

State of Wisconsin



2013 Assembly Bill 464

Date of enactment:
Date of publication*:

2013 WISCONSIN ACT

AN ACT *to repeal* 813.122 (5m) (am), 813.122 (5m) (aw), 813.122 (5m) (b) and (c), 813.123 (5m) (e), (f), (g) and (h), 813.125 (4m) (cm), 813.125 (4m) (cw) and 813.125 (4m) (d) and (e); *to renumber* 813.122 (2); *to renumber and amend* 813.12 (4m) (am), 813.12 (4m) (aw), 813.12 (4m) (b), 813.12 (4m) (c), 813.123 (5) (a) 2. and 813.125 (4) (a) 2.; *to amend* 48.25 (6), 165.63 (3) and (4) (d), 813.12 (3) (c), 813.12 (4m) (a) 1., 813.12 (4m) (a) 2., 813.122 (4) (c), 813.122 (5m) (a) 1., 813.122 (5m) (a) 2., 813.123 (4) (c), 813.123 (5m) (c) 1., 813.123 (5m) (c) 2., 813.123 (9) (c), 813.125 (3) (c), 813.125 (4m) (c) 1., 813.125 (4m) (c) 2., 813.125 (6) (c) and 938.25 (6); and *to create* 785.01 (1) (br), 813.12 (2) (c), 813.122 (2) (b), 813.123 (5) (a) 2. a., b. and c., 813.125 (4) (a) 2. a., b. and c., 813.1285 and 818.02 (9) of the statutes; **relating to:** providing notice of firearm prohibition when serving notice for certain injunction hearings and process for surrendering firearms following the granting of certain injunctions and providing penalties.

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

SECTION 1. 48.25 (6) of the statutes is amended to read:

48.25 (6) If a proceeding is brought under s. 48.13, any party to or any governmental or social agency involved in the proceeding may petition the court to issue a temporary restraining order and injunction as provided in s. 813.122 or 813.125. The court exercising jurisdiction under this chapter shall follow the procedure under s. 813.122 or 813.125 except that the court may combine hearings authorized under s. 813.122 or 813.125 and this chapter, the petitioner for the temporary restraining order and injunction is not subject to the limitations under s. 813.122 (2) (a) or 813.125 (2) and no fee is required regarding the filing of the petition under s. 813.122 or 813.125.

SECTION 1d. 165.63 (3) and (4) (d) of the statutes, as created by 2013 Wisconsin Act (Assembly Bill 727), are amended to read:

165.63 (3) REQUESTS FOR INJUNCTIONS. In making a determination required under s. ~~813.12 (4m) (b), 813.122 (5m) (b), 813.123 (5m) (g), or 813.125 (4m) (d)~~ 813.1285 (7) (a), a judge or court commissioner shall request information under sub. (2) from the department or from a law enforcement agency or law enforcement officer as provided in sub. (4) (d).

(4) (d) Aid the court in making a determination required under s. ~~813.12 (4m) (b), 813.122 (5m) (b), 813.123 (5m) (g), or 813.125 (4m) (d)~~ 813.1285 (7) (a).

SECTION 2. 785.01 (1) (br) of the statutes is created to read:

785.01 (1) (br) Violation of an order under s. 813.1285 (4) (b) 2.;

SECTION 3. 813.12 (2) (c) of the statutes is created to read:

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

813.12 (2) (c) When the respondent is served with the petition under this subsection, the person who serves the respondent shall also provide the respondent all of the following information:

1. Notice of the requirements and penalties under s. 941.29 (1) (f) and (2) (e) and notice of any similar applicable federal laws and penalties.

2. An explanation of s. 813.1285, including the procedures for surrendering a firearm and the circumstances listed under s. 813.1285 under which a respondent must appear at a hearing to surrender firearms.

3. A firearm possession form developed under s. 813.1285 (5) (a), with instructions for completing and returning the form.

