



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-4755/1
CMH:cdc

2021 SENATE BILL 1044

March 9, 2022 - Introduced by Senators AGARD, BEWLEY, ROYS and LARSON, cosponsored by Representatives CONSIDINE, SINICKI, OHNSTAD, HEBL, POPE, SUBECK, CONLEY, STUBBS, SPREITZER and ANDRACA. Referred to Committee on Judiciary and Public Safety.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT to amend** 175.35 (1) (at) and 175.35 (2g) (c) 4. a. and b.; and **to create**
2 165.64 of the statutes; **relating to:** voluntary prohibitions on purchasing a
3 handgun.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Justice to allow individuals to prohibit themselves from purchasing a handgun. Under the bill, DOJ must maintain a database of individuals who voluntarily prohibit themselves from purchasing a handgun. An individual may request inclusion in the database by submitting a request to DOJ that indicates the length of the prohibition: a one-year, irrevocable prohibition; a five-year prohibition, the first year being irrevocable; or a 20-year prohibition, the first year being irrevocable. During a revocable period, an individual may remove the prohibition by submitting to DOJ a request for removal and an affidavit from a licensed psychiatrist or psychologist stating that the individual may possess a firearm without being a danger to himself or herself or another. This bill also requires DOJ, when responding to a request for a background check from a licensed firearm dealer regarding an individual who is in the database, to indicate that the individual is prohibited from purchasing a handgun.

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:

SENATE BILL 1044**SECTION 1**

1 **SECTION 1.** 165.64 of the statutes is created to read:

2 **165.64 Voluntary prohibition on handgun purchases. (1)** In this section:

3 (a) “Department” means the department of justice.

4 (b) “Handgun” has the meaning given in s. 175.35 (1) (b).

5 **(2)** The department shall develop forms for individuals to submit to the
6 department to request, or to renew a request, that he or she be prohibited from
7 purchasing a handgun. The forms shall allow the individual to choose the term of
8 the prohibition as follows:

9 (a) A one-year, irrevocable term.

10 (b) A 5-year term, the first year being irrevocable.

11 (c) A 20-year term, the first year being irrevocable.

12 **(3)** If an individual submits a form requesting that he or she be prohibited from
13 purchasing a handgun, the department shall enter the individual’s identifying
14 information into a database the department maintains.

15 **(4)** The department shall remove the individual’s identifying information from
16 the database under sub. (3) if any of the following occurs:

17 (a) After the term under sub. (2) expires, the individual submits a form
18 designed by the department requesting that his or her identifying information be
19 removed. A term that has expired and has not been renewed continues until revoked
20 under this paragraph.

21 (b) Before the term under sub. (2) expires but after the request becomes
22 revocable under sub. (2) (b) or (c), the individual submits a form designed by the
23 department requesting that his or her identifying information be removed. The
24 individual shall submit an affidavit from a psychiatrist or a psychologist licensed

SENATE BILL 1044

1 under ch. 455 stating that the individual may possess a firearm without posing a
2 danger to himself or herself or to another.

3 (5) The department may disclose an individual's identifying information
4 included in the database under sub. (3) only as part of a firearms restrictions record
5 search under s. 175.35 (2g) (c) or to the individual who is the subject of the
6 information.

7 **SECTION 2.** 175.35 (1) (at) of the statutes is amended to read:

8 175.35 (1) (at) "Firearms restrictions record search" means a search of
9 department of justice records to determine whether a person seeking to purchase a
10 handgun is prohibited from possessing a firearm under s. 941.29 or is included in the
11 database under s. 165.64 (3). "Firearms restrictions record search" includes a
12 criminal history record search, a search to determine whether a person is prohibited
13 from possessing a firearm under s. 51.20 (13) (cv) 1., 2007 stats., a search in the
14 national instant criminal background check system to determine whether a person
15 has been ordered not to possess a firearm under s. 51.20 (13) (cv) 1., 51.45 (13) (i) 1.,
16 54.10 (3) (f) 1., or 55.12 (10) (a), a search to determine whether the person is subject
17 to an injunction under s. 813.12 or 813.122, or a tribal injunction, as defined in s.
18 813.12 (1) (e), issued by a court established by any federally recognized Wisconsin
19 Indian tribe or band, except the Menominee Indian tribe of Wisconsin, that includes
20 notice to the respondent that he or she is subject to the requirements and penalties
21 under s. 941.29 and that has been filed with the circuit court under s. 813.128 (3g),
22 and a search to determine whether the person is prohibited from possessing a
23 firearm under s. 813.123 (5m) or 813.125 (4m).

24 **SECTION 3.** 175.35 (2g) (c) 4. a. and b. of the statutes are amended to read:

