



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-2507/1
CMH:ahe

2021 ASSEMBLY BILL 322

May 13, 2021 - Introduced by Representatives MURSAU, SUBECK, ANDERSON, ANDRACA, BOWEN, CABRAL-GUEVARA, EMERSON, HEBL, S. RODRIGUEZ, SHANKLAND and SPREITZER, cosponsored by Senators KOOYENGA, FEYEN, COWLES, BALLWEG, JACQUE, RINGHAND, ROYS, SMITH and WANGGAARD. Referred to Committee on Criminal Justice and Public Safety.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT to renumber** 941.29 (1g) (a); **to amend** 165.845 (2); and **to create** 165.63
2 (2) (c), 165.845 (1m), 175.35 (2g) (d) 3., 941.29 (1g) (ad) and 941.29 (1m) (h) of
3 the statutes; **relating to:** the possession of a firearm by a person who is a
4 fugitive from justice and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from possessing a firearm if he or she has been convicted of a felony or if he or she is subject to certain injunctions, such as a domestic violence or child abuse injunction. In addition, federal law prohibits a person from possessing a firearm if he or she is a fugitive from justice; under current law there is no comparable state prohibition. Under this bill, state law would also prohibit a fugitive from justice from possessing a firearm. This bill defines “fugitive from justice” as someone who leaves or hides within a jurisdiction to escape prosecution or to avoid giving testimony in a criminal proceeding. A person who violates the prohibition is guilty of a felony and is subject to a fine of up to \$25,000 or a term of imprisonment of up to 10 years, or both, which is the same penalty that is imposed when a felon or a person subject to a domestic abuse or child abuse injunction violates the prohibition against possessing a firearm.

This bill also requires that the Department of Justice collect information identifying persons who are fugitives from justice. DOJ must then convey that information to the national instant criminal background check system for the purpose of background checks for firearm purchases and concealed carry licenses

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and must use that information to respond to inquiries from law enforcement and courts regarding whether a person is prohibited from possessing a firearm.

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.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 165.63 (2) (c) of the statutes is created to read:

2 165.63 (2) (c) Individuals who may not possess a firearm under s. 941.29 (1m)
3 (h).

4 **SECTION 2.** 165.845 (1m) of the statutes is created to read:

5 165.845 (1m) The department of justice shall:

6 (a) Collect information identifying individuals who are fugitives from justice,
7 as defined in s. 941.29 (1g) (ad), to permit an accurate firearms restrictions record
8 search under s. 175.35 (2g) (c), a background check under s. 175.60 (9g) (a), or an
9 accurate response under s. 165.63.

10 (b) Furnish all persons who can provide information under par. (a) with forms
11 or instructions that specify the nature of the information required under par. (a), the
12 deadline for providing the information, and any other matters that facilitate
13 collection and identification.

14 **SECTION 3.** 165.845 (2) of the statutes is amended to read:

15 165.845 (2) All persons in charge of law enforcement agencies and other
16 criminal and juvenile justice system agencies shall supply the department of justice
17 with the information described in ~~sub.~~ subs. (1) (a) and (1m) (a) on the basis of the
18 forms or instructions or both to be supplied by the department ~~under sub. (1) (a).~~ The

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1 department may conduct an audit to determine the accuracy of the data and other
2 information it receives from law enforcement agencies and other criminal and
3 juvenile justice system agencies.

4 **SECTION 4.** 175.35 (2g) (d) 3. of the statutes is created to read:

5 175.35 **(2g)** (d) 3. The department of justice shall promulgate rules to convey
6 information in a timely manner to the national instant criminal background check
7 system regarding individuals who may not possess a firearm under s. 941.29 (1m)
8 (h).

9 **SECTION 5.** 941.29 (1g) (a) of the statutes is renumbered 941.29 (1g) (at).

10 **SECTION 6.** 941.29 (1g) (ad) of the statutes is created to read:

11 941.29 **(1g)** (ad) "Fugitive from justice" means an individual who has fled from
12 a jurisdiction or hides within a jurisdiction to escape prosecution for a crime or to
13 avoid giving testimony in a criminal proceeding.

14 **SECTION 7.** 941.29 (1m) (h) of the statutes is created to read:

15 941.29 **(1m)** (h) The person is a fugitive from justice.

16 (END)