SECTION 4. 813.12 (3) (c) of the statutes is amended to read:

813.12 (3) (c) The temporary restraining order is in effect until a hearing is held on issuance of an injunction under sub. (4), except that the court may extend the temporary restraining order under s. 813.1285. The temporary restraining order is not voided if the respondent is admitted into a dwelling that the order directs him or her to avoid. A judge or circuit court commissioner shall hold a hearing on issuance of an injunction within 14 days after the temporary restraining order is issued, unless the time is extended upon the written consent of the parties or extended once for 14 days upon a finding that the respondent has not been served with a copy of the temporary restraining order although the petitioner has exercised due diligence.

SECTION 5. 813.12 (4m) (a) 1. of the statutes is amended to read:

813.12 (4m) (a) 1. Inform the respondent named in the petition of the requirements and penalties under s. 941.29 and any similar applicable federal laws and penalties.

SECTION 6. 813.12 (4m) (a) 2. of the statutes is amended to read:

813.12 (4m) (a) 2. Except as provided in par. (ag), require in writing the respondent to surrender any firearms that he or she owns or has in his or her possession to the sheriff of the county in which the action under this section was commenced, to the sheriff of the county in which the respondent resides or to another person designated by the respondent and approved by the judge or circuit court commissioner. ~~The judge or circuit court commissioner shall approve the person designated by the respondent unless the judge or circuit court commissioner finds that the person is inappropriate and places the reasons for the finding on the record. If a firearm is surrendered to a person designated by the respondent and approved by the judge or circuit court commissioner, the judge or circuit court commissioner shall inform the person to whom the firearm is surrendered of the requirements and penalties under s. 941.29 (4), in accordance with s. 813.1285.~~

SECTION 7. 813.12 (4m) (am) of the statutes is renumbered 813.1285 (6) and amended to read:

813.1285 (6) (a) When a respondent surrenders a firearm under ~~par. (a) 2. sub. (3) (a) 2. or (4) (b) 2.~~ to a sheriff, the sheriff who is receiving the firearm shall prepare a receipt for each firearm surrendered to him or her. The receipt shall include the date on which the firearm was surrendered and the manufacturer, model, and serial number of the firearm surrendered to the sheriff and shall be signed by the respondent and by the sheriff to whom the firearm is surrendered.

(b) The sheriff shall keep the original of a receipt prepared under ~~sub. 1. par. (a)~~ and shall provide ~~an exact copy~~ 2 copies of the receipt to the respondent. The respondent shall provide one copy of the receipt to the clerk of courts within 48 hours of the order to surrender firearms. When the firearm covered by the receipt is returned to the respondent under ~~par. (b) sub. (7)~~, the sheriff shall surrender to the respondent the original receipt and all of his or her copies of the receipt.

(c) A receipt prepared under ~~sub. 1. par. (a)~~ is conclusive proof that the respondent owns the firearm for purposes of returning the firearm covered by the receipt to the respondent under ~~par. (b) sub. (7)~~.

(d) The sheriff may not enter any information contained on a receipt prepared under ~~sub. 1. par. (a)~~ into any computerized or direct electronic data transfer system in order to store the information or, except as provided in par. (b), disseminate or provide access to the information.

SECTION 8. 813.12 (4m) (aw) of the statutes is renumbered 813.1285 (6) (e) 1. and amended to read:

813.1285 (6) (e) 1. A sheriff may store a firearm surrendered to him or her under ~~par. (a) 2. sub. (3) (a) 2. or (4) (b) 2.~~ in a warehouse that is operated by a public warehouse keeper licensed under ch. 99. If a sheriff stores a firearm at a warehouse under this ~~paragraph subdivision~~, the respondent shall pay the costs charged by the warehouse for storing that firearm.

