attempt, conspiracy to commit, or commission
24 of any of the felonies specified in: chs. 945 and 961, subch. V of ch. 551, and ss. 49.49,
25 134.05, 139.44 (1), 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625,

ASSEMBLY BILL 1043**SECTION 5**

1 221.0636, 221.0637, 221.1004, 553.41 (3) and (4), 553.52 (2), 940.01, 940.19 (4) to (6),
2 940.20, 940.201, 940.203, 940.21, 940.30, 940.302 (2), 940.305, 940.31, 941.20 (2) and
3 (3), 941.26, 941.28, 941.285, 941.298, 941.31, 941.32, 942.09, 943.01 (2), (2d), or (2g),
4 943.011, 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3)
5 (bf) to (e), 943.201, 943.203, 943.23 (1g), (2) and (3), 943.24 (2), 943.27, 943.28,
6 943.30, 943.32, 943.34 (1) (bf), (bm), and (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and
7 (c), 943.50 (4) (bf), (bm), and (c) and (4m), 943.60, 943.70, 943.76, 943.81, 943.82,
8 943.83, 943.84, 943.85, 943.86, 943.87, 943.88, 943.89, 943.90, 944.21 (5) (c) and (e),
9 944.32, 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11, 946.12,
10 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76,
11 946.79, 947.015, 948.05, 948.051, 948.08, 948.12, and 948.30.

12 **SECTION 6.** 969.08 (10) (b) of the statutes is amended to read:

13 969.08 **(10)** (b) "Serious crime" means any crime specified in s. 943.23 (1m),
14 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 346.62 (4), 940.01, 940.02, 940.03,
15 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (5), 940.195 (5), 940.20, 940.201,
16 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.24, 940.25, 940.29, 940.295 (3) (b) 1g.,
17 1m., 1r., 2. or 3., 940.302 (2), 940.31, 941.20 (2) or (3), 941.26, 941.285, 941.30,
18 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.03, 943.04, 943.06, 943.10,
19 943.23 (1g), 943.30, 943.32, 943.81, 943.82, 943.83, 943.85, 943.86, 943.87, 943.88,
20 943.89, 943.90, 946.01, 946.02, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03,
21 948.04, 948.05, 948.051, 948.06, 948.07, 948.085, or 948.30 or, if the victim is a
22 financial institution, as defined in s. 943.80 (2), a crime under s. 943.84 (1) or (2).

23

(END)