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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**2023 Senate Bill 466**

**Senate Substitute  
Amendment 1**

### 2023 SENATE BILL 466

2023 Senate Bill 466 prohibits a financial institution or its agent from requiring the use of the firearms code in a way that distinguishes a firearms retailer from general merchandise retailers or sporting goods retailers or from discriminating against a firearms retailer by declining a lawful payment card transaction based solely on the assignment or nonassignment of the firearms code. A financial institution is defined as an entity involved in facilitating or processing a payment card transaction, including a bank, acquirer, payment card network, or payment card issuer.

The bill also requires the Department of Justice (DOJ) to ensure that firearms transfer background check records are not stored, maintained, or formatted into a list that identifies persons who have purchased a firearm and prohibits a state agency, political subdivision, or special purpose district from intentionally creating, storing, or maintaining a list of individuals who own firearms, except for the purposes of criminal investigations or prosecutions or of determining compliance with court orders or injunctions.

### SENATE SUBSTITUTE AMENDMENT 1

Senate Substitute Amendment 1 prohibits a **payment card network** or its agent from requiring the use of a firearms code in a way that distinguishes a firearms retailer from general merchandise retailers or sporting goods retailers or from declining or otherwise refusing to process a lawful payment card transaction at a firearms retailer based solely on the assignment or nonassignment of a firearms code.

The amendment gives the Attorney General exclusive authority to enforce these provisions. It also requires that the Attorney General investigate alleged violations of these provisions and provide written notice to any person, whether public or private, believed to be in violation of this section, upon finding a violation. Upon receipt of this written notice from the Attorney General, the person must, within 30 calendar days, cease the use of a firearms code for any merchant in this state. If a person is found to be in violation of these provisions after the expiration of 30 calendar days from the receipt of the required written notice from the Attorney General, the Attorney General must pursue an injunction against the person, which a court may order in addition to any other relief the court may consider appropriate.

The substitute amendment also clarifies that, when DOJ ensures that firearms transfer background check records are not stored, maintained, or formatted into a list that identifies persons who have purchased a firearm, if an aggrieved party files a civil action regarding a record that was granted access in violation of the provision, it is not a defense that the record was disclosed to a federal government entity unless the disclosure was required by federal law or regulation, or was made in compliance with a federal safe harbor provision.

## **BILL HISTORY**

Senate Substitute Amendment 1 was offered by Senator Stafsholt on December 18, 2023. The Senate Committee on Financial Institutions and Sporting Heritage recommended both the adoption of Senate Substitute Amendment 1, and the passage of Senate Bill 466 as amended, by votes of Ayes, 3; Noes, 2; on January 5, 2024.

For a full history of the bill, visit the Legislature's [bill history page](#).

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