SECTION 9. 813.12 (4m) (b) of the statutes is renumbered 813.1285 (7) (a), and 813.1285 (7) (a) (intro.) and 1., as renumbered, are amended to read:

813.1285 (7) (a) (intro.) A firearm surrendered under ~~par. (a) 2. this section~~ may not be returned to the respondent until the respondent completes a petition for the return of firearms and a judge or circuit court commissioner determines all of the following:

1. That the injunction issued under sub. (4) has been vacated or has expired and not been extended.

SECTION 10. 813.12 (4m) (c) of the statutes is renumbered 813.1285 (7) (b) and amended to read:

813.1285 (7) (b) If a respondent surrenders a firearm under ~~par. (a) 2. this section~~ that is owned by a person other than the respondent, the person who owns the firearm may apply for its return to the circuit court for the county in which the person to whom the firearm was sur-

rendered is located. The court shall order such notice as it considers adequate to be given to all persons who have or may have an interest in the firearm and shall hold a hearing to hear all claims to its true ownership. If the right to possession is proved to the court's satisfaction, it shall order the firearm returned. If the court returns a firearm under this paragraph, the court shall inform the person to whom the firearm is returned of the requirements and penalties under s. 941.29 (4).

SECTION 11. 813.122 (2) of the statutes is renumbered 813.122 (2) (a).

SECTION 12. 813.122 (2) (b) of the statutes is created to read:

813.122 (2) (b) When the respondent is served with the petition under this subsection, the person who serves the respondent shall also provide the respondent with all of the following information:

1. Notice of the requirements and penalties under s. 941.29 (1) (f) and (2) (e) and notice of any similar applicable federal laws and penalties.

2. An explanation of s. 813.1285, including the procedures for surrendering a firearm and the circumstances listed under s. 813.1285 under which a respondent must appear at a hearing to surrender firearms.

3. A firearm possession form developed under s. 813.1285 (5) (a), with instructions for completing and returning the form.

SECTION 13. 813.122 (4) (c) of the statutes is amended to read:

813.122 (4) (c) The temporary restraining order is in effect until a hearing is held on issuance of an injunction under sub. (5), except that the court may extend the temporary restraining order under s. 813.1285. A judge shall hold a hearing on issuance of an injunction within 14 days after the temporary restraining order is issued, unless the time is extended upon the written consent of the parties or extended once for 14 days upon a finding that the respondent has not been served with a copy of the temporary restraining order although the petitioner has exercised due diligence.

SECTION 14. 813.122 (5m) (a) 1. of the statutes is amended to read:

813.122 (5m) (a) 1. Inform the respondent named in the petition of the requirements and penalties under s. 941.29 and any similar applicable federal laws and penalties.

SECTION 15. 813.122 (5m) (a) 2. of the statutes is amended to read:

813.122 (5m) (a) 2. Except as provided in par. (ag), require in writing the respondent to surrender any firearms that he or she owns or has in his or her possession to the sheriff of the county in which the action under this section was commenced, to the sheriff of the county in which the respondent resides or to another person designated by the respondent and approved by the judge or circuit court commissioner. ~~The judge or circuit court com-~~

~~missioner shall approve the person designated by the respondent unless the judge or circuit court commissioner finds that the person is inappropriate and places the reasons for the finding on the record. If a firearm is surrendered to a person designated by the respondent and approved by the judge or circuit court commissioner, the judge or circuit court commissioner shall inform the person to whom the firearm is surrendered of the requirements and penalties under s. 941.29 (4), in accordance with s. 813.1285.~~

SECTION 16. 813.122 (5m) (am) of the statutes is repealed.

SECTION 17. 813.122 (5m) (aw) of the statutes is repealed.

SECTION 18. 813.122 (5m) (b) and (c) of the statutes are repealed.

SECTION 18g. 813.123 (4) (c) of the statutes is amended to read:

813.123 (4) (c) The temporary restraining order is in effect until a hearing is held on issuance of an injunction under sub. (5), except that the court may extend the temporary restraining order under s. 813.1285. A judge shall hold a hearing on issuance of an injunction within 14 days after the temporary restraining order is issued, unless the time is extended upon the written consent of the parties or extended once for 14 days upon a finding that the respondent has not been served with a copy of the temporary restraining order although the petitioner has exercised due diligence.

SECTION 18i. 813.123 (5) (a) 2. of the statutes is renumbered 813.123 (5) (a) 2. (intro.) and amended to read:

813.123 (5) (a) 2. (intro.) The petitioner serves upon the respondent a copy of the petition and notice of the time for hearing on the issuance of the injunction, or the respondent serves upon the petitioner notice of the time for hearing on the issuance of the injunction. The notice served under this subdivision shall inform the respondent that, if the judge or circuit court commissioner issues an injunction, the judge or circuit court commissioner may also order the respondent not to possess a firearm while the injunction is in effect. The person who serves the respondent with the notice shall also provide the respondent with all of the following information:

SECTION 18k. 813.123 (5) (a) 2. a., b. and c. of the statutes are created to read:

813.123 (5) (a) 2. a. Notice of the requirements and penalties under s. 941.29 (1) (g) and (2) (d) and notice of any similar applicable federal laws and penalties.

b. An explanation of s. 813.1285, including the procedures for surrendering a firearm and the circumstances listed under s. 813.1285 under which a respondent must appear at a hearing to surrender firearms.

c. A firearm possession form developed under s. 813.1285 (5) (a), with instructions for completing and returning the form.

SECTION 18n. 813.123 (5m) (c) 1. of the statutes, as created by 2013 Wisconsin Act (Assembly Bill 727), is amended to read:

813.123 (5m) (c) 1. Inform the respondent named in the petition of the requirements and penalties under s. 941.29 and any similar applicable federal laws and penalties.

SECTION 18p. 813.123 (5m) (c) 2. of the statutes, as created by 2013 Wisconsin Act (Assembly Bill 727), is amended to read:

813.123 (5m) (c) 2. Except as provided in par. (d), require in writing the respondent to surrender any firearms that he or she owns or has in his or her possession to the sheriff of the county in which the action under this section was commenced, to the sheriff of the county in which the respondent resides, or to another person designated by the respondent and approved by the judge or circuit court commissioner. ~~The judge or circuit court commissioner shall approve the person designated by the respondent unless the judge or circuit court commissioner finds that the person is inappropriate and places the reasons for the finding on the record. If a firearm is surrendered to a person designated by the respondent and approved by the judge or circuit court commissioner, the judge or circuit court commissioner shall inform the person to whom the firearm is surrendered of the requirements and penalties under s. 941.29 (4), in accordance with s. 813.1285.~~

SECTION 18r. 813.123 (5m) (e), (f), (g) and (h) of the statutes, as created by 2013 Wisconsin Act (Assembly Bill 727), are repealed.

SECTION 18t. 813.123 (9) (c) of the statutes is amended to read:

813.123 (9) (c) A respondent who does not appear at a hearing at which the court orders an injunction under sub. (5) but who has been served with a copy of the petition and notice of the time for hearing under sub. (5) (a) 2. that includes the information required under sub. (5) (a) 2. a., b., and c. has constructive knowledge of the existence of the injunction and may be arrested for violation of the injunction regardless of whether he or she has been served with a copy of the injunction.

SECTION 19. 813.125 (3) (c) of the statutes is amended to read:

813.125 (3) (c) The temporary restraining order is in effect until a hearing is held on issuance of an injunction under sub. (4), except that the court may extend the temporary restraining order under s. 813.1285. A judge or circuit court commissioner shall hold a hearing on issuance of an injunction within 14 days after the temporary restraining order is issued, unless the time is extended upon the written consent of the parties or extended once for 14 days upon a finding that the respondent has not been served with a copy of the temporary restraining order although the petitioner has exercised due diligence.

SECTION 20. 813.125 (4) (a) 2. of the statutes is renumbered 813.125 (4) (a) 2. (intro.) and amended to read:

813.125 (4) (a) 2. (intro.) The petitioner serves upon the respondent a copy of a restraining order obtained under sub. (3) and notice of the time for the hearing on the issuance of the injunction under sub. (3) (c). The restraining order or notice of hearing served under this subdivision shall inform the respondent that, if the judge or circuit court commissioner issues an injunction, the judge or circuit court commissioner may also order the respondent not to possess a firearm while the injunction is in effect. The person who serves the respondent with the order or notice shall also provide the respondent with all of the following information:

SECTION 21. 813.125 (4) (a) 2. a., b. and c. of the statutes are created to read:

813.125 (4) (a) 2. a. Notice of the requirements and penalties under s. 941.29 (1) (g) and (2) (d) and notice of any similar applicable federal laws and penalties.

b. An explanation of s. 813.1285, including the procedures for surrendering a firearm and the circumstances listed under s. 813.1285 under which a respondent must appear at a hearing to surrender firearms.

c. A firearm possession form developed under s. 813.1285 (5) (a), with instructions for completing and returning the form.

