



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-5594/1  
CMH:amn

## 2017 ASSEMBLY BILL 1042

March 21, 2018 - Introduced by Representative YOUNG. Referred to Committee on Criminal Justice and Public Safety.

\*\*\*AUTHORS SUBJECT TO CHANGE\*\*\*

1     **AN ACT** *to amend* 938.78 (3) and 941.29 (1g) (a); and *to create* 941.293 of the  
2             statutes; **relating to:** banning detachable magazines that have a capacity of  
3             more than ten rounds of ammunition and providing a criminal penalty.

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***Analysis by the Legislative Reference Bureau***

The bill prohibits a person from selling, transporting, manufacturing, possessing, or going armed with a detachable magazine that has a capacity of more than ten rounds of ammunition for a firearm. A person who violates the prohibition is guilty of a Class H felony.

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

4             **SECTION 1.** 938.78 (3) of the statutes is amended to read:  
5             938.78 (3) RELEASE OF INFORMATION WHEN ESCAPE OR ABSENCE; RULES. If a juvenile  
6             adjudged delinquent under s. 48.12, 1993 stats., or s. 938.12 or found to be in need  
7             of protection or services under s. 48.13 (12), 1993 stats., or s. 48.13 (14), 1993 stats.,  
8             or s. 938.13 (12) or (14) on the basis of a violation of s. 943.23 (1m) or (1r), 1999 stats.,

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1 or s. 941.10, 941.11, 941.20, 941.21, 941.23, 941.231, 941.235, 941.237, 941.26,  
2 941.28, 941.293, 941.295, 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03,  
3 943.04, 943.10 (2) (a), 943.23 (1g), 943.32 (2), 948.02, 948.025, 948.03, 948.05,  
4 948.055, 948.085 (2), 948.60, 948.605, or 948.61 or any crime specified in ch. 940 has  
5 escaped from a juvenile correctional facility, residential care center for children and  
6 youth, inpatient facility, as defined in s. 51.01 (10), juvenile detention facility, or  
7 juvenile portion of a county jail, or from the custody of a peace officer or a guard of  
8 such a facility, center, or jail, or has been allowed to leave a juvenile correctional  
9 facility, residential care center for children and youth, inpatient facility, juvenile  
10 detention facility, or juvenile portion of a county jail for a specified time period and  
11 is absent from the facility, center, home, or jail for more than 12 hours after the  
12 expiration of the specified period, the department of corrections or county  
13 department, whichever has supervision over the juvenile, may release the juvenile's  
14 name and any information about the juvenile that is necessary for the protection of  
15 the public or to secure the juvenile's return to the facility, center, home, or jail. The  
16 department of corrections shall promulgate rules establishing guidelines for the  
17 release of the juvenile's name or information about the juvenile to the public.

18 **SECTION 2.** 941.29 (1g) (a) of the statutes is amended to read:

19 941.29 (1g) (a) "Violent felony" means any felony under s. 943.23 (1m), 1999  
20 stats., or s. 943.23 (1r), 1999 stats., this section, or s. 940.01, 940.02, 940.03, 940.05,  
21 940.06, 940.08, 940.09, 940.10, 940.19, 940.195, 940.20, 940.201, 940.203, 940.21,  
22 940.225, 940.23, 940.235, 940.285 (2), 940.29, 940.295 (3), 940.30, 940.302, 940.305,  
23 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20, 941.26, 941.28, 941.292, 941.293,  
24 941.30, 941.327 (2) (b) 3. or 4., 943.02, 943.04, 943.06, 943.10 (2), 943.23 (1g), 943.32,

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1 943.87, 946.43, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.051, 948.06,  
2 948.07, 948.08, 948.085, or 948.30.

3 **SECTION 3.** 941.293 of the statutes is created to read:

4 **941.293 Firearms; magazine capacity. (1)** Whoever sells, transports,  
5 manufactures, possesses, or goes armed with a detachable magazine that has a  
6 capacity of more than 10 rounds of ammunition for a firearm is guilty of a Class H  
7 felony.

8 **(2)** Any person who, prior to the effective date of this subsection .... [LRB inserts  
9 date], possesses a magazine prohibited under sub. (1) shall dispose of the magazine  
10 in one of the following manners:

11 (a) Remove the magazine from the state.

12 (b) Sell the magazine to a licensed firearms dealer.

13 (c) Destroy the magazine.

14 (d) Surrender the magazine to a law enforcement agency for destruction.

15 **(3)** Subsection (1) does not apply to any of the following:

16 (a) A law enforcement officer who is authorized to carry a magazine prohibited  
17 under sub. (1) is the course and scope of his or her duties.

18 (b) An employee of a government agency that is charged with the enforcement  
19 of any law if the prohibited action is done in the discharge of his or her duties,  
20 authorized by the employing governmental agency, and within the course and scope  
21 of his or her duties.

22 (c) Any armed forces or national guard personnel while on official duty.

23 **SECTION 4. Effective date.**

