



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-0482/1
CMH:skw

2021 ASSEMBLY BILL 1059

February 17, 2022 - Introduced by Representatives STUBBS, SINICKI, BROSTOFF, HESSELBEIN, SNODGRASS, ANDRACA, SHELTON, VINING, HONG, HEBL, EMERSON, SPREITZER, GOYKE, CONLEY, SUBECK, BALDEH, CABRERA, HINTZ, RIEMER, CONSIDINE, BOWEN and POPE, cosponsored by Senators AGARD, LARSON, JOHNSON, ROYS, CARPENTER and RINGHAND. Referred to Committee on Criminal Justice and Public Safety.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT to amend** 175.35 (title), 175.35 (2) (d) and 175.35 (2g) (c) 4. c. of the
2 statutes; **relating to:** waiting period for purchase of handguns.

Analysis by the Legislative Reference Bureau

Current law provides that, before a federally licensed firearms dealer may transfer a handgun after a sale, the dealer must request that the Department of Justice perform a background check on the prospective purchaser to determine if the purchaser is prohibited from possessing a firearm under federal or state law.

This bill prohibits the dealer from transferring the handgun to the purchaser until 48 hours have passed since the firearms dealer requested the background check on the purchaser.

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

3 **SECTION 1.** 175.35 (title) of the statutes is amended to read:

4 **175.35** (title) **Purchase Waiting period for the purchase of handguns.**

5 **SECTION 2.** 175.35 (2) (d) of the statutes is amended to read:

6 175.35 (2) (d) The Forty-eight hours have elapsed from the time that the
7 firearms dealer has received an approval a confirmation number regarding the

ASSEMBLY BILL 1059**SECTION 2**

1 firearms restrictions record search under sub. (2g) (c) from the department of justice
2 and the firearms dealer has not been notified that the person is prohibited under
3 state or federal law from possessing a firearm or that the department needs an
4 extension under sub. (2g) (c) 4. c.

5 **SECTION 3.** 175.35 (2g) (c) 4. c. of the statutes is amended to read:

6 175.35 **(2g)** (c) 4. c. If the search indicates that it is unclear whether the person
7 is prohibited under state or federal law from possessing a firearm and the
8 department needs more time than provided under sub. (2) (d) to make the
9 determination, the department shall make every reasonable effort to determine
10 whether the person is prohibited under state or federal law from possessing a firearm
11 and notify the firearms dealer of the results as soon as practicable but no later than
12 5 working days after the search was requested.

13 **SECTION 4. Initial applicability.**

14 (1) This act first applies to sales that occur on the effective date of this
15 subsection.

16 (END)