



2023 SENATE BILL 638

November 7, 2023 - Introduced by Senators AGARD, L. JOHNSON, CARPENTER, SPREITZER, ROYS, HESSELBEIN and LARSON, cosponsored by Representatives JOERS, BARE, BALDEH, EMERSON, RATCLIFF, ORTIZ-VELEZ, ANDRACA, PALMERI, SINICKI, CONLEY, DRAKE, JACOBSON, J. ANDERSON, OHNSTAD, STUBBS, MADISON and CLANCY. Referred to Committee on Judiciary and Public Safety.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT to create** 20.455 (2) (de) and 165.985 of the statutes; **relating to:** grants
2 for firearm buyback programs and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill sets up a program administered by the Department of Justice to provide grants to counties or law enforcement agencies that implement a firearm buyback program that meets certain criteria.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

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

3 **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
4 the following amounts for the purposes indicated:

				2023-24	2024-25
5	20.455	Justice, department of			
6	(2)	LAW ENFORCEMENT SERVICES			
7	(de)	Firearm buyback grant program	GPR C	100,000	100,000

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1 **SECTION 2.** 20.455 (2) (de) of the statutes is created to read:

2 20.455 (2) (de) *Firearm buyback grant program.* As a continuing
3 appropriation, the amounts in the schedule to provide grants to counties or law
4 enforcement agencies under s. 165.985.

5 **SECTION 3.** 165.985 of the statutes is created to read:

6 **165.985 Firearm buyback grant program. (1)** The department of justice
7 shall provide grants from the appropriation account under s. 20.455 (2) (de) to
8 counties or law enforcement agencies that implement a firearm buyback program in
9 their jurisdictions.

10 **(2)** A county or law enforcement agency is eligible for a grant under this section
11 if the county or agency does all of the following:

12 (a) Proposes and administers a plan to adequately advertise the firearm
13 buyback program.

14 (b) Proposes and administers a plan that has law enforcement personnel
15 administering the program. The plan may use grant funds to pay law enforcement
16 personnel for any overtime hours spent administering the program.

17 (c) Keeps any firearms received in the possession of the county or law
18 enforcement agency until the firearm is destroyed or, if working with the state
19 historical society regarding a historical firearm, is transferred to the state historical
20 society for preservation.

21 (d) Establishes and follows adequate safeguards to prevent fraud in the
22 program and to prevent solicitation or other sales of firearms on the premises,
23 including a parking lot.

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1 (e) Establishes and follows a process for utilizing a firearms dealer, as defined
2 in s. 175.35 (1) (ar), to inspect on-site a firearm received before providing payment
3 to an individual for the firearm.

4 (f) If the county or law enforcement agency provides payment for the firearm
5 in the form of a gift card or certificate, ensures the gift card or certificate cannot be
6 redeemed for a firearm or ammunition.

7 **(3)** (a) A county or law enforcement agency applying to the department of
8 justice for a grant under this section shall include a proposed plan that complies with
9 the requirements under sub. (2).

10 (b) A grant recipient under this section shall submit a report to the department
11 of justice within 90 days of the conclusion of the program that includes all of the
12 following:

13 1. The number and types of firearms received and destroyed through the
14 program.

15 2. Any recommendations for improving firearm buyback programs.

16 **(4)** Grants awarded under this section may not supplant any other funds that
17 the grant recipient uses for firearm buyback programs at the time the grant is
18 awarded.

19 **(5)** By July 1, 2026, the department of justice shall submit a report to the chief
20 clerk of each house of the legislature for distribution to the legislature under s.
21 13.172 (2) that provides all of the following information:

22 (a) The number of counties and law enforcement agencies that received a grant
23 under this section.

24 (b) The number of firearms received through each firearm buyback program
25 and the total number of firearms received through all programs.

