



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-5666/1
CMH:emw&wlj

2017 ASSEMBLY BILL 1052

March 22, 2018 - Introduced by Representatives CONSIDINE, C. TAYLOR, HEBL, BROSTOFF, ZEPNICK, KOLSTE, SUBECK, SPREITZER, CROWLEY, SINICKI, BERCEAU and SARGENT, cosponsored by Senators JOHNSON, MILLER, ERPENBACH and RISSER. 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) (b); and *to create* 941.293 of the
2 statutes; **relating to:** banning detachable or fixed magazines that have a
3 capacity of more than ten rounds of ammunition and providing a criminal
4 penalty.

Analysis by the Legislative Reference Bureau

This bill prohibits a person from selling, transporting, purchasing, transferring, lending, pledging, distributing, importing, possessing, manufacturing, or using a detachable or fixed magazine that has a capacity of more than ten rounds of ammunition for a firearm except that a person who possessed such a magazine before the effective date of the bill may transport or possess the magazine without violating the prohibition. A person who violates the prohibition is guilty of a Class A misdemeanor.

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

5 **SECTION 1.** 938.78 (3) of the statutes is amended to read:
6 938.78 (3) RELEASE OF INFORMATION WHEN ESCAPE OR ABSENCE; RULES. If a juvenile
7 adjudged delinquent under s. 48.12, 1993 stats., or s. 938.12 or found to be in need

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1 of protection or services under s. 48.13 (12), 1993 stats., or s. 48.13 (14), 1993 stats.,
2 or s. 938.13 (12) or (14) on the basis of a violation of s. 943.23 (1m) or (1r), 1999 stats.,
3 or s. 941.10, 941.11, 941.20, 941.21, 941.23, 941.231, 941.235, 941.237, 941.26,
4 941.28, 941.293, 941.295, 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03,
5 943.04, 943.10 (2) (a), 943.23 (1g), 943.32 (2), 948.02, 948.025, 948.03, 948.05,
6 948.055, 948.085 (2), 948.60, 948.605, or 948.61 or any crime specified in ch. 940 has
7 escaped from a juvenile correctional facility, residential care center for children and
8 youth, inpatient facility, as defined in s. 51.01 (10), juvenile detention facility, or
9 juvenile portion of a county jail, or from the custody of a peace officer or a guard of
10 such a facility, center, or jail, or has been allowed to leave a juvenile correctional
11 facility, residential care center for children and youth, inpatient facility, juvenile
12 detention facility, or juvenile portion of a county jail for a specified time period and
13 is absent from the facility, center, home, or jail for more than 12 hours after the
14 expiration of the specified period, the department of corrections or county
15 department, whichever has supervision over the juvenile, may release the juvenile's
16 name and any information about the juvenile that is necessary for the protection of
17 the public or to secure the juvenile's return to the facility, center, home, or jail. The
18 department of corrections shall promulgate rules establishing guidelines for the
19 release of the juvenile's name or information about the juvenile to the public.

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

21 941.29 (1g) (b) "Violent misdemeanor" means a violation of s. 813.12, 813.122,
22 813.125, 940.19 (1), 940.195, 940.42, 940.44, 941.20 (1), 941.26, 941.293, 941.38 (3),
23 941.39, 947.013, 948.55, 951.02, 951.08, 951.09, or 951.095 or a violation to which a
24 penalty specified in s. 939.63 (1) is applied.

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

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1 **941.293 Firearms; magazine capacity. (1)** In this section, “large capacity
2 magazine” means a magazine, whether fixed or detachable, that has a capacity of
3 more than 10 rounds of ammunition for a firearm. “Large capacity magazine” does
4 not include any of the following:

5 (a) A feeding device that has been permanently altered so that it cannot
6 accommodate more than 10 rounds.

7 (b) A .22 caliber tube ammunition feeding device.

8 (c) A tubular magazine that is contained in a lever-action firearm.

9 (d) A magazine that is permanently inoperable.

10 **(2)** Whoever does any of the following is guilty of a Class A misdemeanor:

11 (a) Sells, transports, purchases, transfers, lends, pledges, distributes, imports,
12 possesses, or manufactures, including fabricating or assembling from a combination
13 of parts to be fully functional, a large capacity magazine.

14 (b) Uses a large capacity magazine.

15 **(3)** Any person who, prior to the effective date of this subsection ... [LRB inserts
16 date], possesses a large capacity magazine may sell the large capacity magazine to
17 the department of justice using a process the department of justice develops.

18 **(4)** (a) The prohibition under sub. (2) (a) on transporting, transferring, lending,
19 or possessing a large capacity magazine does not apply to any of the following:

20 1. A law enforcement officer in the course and scope of his or her duties.

21 2. Any armed forces or national guard personnel in the course and scope of his
22 or her duties.

23 (b) The prohibition under sub. (2) (a) on transporting or possessing a large
24 capacity magazine does not apply to any person who possessed the large capacity
25 magazine prior to the effective date of this paragraph ... [LRB inserts date].