SECTION 22. 813.125 (4m) (c) 1. of the statutes is amended to read:

813.125 (4m) (c) 1. Inform the respondent named in the petition of the requirements and penalties under s. 941.29 and any similar applicable federal laws and penalties.

SECTION 23. 813.125 (4m) (c) 2. of the statutes is amended to read:

813.125 (4m) (c) 2. Except as provided in par. (cg), require in writing the respondent to surrender any firearms that he or she owns or has in his or her possession to the sheriff of the county in which the action under this section was commenced, to the sheriff of the county in which the respondent resides or to another person designated by the respondent and approved by the judge or circuit court commissioner. ~~The judge or circuit court commissioner shall approve the person designated by the respondent unless the judge or circuit court commissioner finds that the person is inappropriate and places the reasons for the finding on the record. If a firearm is surrendered to a person designated by the respondent and approved by the judge or circuit court commissioner, the judge or circuit court commissioner shall inform the person to whom the firearm is surrendered of the requirements and penalties under s. 941.29 (4), in accordance with s. 813.1285.~~

SECTION 24. 813.125 (4m) (cm) of the statutes is repealed.

SECTION 25. 813.125 (4m) (cw) of the statutes is repealed.

SECTION 26. 813.125 (4m) (d) and (e) of the statutes are repealed.

SECTION 27. 813.125 (6) (c) of the statutes is amended to read:

813.125 (6) (c) A respondent who does not appear at a hearing at which the court orders an injunction under sub. (4) but who has been served with a copy of the petition and notice of the time for hearing under sub. (4) (a) 2. that includes the information required under sub. (4) (a) 2. a., b., and c. has constructive knowledge of the existence of the injunction and shall be arrested for violation of the injunction regardless of whether he or she has been served with a copy of the injunction.

SECTION 28. 813.1285 of the statutes is created to read:

813.1285 Notice and process for firearm surrender. (1) DEFINITIONS. In this section:

(a) “Firearm possession form” means the form developed under sub. (5) (a).

(am) “Injunction” means an injunction issued under s. 813.12 (4) or 813.122 (5); an injunction issued under s. 813.123 if the court has required the individual to surrender his or her firearms under s. 813.123 (5m); or an injunction issued under s. 813.125 if the court has required the individual to surrender his or her firearms under s. 813.125 (4m). “Injunction” includes an injunction that has been stayed under this section.

(b) “Petitioner” means an individual who is applying for, or for whom a court has granted, an injunction.

(c) “Petition for the return of firearms” means a petition developed under sub. (5) (b).

(d) “Respondent” means the individual who is the subject of an injunction.

(e) “Surrender and extend order” means an order under sub. (1g).

(1g) SURRENDER AND EXTEND ORDER. If the court issues a surrender and extend order, the court shall do all of the following:

(a) Order the respondent to surrender, within a period that is no longer than 48 hours, any firearm that he or she owns or possesses to the sheriff or, in the court’s discretion, to another person.

(b) Order that the respondent may possess or transport a firearm only for the purpose of complying with par. (a).

(c) If the court stays an injunction, order the respondent subject to a temporary restraining order during the stay of the injunction and extend the temporary restraining order for a period of 48 hours for the purpose of firearm surrender.

(d) Inform the respondent when the injunction will take effect and the penalty for possessing a firearm while the injunction is in effect.

(e) Instruct the respondent how to surrender any firearm.

(f) If appropriate, order the respondent to attend a hearing to surrender firearms.

(1m) TEMPORARY RESTRAINING ORDERS. If the court is required to extend a temporary restraining order under this section, and a temporary restraining order was not previously granted, the court shall, on its own motion, reconsider and grant the temporary restraining order.

