



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-5408/1
CMH:cjs

2021 ASSEMBLY BILL 864

January 18, 2022 - Introduced by Representatives SUBECK, ANDRACA, CONLEY, EMERSON, HEBL, NEUBAUER, POPE, SHELTON, SINICKI, SNODGRASS and STUBBS, cosponsored by Senators LARSON, JOHNSON and ROYS. Referred to Committee on Criminal Justice and Public Safety.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to amend* 941.29 (1g) (a), 941.291 (1) (b) and 973.123 (1); and *to create*
2 941.29 (3m) of the statutes; **relating to:** storage of a firearm in a house in which
3 a resident is prohibited from possessing a firearm and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill requires a person to store any firearm he or she possesses in a securely locked box or container or other secure locked location or with a trigger lock engaged if the person resides with a person who is prohibited from possessing a firearm under state law. A person who violates this requirement is guilty of a Class A misdemeanor for a first offense and a Class I felony for a repeat offense.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

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

4 **SECTION 1.** 941.29 (1g) (a) of the statutes, as affected by 2021 Wisconsin Act 76,
5 is amended to read:

6 941.29 (1g) (a) "Violent felony" means any felony under s. 943.23 (1m), 1999
7 stats., or s. 943.23 (1r), 1999 stats., ~~this section sub. (1m)~~, or s. 940.01, 940.02, 940.03,

ASSEMBLY BILL 864**SECTION 1**

1 940.05, 940.06, 940.08, 940.09, 940.10, 940.19, 940.195, 940.198, 940.20, 940.201,
2 940.203, 940.21, 940.225, 940.23, 940.235, 940.285 (2), 940.29, 940.295 (3), 940.30,
3 940.302, 940.305, 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20, 941.26, 941.28,
4 941.2905, 941.292, 941.30, 941.327 (2) (b) 3. or 4., 943.02, 943.04, 943.06, 943.10 (2),
5 943.23 (1g), 943.32, 943.87, 946.43, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05,
6 948.051, 948.06, 948.07, 948.08, 948.085, or 948.30.

7 **SECTION 2.** 941.29 (3m) of the statutes is created to read:

8 941.29 (3m) (a) A person who resides with a person who is prohibited under
9 sub. (1m) from possessing a firearm shall, when not carrying the firearm, store any
10 firearm he or she possesses in a securely locked box or container or in a locked
11 location that a reasonable person would believe to be secure or ensure that a trigger
12 lock is engaged on the firearm.

13 (b) A person who violates par. (a) is guilty of the following:

14 1. For a first violation, a Class A misdemeanor.

15 2. For a 2nd or subsequent violation, a Class I felony.

16 **SECTION 3.** 941.291 (1) (b) of the statutes, as affected by 2021 Wisconsin Act 76,
17 is amended to read:

18 941.291 (1) (b) "Violent felony" means any felony, or the solicitation, conspiracy,
19 or attempt to commit any felony, under s. 943.23 (1m) or (1r), 1999 stats., or s. 940.01,
20 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19, 940.195, 940.198,
21 940.20, 940.201, 940.203, 940.21, 940.225, 940.23, 940.285 (2), 940.29, 940.295 (3),
22 940.30, 940.305, 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20, 941.26, 941.28,
23 941.29 (1m), 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.04, 943.06,
24 943.10 (2), 943.23 (1g), 943.32, 943.81, 943.82, 943.83, 943.85, 943.86, 943.87,
25 943.88, 943.89, 943.90, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04,

ASSEMBLY BILL 864

1 948.05, 948.06, 948.07, 948.08, 948.085, or 948.30; or, if the victim is a financial
2 institution, as defined in s. 943.80 (2), a felony, or the solicitation, conspiracy, or
3 attempt to commit a felony under s. 943.84 (1) or (2).

4 **SECTION 4.** 973.123 (1) of the statutes, as affected by 2021 Wisconsin Act 76,
5 is amended to read:

6 973.123 (1) In this section, “violent felony” means any felony under s. 943.23
7 (1m), 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 940.01, 940.02, 940.03, 940.05,
8 940.06, 940.08, 940.09, 940.10, 940.19, 940.195, 940.198, 940.20, 940.201, 940.203,
9 940.21, 940.225, 940.23, 940.235, 940.285 (2), 940.29, 940.295 (3), 940.30, 940.302,
10 940.305, 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20, 941.26, 941.28, 941.29
11 (1m), 941.292, 941.30, 941.327 (2) (b) 3. or 4., 943.02, 943.04, 943.06, 943.10 (2),
12 943.23 (1g), 943.32, 943.87, 946.43, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05,
13 948.051, 948.06, 948.07, 948.08, 948.085, or 948.30.

14 (END)