



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2015 Assembly Bill 49	Assembly Amendment 7
<i>Memo published: May 4, 2015</i>	<i>Contact: Michael Queensland, Staff Attorney (266-3810)</i>

CURRENT LAW

Under current law, when a federally licensed firearms dealer sells a handgun, he or she may not transfer possession of the handgun to any other person until all of the following has occurred:

- The transferee has provided photo identification.
- The transferee has completed a notification form requiring the transferee to provide his or her name, date of birth, gender, race and Social Security number and other identification necessary to permit an accurate firearms restriction record search.
- The firearms dealer has conveyed the information from the completed notification form to the Department of Justice (DOJ) and requested a firearms restrictions record search.
- Forty-eight hours have elapsed from the time that the firearms dealer has received a confirmation number regarding the firearms restrictions record search from DOJ and the firearms dealer has not been notified that the transferee is prohibited from possessing a firearm.

Also under current law, if the firearms restrictions record search indicates a felony charge with no recorded disposition, the deadline for DOJ to complete the search is extended to the end of the third working day commencing after the day on which the finding is made.

2015 ASSEMBLY BILL 49

2015 Assembly Bill 49 eliminates the requirement that a federally licensed firearms dealer wait 48 hours after submitting a request for a firearms restrictions search to DOJ to transfer the

handgun to the transferee. Under Assembly Bill 49, a federally licensed firearms dealer may transfer the firearm once the dealer has received an approval number from DOJ regarding the firearms restrictions search. The bill also provides that if the search indicates a felony charge without a recorded disposition, the department shall make every reasonable effort to determine the disposition of the charge and notify the firearms dealer of the result within three working days.

ASSEMBLY AMENDMENT 7

Assembly Amendment 7 modifies the provision that extends the amount of time within which DOJ must complete a firearms restrictions search in the event further research is needed to determine the disposition of a charge against a purchaser. The amendment provides that when it is unclear whether the person is prohibited under state or federal law from possessing a firearm and the department needs more time to make the determination, DOJ shall notify the dealer as soon as practicable, but no later than five working days after the search was requested.

BILL HISTORY

On April 23, 2015, the Assembly Committee on Criminal Justice and Public Safety voted to introduce and recommend adoption of Assembly Amendment 7 to 2015 Assembly Bill 49 on votes of Ayes, 12; Noes, 0. On the same day, the committee voted to recommend passage of Assembly Bill 49, as amended, on a vote of Ayes, 8; Noes, 4.

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