(2) FIREARM POSSESSION DETERMINATION. (a) If the respondent is present at the injunction hearing, the court shall stay the injunction for a period not to exceed 48 hours and shall extend the temporary restraining order for 48 hours for the purpose of firearm surrender. The respondent shall provide the court a completed firearm possession form. The court shall verify the information on the firearm possession form and shall make an inquiry on the record as to the contents of the firearm possession form.

(b) If the respondent is not present at the injunction hearing, the court shall provide the petitioner with an opportunity to inform the court orally or in writing whether he or she believes that the respondent possesses a firearm. If the petitioner informs the court that the respondent possesses a firearm, the court shall request the petitioner to inform the court orally or in writing how many firearms he or she believes the respondent possesses, the make and model of any firearm he or she believes the respondent possesses, and the location of any firearm he or she believes the respondent possesses.

(c) 1. If the firearm possession form submitted to the court under par. (a) or (b) indicates the respondent does not possess a firearm, and the court, after an inquiry, is satisfied that the respondent does not possess a firearm, the court shall file the firearm possession form, lift the stay of the injunction, and dismiss the temporary restraining order extended under par. (a).

2. If, under par. (a), the firearm possession form submitted to the court indicates the respondent possesses a firearm, and the respondent has not surrendered his or her firearm as described under sub. (3) (a), the court shall continue to stay the injunction as provided under par. (a) for a period not to exceed 48 hours, issue a surrender and extend order, and schedule a hearing to surrender firearms to occur within one week of the injunction hearing.

3. If, under par. (b), the petitioner indicates that the respondent possesses a firearm or if the court is not satisfied under subd. 1. that the respondent does not possess a firearm, the court shall schedule a hearing to surrender firearms to occur within one week of the injunction hearing. The court shall do one of the following:

a. Continue the stay under par. (a) of the injunction and issue a surrender and extend order.

b. Lift the stay of the injunction.

4. The court may schedule a hearing to surrender firearms for any reason relevant to the surrender of firearms.

(3) SURRENDER OF FIREARMS. (a) Unless the court has noted another reason that is relevant to the surrender of firearms that would require the hearing to surrender firearms to occur, the court shall dismiss the hearing to surrender firearms scheduled under sub. (2) (c) 2. or 3. if the respondent surrenders his or her firearm in one of the following manners:

1. The respondent surrenders his or her firearm to another person and all of the following apply:

a. The respondent and the person to whom the respondent is surrendering his or her firearm appear at the injunction hearing.

b. At the injunction hearing, the person testifies under oath that the person has received the firearms listed on the respondent's firearm possession form.

c. At the injunction hearing, the court determines that the person is not prohibited from possessing a firearm.

d. The court informs the person to whom the firearm is surrendered of the requirements and penalties under s. 941.29 (4).

e. The court, after considering all relevant factors and any input from the petitioner, approves the surrender of the firearm.

f. The court does not use the process under subd. 3.

2. The respondent surrenders his or her firearm to a sheriff no later than 48 hours after the injunction hearing ordering the respondent to surrender his or her firearm and provides a copy of the receipt to the clerk of courts as provided in sub. (6) (b).

3. The respondent surrenders his or her firearm to a sheriff as provided under subd. 2., and a person who appeared at the injunction hearing takes possession of the firearm from the sheriff, if all of the following apply:

a. Subdivision 1. d. and e. apply.

b. The sheriff determines that the person is not prohibited from possessing a firearm.

(b) If the court approves the surrender under par. (a) 1., and if the court has issued a surrender and extend order and has stayed the injunction, the court shall lift the stay and dismiss the temporary restraining order.

(4) HEARING TO SURRENDER FIREARMS. (a) Unless the court dismisses the hearing to surrender firearms, a respondent for whom a hearing to surrender firearms has been scheduled must attend the hearing. If the respondent fails to attend the hearing to surrender firearms, the court shall issue an arrest warrant for the respondent.

