

State of Misconsin 2019 - 2020 LEGISLATURE

LRB-5569/1 CMH:klm

## 2019 SENATE BILL 862

February 20, 2020 - Introduced by Senators ERPENBACH, SMITH, CARPENTER, L. TAYLOR, RISSER and LARSON, cosponsored by Representatives HESSELBEIN, SUBECK, STUBBS, C. TAYLOR, SARGENT, HEBL, ANDERSON, BROSTOFF, KOLSTE, ZAMARRIPA, POPE, SINICKI and EMERSON. Referred to Committee on Judiciary and Public Safety.

AN ACT to amend 939.6195 (1) (a) 1. and 941.291 (1) (b); and to create 941.293 of the statutes; relating to: prohibition against undetectable firearms, possessing a frame or receiver of a firearm without a serial number, and providing a penalty.

## Analysis by the Legislative Reference Bureau

This bill prohibits the manufacture, transportation, sale, possession, and carrying of firearms that cannot be detected by metal detectors or airport x-ray machines or scanners. A person who violates the prohibition is guilty of a Class G felony.

This bill also prohibits the sale, posting, provision, or possession of plans for manufacturing an undetectable firearm. A person who violates the prohibition is guilty of a Class H felony.

Finally, the bill prohibits the possession of a frame or a receiver of a firearm that is not marked with a serial number. A person who violates the prohibition is guilty of a Class I felony.

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	<b>SECTION 1.</b> 939.6195 (1) (a) 1. of the statutes is amended to read:
2	939.6195 (1) (a) 1. A violation of s. 941.29 or, 941.2905, or 941.293.
3	<b>SECTION 2.</b> 941.291 (1) (b) of the statutes is amended to read:
4	941.291 (1) (b) "Violent felony" means any felony, or the solicitation, conspiracy,
5	or attempt to commit any felony, under s. 943.23 (1m) or (1r), 1999 stats., or s. 940.01,
6	940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19, 940.195, 940.20,
7	940.201, 940.203, 940.21, 940.225, 940.23, 940.285 (2), 940.29, 940.295 (3), 940.30,
8	940.305, 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20, 941.26, 941.28, 941.29,
9	<u>941.293,</u> 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.04, 943.06,
10	943.10 (2), 943.23 (1g), 943.32, 943.81, 943.82, 943.83, 943.85, 943.86, 943.87,
11	943.88, 943.89, 943.90, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04,
12	948.05, 948.06, 948.07, 948.08, 948.085, or 948.30; or, if the victim is a financial
13	institution, as defined in s. 943.80 (2), a felony, or the solicitation, conspiracy, or
14	attempt to commit a felony under s. 943.84 (1) or (2).
15	<b>SECTION 3.</b> 941.293 of the statutes is created to read:
16	941.293 Undetectable firearms; serial numbers on firearm
17	<b>components.</b> (1) In this section:
18	(a) "Major component" means the barrel, the slide or cylinder, or the frame or
19	receiver of a firearm.
20	(b) "Undetectable firearm" means any of the following:
21	1. A firearm that, after the removal of grips, stocks, and magazines, is not
22	detectable by a metal detector.
23	2. A firearm if any major component of it does not generate an image that
24	accurately depicts the shape of the component when subject to inspection by security

25 scanners, x-ray machines, or other security devices commonly used at airports.

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1 (2) (a) 1. Whoever sells, offers to sell, transfers, transports, manufactures,  $\mathbf{2}$ possesses, or goes armed with an undetectable firearm is guilty of a Class G felony. 3 2. Whoever sells, offers to sell, transfers, posts, provides to another, or possesses plans for manufacturing an undetectable firearm is guilty of a Class H 4 5 felony. 6 (b) Paragraph (a) does not apply to a person who is licensed to manufacture 7 undetectable firearms while on official duty. Paragraph (a) 1. does not apply to a law 8 enforcement officer while on official duty or to armed forces or national guard 9 personnel while on official duty. 10 (3) (a) Whoever possesses a frame or a receiver of a firearm that is not attached 11 to a firearm and that is not marked or engraved with a serial number is guilty of a Class I felony. 12

(b) Paragraph (a) does not apply to a firearm frame or receiver manufactured
before 1968, a person who is licensed to manufacture undetectable firearms while on
official duty, a law enforcement officer while on official duty, or armed forces or
national guard personnel while on official duty.

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(END)