



State of Wisconsin  
2025 - 2026 LEGISLATURE

LRB-1471/P1

CMH:cdc

DOA:.....Schmidt, BB0309 - Requiring secure storage of a firearm if resident is under the age of 18 or a child is present

**FOR 2025-2027 BUDGET -- NOT READY FOR INTRODUCTION**

**AN ACT ...; relating to:** the budget.

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*Analysis by the Legislative Reference Bureau*

**JUSTICE**

***Storing a firearm when a child is present***

This bill prohibits a person from storing or leaving a firearm at his or her residence if the person resides with a child who is under the age of 18, or knows a child who is under the age of 18 will be present in the residence, unless the firearm is in a securely locked box or container or other secure locked location or has a trigger lock engaged. A person who violates this prohibition is guilty of a Class A misdemeanor for a first offense and a Class I felony for a subsequent offense. This prohibition replaces the current law that penalizes a person who recklessly stores or leaves a loaded firearm within reach of a child who is under 14 if the child obtains it and does one of the following: 1) discharges the firearm and causes bodily harm or death (Class A misdemeanor); or 2) possesses or exhibits the firearm in a public place or endangers public safety (Class C misdemeanor).

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.

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

**SECTION 1.** 948.55 of the statutes is repealed and recreated to read:

**948.55 Storage of firearm if children present.** (1) Whoever resides with a child, or knows a child will be present in his or her residence, may not store or leave a firearm at his or her residence unless the firearm is in a securely locked box or container or in a locked location that a reasonable person would believe to be

**BILL****SECTION 1**

secure or unless a trigger lock is engaged on the firearm. This prohibition does not apply to a person who is going armed with the firearm.

(2) A person who violates sub. (1) is guilty of the following:

(a) For a first violation, a Class A misdemeanor.

(b) For a 2nd or subsequent violation, a Class I felony.

**SECTION 2.** 968.02 (4) of the statutes is amended to read:

968.02 (4) If the alleged violator under s. 948.55 ~~(2)~~ or 948.60 (2) (c) is or was the parent or guardian of a child who is injured or dies as a result of an accidental shooting, the district attorney may consider, among other factors, the impact of the injury or death on the alleged violator when deciding whether to issue a complaint regarding the alleged violation. This subsection does not restrict the factors that a district attorney may consider in deciding whether to issue a complaint regarding any alleged violation.

**SECTION 3.** 968.07 (3) of the statutes is amended to read:

968.07 (3) If the alleged violator under s. 948.55 ~~(2)~~ or 948.60 (2) (c) is or was the parent or guardian of a child who is injured or dies as a result of an accidental shooting, no law enforcement officer may arrest the alleged violator until at least 7 days after the date of the shooting.

(END)