(b) At the hearing to surrender firearms, the court shall stay the injunction for a period not to exceed 48 hours, shall extend the temporary restraining order for 48 hours, shall ensure that the respondent has completed a firearm possession form and verify the information provided on the firearm possession form if the information was not already verified under sub. (2) (a), shall make an

inquiry on the record as to the contents of the firearm possession form, and shall do one of the following:

1. If the respondent wants to surrender his or her firearms to a person who is not the sheriff and who appears at the hearing to surrender firearms, and if the court, after considering all relevant factors and input from the petitioner, approves the surrender and informs the person to whom the firearms are surrendered of the requirements and penalties under s. 941.29 (4), order the respondent to surrender his or her firearms in one of the following ways:

a. To the person, after the person testifies under oath that he or she has received the firearms listed on the respondent's firearm possession form and after the court determines that the person is not prohibited from possessing a firearm.

b. To the sheriff, who shall transfer the firearms to the person after determining that the person is not prohibited from possessing a firearm.

1m. If the respondent claims to have surrendered his or her firearms to the sheriff in accordance with sub. (6), verify that the respondent has surrendered all such firearms, lift the stay of the injunction, and dismiss the temporary restraining order.

2. Order the respondent to surrender any firearm that the court finds the respondent owns or possesses to a sheriff in accordance with sub. (6). If the respondent has not provided to the court, within 48 hours of the hearing to surrender firearms, a receipt as specified in sub. (6) (b) that shows surrender of all of the firearms that were subject to the order, the court shall presume the respondent is violating the order and the injunction and may do any of the following:

a. Notify the sheriff of the violation for investigation and appropriate action.

b. Schedule another hearing to surrender firearms.

c. Issue a warrant to the sheriff ordering that the respondent be brought before the court to show cause why the respondent should not be held in contempt.

3. a. If, under subd. 1. b. or 2., the court orders the respondent to surrender his or her firearms to the sheriff, the court shall issue a surrender and extend order.

b. If, under subd. 1. a., the court orders the respondent to surrender his or her firearms to a person who is not the sheriff, the court shall lift any stay of the injunction and dismiss the temporary restraining order.

4. If the firearm possession form indicates that the respondent does not possess a firearm, and the court, after an inquiry, is satisfied that the respondent does not possess a firearm, the court shall file the firearm possession form, lift any stay of the injunction, and dismiss the temporary restraining order.

(5) FIREARM POSSESSION FORM AND PETITION FOR THE RETURN OF FIREARMS. (a) The director of state courts shall develop a firearm possession form. Any false informa-

tion provided on the form by the respondent may be subject to a penalty of false swearing under s. 946.32. The director of state courts shall ensure that the firearm possession form does all of the following:

1. Requires the respondent to list his or her name and address.
2. Includes space for the respondent's signature and date signed.
3. Requires the respondent to indicate whether he or she owns or possesses any firearm or has owned or possessed any firearm in the 6 months immediately preceding the issuance of the injunction, and, if the answer is yes, to list the quantity and the make and model of each firearm and to note whether the firearm was sold or surrendered and whether he or she has a receipt for the firearm sale or surrender.
4. Gives notice of the penalty for false swearing under s. 946.32.

(b) The director of state courts shall develop a petition for the return of firearms in substantially the following form:

STATE OF WISCONSIN
IN CIRCUIT COURT FOR COUNTY

Petition to Return Firearm(s)

In re the Return of Firearms to (name of person required to surrender firearms in an injunction action)

Requesting person's information: date of birth, sex, race, height, weight, hair color, eye color, address, and phone number.

Under oath I state that:

1. The court issued an injunction against me on (date of injunction). The injunction was issued based on a:
 - Domestic Abuse petition.
 - Child Abuse petition.
 - Harassment petition.
 - Adult-at-risk petition.
2. The court ordered me to surrender any firearms I owned or had in my possession to:
 - the sheriff of this county.
 - the sheriff of the county in which I resided, which is (name of county).
 - to the following person (whether directly or indirectly through a sheriff):
 - name:
 - address:
3. I surrendered the following firearms as provided in item 2 and have attached a receipt from the sheriff or from the 3rd person (if the person did not provide a receipt, attach a description of the firearm(s)):
4. The injunction has (been vacated) (expired and has not been extended).
5. I (have) (have not) been convicted of a misdemeanor crime of domestic violence.
6. I (have) (have not) been convicted of a felony.
7. I am not prohibited from possessing a firearm under any state or federal law or by the order of any fed-

eral court or state court, other than an order from which a judge or family court commissioner is competent to grant relief.

