



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-2064/1
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2023 SENATE BILL 641

November 7, 2023 - Introduced by Senators JAMES and NASS, cosponsored by Representatives SORTWELL, MAGNAFICI, ALLEN, ARMSTRONG, BRANDTJEN, GOEBEN, GUSTAFSON, S. JOHNSON, RETTINGER, SCHMIDT and WICHGERS. Referred to Committee on Judiciary and Public Safety.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT to repeal** 165.81 (2) and 941.295; **to amend** 165.63 (4) (a), 175.60 (1) (j),
2 938.341, 938.78 (3), 939.22 (10), 948.60 (1), 971.17 (1g) and 973.176 (1); and **to**
3 **create** 939.22 (11m) and 941.2915 of the statutes; **relating to:** eliminating the
4 prohibitions on electric weapons and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law generally prohibits a person from selling, transporting, possessing, or going armed with a device that is designed to immobilize or incapacitate persons by the use of electric current, which is commonly known as an electric weapon. Current law contains many exceptions to the prohibition, including a law enforcement officer, a person who has a license to carry a concealed weapon, a person who is in his or her dwelling or business, or a security person who has a license or permit.

This bill eliminates the current prohibitions against electric weapons. The bill creates a provision that prohibits a person who is prohibited from possessing a firearm from possessing an electric weapon.

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:

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1 **SECTION 1.** 165.63 (4) (a) of the statutes is amended to read:

2 165.63 (4) (a) Enforce or investigate a violation of s. 941.29 ~~or~~, 941.2905, or
3 941.2915.

4 **SECTION 2.** 165.81 (2) of the statutes is repealed.

5 **SECTION 3.** 175.60 (1) (j) of the statutes is amended to read:

6 175.60 (1) (j) “Weapon” means a handgun, ~~an electric weapon, as defined in s.~~
7 ~~941.295 (1e) (a),~~ or a billy club.

8 **SECTION 4.** 938.341 of the statutes is amended to read:

9 **938.341 Delinquency adjudication; restriction on firearm and electric**
10 **weapon possession.** Whenever a court adjudicates a juvenile delinquent for an act
11 that if committed by an adult in this state would be a felony, the court shall inform
12 the juvenile of the requirements and penalties under s. ss. 941.29 and 941.2915.

13 **SECTION 5.** 938.78 (3) of the statutes, as affected by 2023 Wisconsin Act 10, is
14 amended to read:

15 938.78 (3) **RELEASE OF INFORMATION WHEN ESCAPE OR ABSENCE; RULES.** If a juvenile
16 adjudged delinquent under s. 48.12, 1993 stats., or s. 938.12 or found to be in need
17 of protection or services under s. 48.13 (12) or (14), 1993 stats., or s. 938.13 (12) or
18 (14) on the basis of a violation of s. 943.23 (1m) or (1r), 1999 stats., or s. 943.23 (1g),
19 2021 stats., or s. 941.10, 941.11, 941.20, 941.21, 941.23, 941.231, 941.235, 941.237,
20 941.26, 941.28, ~~941.295~~, 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03,
21 943.04, 943.10 (2) (a), 943.231 (1), 943.32 (2), 948.02, 948.025, 948.03, 948.05,
22 948.055, 948.085 (2), 948.60, 948.605, or 948.61 or any crime specified in ch. 940 has
23 escaped from a juvenile correctional facility, residential care center for children and
24 youth, secured residential care center for children and youth, inpatient facility, as
25 defined in s. 51.01 (10), juvenile detention facility, or juvenile portion of a county jail,

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1 or from the custody of a peace officer or a guard of such a facility, center, or jail, or
2 has been allowed to leave a juvenile correctional facility, residential care center for
3 children and youth, secured residential care center for children and youth, inpatient
4 facility, juvenile detention facility, or juvenile portion of a county jail for a specified
5 time period and is absent from the facility, center, home, or jail for more than 12 hours
6 after the expiration of the specified period, the department of corrections or county
7 department, whichever has supervision over the juvenile, may release the juvenile's
8 name and any information about the juvenile that is necessary for the protection of
9 the public or to secure the juvenile's return to the facility, center, home, or jail. The
10 department of corrections shall promulgate rules establishing guidelines for the
11 release of the juvenile's name or information about the juvenile to the public.

12 **SECTION 6.** 939.22 (10) of the statutes is amended to read:

13 939.22 (10) "Dangerous weapon" means any firearm, whether loaded or
14 unloaded; any device designed as a weapon and capable of producing death or great
15 bodily harm; any ligature or other instrumentality used on the throat, neck, nose, or
16 mouth of another person to impede, partially or completely, breathing or circulation
17 of blood; any electric weapon, ~~as defined in s. 941.295 (1e) (a);~~ or any other device or
18 instrumentality which, in the manner it is used or intended to be used, is calculated
19 or likely to produce death or great bodily harm.

20 **SECTION 7.** 939.22 (11m) of the statutes is created to read:

21 939.22 (11m) "Electric weapon" means any device which is designed,
22 redesigned, used, or intended to be used, offensively or defensively, to immobilize or
23 incapacitate persons by the use of electric current.

24 **SECTION 8.** 941.2915 of the statutes is created to read:

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1 **941.2915 Possession of an electric weapon.** A person who is prohibited
2 from possessing a firearm under s. 941.29 who possesses an electric weapon is guilty
3 of a Class G felony.

4 **SECTION 9.** 941.295 of the statutes is repealed.

5 **SECTION 10.** 948.60 (1) of the statutes is amended to read:

6 **948.60 (1)** In this section, “dangerous weapon” means any firearm, loaded or
7 unloaded; any electric weapon, ~~as defined in s. 941.295 (1e) (a);~~ metallic knuckles or
8 knuckles of any substance which could be put to the same use with the same or
9 similar effect as metallic knuckles; a nunchaku or any similar weapon consisting of
10 2 sticks of wood, plastic or metal connected at one end by a length of rope, chain, wire
11 or leather; a cestus or similar material weighted with metal or other substance and
12 worn on the hand; a shuriken or any similar pointed star-like object intended to
13 injure a person when thrown; or a manrikigusari or similar length of chain having
14 weighted ends.

15 **SECTION 11.** 971.17 (1g) of the statutes is amended to read:

16 **971.17 (1g) NOTICE OF RESTRICTION ON FIREARM AND ELECTRIC WEAPON POSSESSION.**
17 If the defendant under sub. (1) is found not guilty of a felony by reason of mental
18 disease or defect, the court shall inform the defendant of the requirements and
19 penalties under s. ss. 941.29 and 941.2915.

20 **SECTION 12.** 973.176 (1) of the statutes is amended to read:

21 **973.176 (1) FIREARM AND ELECTRIC WEAPON POSSESSION.** Whenever a court
22 imposes a sentence or places a defendant on probation regarding a felony conviction,
23 the court shall inform the defendant of the requirements and penalties applicable to
24 him or her under s. ss. 941.29 (1m) or (4m) and 941.2915.

25

(END)