

State of Wisconsin



2019 Assembly Bill 808

Date of enactment:
Date of publication*:

2019 WISCONSIN ACT

AN ACT to create 941.29 (4n) of the statutes; **relating to:** prosecuting a violent felon for the crime of illegal possession of a firearm.

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

SECTION 1. 941.29 (4n) of the statutes is created to read:

941.29 (4n) (a) The legislature intends to encourage the vigorous prosecution of violent felons who illegally possess a firearm.

(b) Notwithstanding s. 971.29, if an individual is charged with a violation under sub. (1m) and the individual has been convicted of, adjudicated delinquent for, or found not guilty by reason of mental disease or defect of, committing, soliciting, conspiring, or attempting to commit a violent felony, the prosecutor may not dismiss or amend the charge without the approval of the court. In the application to the court, the prosecutor shall state the reasons for the proposed amendment or dismissal. The court may approve the application only if the court finds that the proposed amendment or dismissal is consistent

with the public's interest in deterring the possession of firearms by violent felons and consistent with the legislature's intention expressed in par. (a). If a court approves at least one application in a year, the court shall submit to the appropriate standing committees of the legislature under s. 13.172 (3) an annual report detailing each application the court approved that year and how each approval is consistent with the public's interest and the legislature's intention.

(c) A prosecutor may not place an individual in a deferred prosecution program if the individual is accused of or charged with a violation under sub. (1m) and the individual has been convicted of, adjudicated delinquent for, or found not guilty by reason of mental disease or defect of, committing, soliciting, conspiring, or attempting to commit a violent felony.

SECTION 2. Initial applicability.

(1) This act first applies to charges issued on the effective date of this subsection.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."