



2023 ASSEMBLY BILL 684

November 27, 2023 - Introduced by Representatives SORTWELL, MAGNAFICI, ALLEN, ARMSTRONG, BEHNKE, BRANDTJEN, GOEBEN, GUSTAFSON, S. JOHNSON, RETTINGER, SCHMIDT and WICHGERS, cosponsored by Senators JAMES and NASS. Referred to Committee on Criminal Justice and Public Safety.

AN ACT *to repeal* 165.81 (2) and 941.295; *to amend* 165.63 (4) (a), 175.60 (1) (j), 938.341, 938.78 (3), 939.22 (10), 948.60 (1), 971.17 (1g) and 973.176 (1); and *to create* 939.22 (11m) and 941.2915 of the statutes; **relating to:** eliminating the prohibitions on electric weapons and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law generally prohibits a person from selling, transporting, possessing, or going armed with a device that is designed to immobilize or incapacitate persons by the use of electric current, which is commonly known as an electric weapon. Current law contains many exceptions to the prohibition, including a law enforcement officer, a person who has a license to carry a concealed weapon, a person who is in his or her dwelling or business, or a security person who has a license or permit.

This bill eliminates the current prohibitions against electric weapons. The bill creates a provision that prohibits a person who is prohibited from possessing a firearm from possessing an electric weapon.

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. 165.63 (4) (a) of the statutes is amended to read:

165.63 (4) (a) Enforce or investigate a violation of s. 941.29 ~~or~~, 941.2905, or 941.2915.

SECTION 2. 165.81 (2) of the statutes is repealed.

SECTION 3. 175.60 (1) (j) of the statutes is amended to read:

175.60 (1) (j) "Weapon" means a handgun, ~~an electric weapon, as defined in s. 941.295 (1e) (a),~~ or a billy club.

SECTION 4. 938.341 of the statutes is amended to read:

938.341 Delinquency adjudication; restriction on firearm and electric weapon possession. Whenever a court adjudicates a juvenile delinquent for an act that if committed by an adult in this state would be a felony, the court shall inform the juvenile of the requirements and penalties under ~~s. ss. 941.29 and 941.2915.~~

SECTION 5. 938.78 (3) of the statutes, as affected by 2023 Wisconsin Act 10, is amended to read:

938.78 (3) RELEASE OF INFORMATION WHEN ESCAPE OR ABSENCE; RULES. If a juvenile adjudged delinquent under s. 48.12, 1993 stats., or s. 938.12 or found to be in need of protection or services under s. 48.13 (12) or (14), 1993 stats., or s. 938.13 (12) or (14) on the basis of a violation of s. 943.23 (1m) or (1r), 1999 stats., or s. 943.23 (1g), 2021 stats., or s. 941.10, 941.11, 941.20, 941.21, 941.23, 941.231, 941.235, 941.237, 941.26, 941.28, ~~941.295,~~ 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03, 943.04, 943.10 (2) (a), 943.231 (1), 943.32 (2), 948.02,

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948.025, 948.03, 948.05, 948.055, 948.085 (2), 948.60, 948.605, or 948.61 or any crime specified in ch. 940 has escaped from a juvenile correctional facility, residential care center for children and youth, secured residential care center for children and youth, inpatient facility, as defined in s. 51.01 (10), juvenile detention facility, or juvenile portion of a county jail, or from the custody of a peace officer or a guard of such a facility, center, or jail, or has been allowed to leave a juvenile correctional facility, residential care center for children and youth, secured residential care center for children and youth, inpatient facility, juvenile detention facility, or juvenile portion of a county jail for a specified time period and is absent from the facility, center, home, or jail for more than 12 hours after the expiration of the specified period, the department of corrections or county department, whichever has supervision over the juvenile, may release the juvenile's name and any information about the juvenile that is necessary for the protection of the public or to secure the juvenile's return to the facility, center, home, or jail. The department of corrections shall promulgate rules establishing guidelines for the release of the juvenile's name or information about the juvenile to the public.

SECTION 6. 939.22 (10) of the statutes is amended to read:

939.22 (10) "Dangerous weapon" means any firearm, whether loaded or unloaded; any device designed as a weapon and capable of producing death or great bodily harm; any ligature or other instrumentality used on the throat, neck, nose, or mouth of another person to impede, partially or completely, breathing or circulation of blood; any electric weapon, ~~as defined in s. 941.295 (1e) (a);~~ or any other device or

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instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.

SECTION 7. 939.22 (11m) of the statutes is created to read:

939.22 (11m) “Electric weapon” means any device which is designed, redesigned, used, or intended to be used, offensively or defensively, to immobilize or incapacitate persons by the use of electric current.

SECTION 8. 941.2915 of the statutes is created to read:

941.2915 Possession of an electric weapon. A person who is prohibited from possessing a firearm under s. 941.29 who possesses an electric weapon is guilty of a Class G felony.

SECTION 9. 941.295 of the statutes is repealed.

SECTION 10. 948.60 (1) of the statutes is amended to read:

948.60 (1) In this section, “dangerous weapon” means any firearm, loaded or unloaded; any electric weapon, ~~as defined in s. 941.295 (1e) (a);~~ metallic knuckles or knuckles of any substance which could be put to the same use with the same or similar effect as metallic knuckles; a nunchaku or any similar weapon consisting of 2 sticks of wood, plastic or metal connected at one end by a length of rope, chain, wire or leather; a cestus or similar material weighted with metal or other substance and worn on the hand; a shuriken or any similar pointed star-like object intended to injure a person when thrown; or a manrikigusari or similar length of chain having weighted ends.

SECTION 11. 971.17 (1g) of the statutes is amended to read:

971.17 (1g) NOTICE OF RESTRICTION ON FIREARM AND ELECTRIC WEAPON

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POSSESSION. If the defendant under sub. (1) is found not guilty of a felony by reason of mental disease or defect, the court shall inform the defendant of the requirements and penalties under s. ss. 941.29 and 941.2915.

SECTION 12. 973.176 (1) of the statutes is amended to read:

973.176 (1) FIREARM AND ELECTRIC WEAPON POSSESSION. Whenever a court imposes a sentence or places a defendant on probation regarding a felony conviction, the court shall inform the defendant of the requirements and penalties applicable to him or her under s. ss. 941.29 (1m) or (4m) and 941.2915.

(END)