I request that the court enter an order directing that the person named under item 2 return to me those firearms that were surrendered under the order of the court.

Subscribed and sworn to before me on (date)
(Signature of person requesting return of firearms)
(Signature of notary public, state of Wisconsin)
My commission expires on (date)
Dated this day of, (year)

Distribution:

1. Court – original
2. Petitioner in injunction action
3. Person to whom firearm(s) were surrendered

(5m) NOTIFICATION TO LOCAL LAW ENFORCEMENT. (a) Within one business day after the court issues an order, extends or modifies a temporary restraining order, or stays or lifts a stay on an injunction under this section, the clerk of the circuit court shall send a copy of the order, the extension or modification, or the stay or lift to the sheriff or to any other local law enforcement agency that is the repository for such actions and that has jurisdiction over the premises of the petitioner.

(b) No later than 24 hours after receiving the information under par. (a), the sheriff or other local law enforcement agency under par. (a) shall enter the information concerning the order issued, the extension or modification, or the stay or lift of the injunction under par. (a) into the transaction information for management of enforcement system. The sheriff or other local law enforcement agency shall also make available to other law enforcement agencies, through a verification system, the information received and entered under this paragraph. The information need not be maintained after the order or injunction is no longer in effect.

(6) SURRENDER OF FIREARM TO SHERIFF.

(e) 2. If an injunction expires and is not extended, or an injunction is vacated, a sheriff may charge the respondent for any costs incurred 30 days after the injunction expires for storage of the firearm surrendered to the sheriff due to that injunction. A sheriff may dispose of a firearm surrendered to the sheriff due to that injunction 12 months after the injunction expires or is vacated and, if the sheriff disposes of the firearm, the sheriff may charge the respondent for the costs of disposal.

(7) RETURN OF FIREARM.

(8) PENALTIES. A respondent who violates an order described under sub. (1g) (a) or (b) is subject to a fine of not more than \$10,000 or imprisonment for not more than 9 months or both in addition to any other penalty to which he or she is subject.

SECTION 29. 818.02 (9) of the statutes is created to read:

818.02 (9) In a proceeding under s. 813.1285.

SECTION 30. 938.25 (6) of the statutes is amended to read:

938.25 (6) TEMPORARY RESTRAINING ORDER AND INJUNCTION. If a proceeding is brought under s. 938.13, any party to or any governmental or social agency involved in the proceeding may petition the court to issue a temporary restraining order and injunction as provided in s. 813.122 or 813.125. The court shall follow the procedure under s. 813.122 or 813.125 except that the court may combine hearings authorized under s. 813.122 or 813.125 and this chapter, the petitioner for the temporary restraining order and injunction is not subject to the limitations under s. 813.122 (2) (a) or 813.125 (2) and no fee is required regarding the filing of the petition under s. 813.122 or 813.125.

SECTION 30g. Nonstatutory provisions.

(1) If 2013 Wisconsin Act (Assembly Bill 727),

as affected by 2013 Assembly Amendment 2 to Assembly Bill 727, is not enacted into law then the treatment of sections 165.63 (3) and (4) (d) and 813.123 (4) (c), (5m) (c) 1. and 2., (e), (f), (g), and (h), and (9) (c) of the statutes, the renumbering and amendment of section 813.123 (5) (a) 2. of the statutes, and the creation of section 813.123 (5) (a) 2. a., b. and c. of the statutes and items 3. and 4. of assembly amendment (LRBa1813/1) to Assembly Substitute Amendment 1 to Assembly Bill 464 are void.

SECTION 31. Initial applicability.

(1) This act first applies to a petition filed on the effective date of this subsection.

SECTION 32. Effective date.

(1) This act takes effect on the first day of the 7th month beginning after publication.
