



2025 SENATE BILL 1046

February 24, 2026 - Introduced by Senators L. JOHNSON, RATCLIFF, ROYS, LARSON and DASSLER-ALFHEIM, cosponsored by Representatives FITZGERALD, ANDRACA, BARE, BROWN, DESANTO, JOERS, KIRSCH, MCCARVILLE, MIRESSSE, ROE, SHEEHAN, SINICKI, STROUD, STUBBS and TENORIO. Referred to Committee on Government Operations, Labor and Economic Development.

1 **AN ACT** *to renumber and amend* 941.2905 (1); *to amend* 20.455 (2) (gr),
2 51.20 (13) (cv) 4., 51.45 (13) (i) 4., 54.10 (3) (f) 4., 55.12 (10) (d), 175.60 (7) (d),
3 175.60 (15) (b) 4. b., 813.12 (6) (am) 1., 813.12 (6) (am) 2., 813.122 (9) (am) 1.,
4 813.122 (9) (am) 2., 813.123 (8m) (a), 813.123 (8m) (b), 813.125 (5r) (a),
5 813.125 (5r) (b), 938.208 (1) (b), 938.34 (4m) (b) 2., 938.396 (2g) (n), 939.46 (3),
6 941.237 (1) (d), 941.2905 (2) (intro.), 941.296 (1) (b) and 968.20 (3) (b); **to**
7 **repeal and recreate** 175.35 and 175.37; **to create** 20.455 (2) (gs), 66.05115,
8 146.27, 165.64, 941.2905 (1g) and 941.2905 (1m) (b) of the statutes; **relating**
9 **to:** permits for firearms dealers, firearms transactions and safety, firearms
10 crimes, making an appropriation, and providing a penalty.

Analysis by the Legislative Reference Bureau

Permits for firearms dealers

Under current federal law, persons who regularly engage in the sale of firearms for profit must have a license issued by the U.S. Department of Justice.

SENATE BILL 1046

This bill requires dealers who offer to sell at least five firearms in one year to also get a permit issued by the Wisconsin Department of Justice for each location at which sales are conducted. A person who violates this provision is guilty of misdemeanor for a first offense and a Class I felony for a repeat offense.

Under the bill, a person may apply for a state permit, and DOJ must act on the application within 90 days. Under the bill, DOJ must issue a permit to an applicant who is at least 21 years old and has a federal license unless the applicant is prohibited from possessing a firearm; had a license or permit involving a firearm revoked within the 10 years prior to submitting the application; or had been convicted of a violation involving a firearm within the 10 years prior to submitting the application. The fee for an application is \$250. A permit is valid for one year, and a permittee must apply to renew the permit and pay a \$200 renewal fee. The bill provides an appeal process if DOJ denies an applicant a permit or revokes a permit.

Under the bill, DOJ must conduct an on-site inspection of each permittee within a year after granting the permit and shall conduct an annual on-site inspection of at least 20 percent of the other permittees.

Regulating firearms transactions

Under current law, a federally licensed firearms dealer may not transfer possession of a firearm after a sale until the dealer requests DOJ to conduct a background check on the prospective transferee to ensure that they are not prohibited from possessing a firearm. This bill retains this requirement but adds a waiting period of seven days between the request for a background check and the transfer of the firearm. A dealer who transfers a firearm without conducting a background check or without waiting the seven days is guilty of a misdemeanor for a first violation and a Class I felony for a repeat violation.

The bill regulates “gun industry members,” which the bill defines as a person engaged in the sale, manufacturing, distribution, importing, or marketing of firearms, ammunition, magazines, or accessories. The bill prohibits gun industry members from knowingly or recklessly creating, maintaining, or contributing to a condition that endangers the safety or health of the public through the sale, manufacturing, importing, or marketing of a firearm, ammunition, or a firearm component by conduct that is unlawful or unreasonable. The bill requires a gun industry member that manufactures, markets, imports, or offers for wholesale or retail sale a firearm, ammunition, or a firearm component to use reasonable controls and procedures to prevent those products from being unlawfully possessed, used, marketed, or sold. Under the bill, “reasonable controls” include business practices that prevent theft of firearms, ammunition, or firearm components; sales of firearms to persons prohibited from possessing a firearm; or straw purchases of firearms. The bill sets up a process for the attorney general to follow to enforce the regulations described in this paragraph.

The bill requires a firearms dealer to retain an electronic record of each firearm purchase and transfer; a monthly inventory of all firearms; all transaction forms required by the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives; and other records of business on the dealer’s premises. The dealer must also retain

SENATE BILL 1046

a record of any commissions or bonuses given to employees for sales of firearms. Under the bill, the records must be available for inspection by DOJ and law enforcement agencies.

Security of premises where firearms are sold and firearm safety

The bill requires that, if a firearms dealer or manufacturer receives a firearm trace request from a law enforcement agency, the dealer or manufacturer must respond to the request within 24 hours. In addition, if a firearms dealer or manufacturer experiences a loss, theft, or unlawful transfer of a firearm or ammunition, the dealer or manufacturer must report it within 24 hours of learning of it. The report must go to DOJ, a law enforcement agency with jurisdiction over the premises, and the federal Bureau of Alcohol, Tobacco, Firearms and Explosives.

The bill also provides security measures that firearms dealers must follow. Some security measures differ depending on whether the business is attended or unattended, but some are more general including the requirement that the premises be monitored by a digital video surveillance system and an alarm system or service.

The bill further requires a firearms dealer to ensure that each firearm transferred includes a trigger lock or other device designed to disable the firearm and prevent the discharge of the firearm or a gun case or container that can be secured.

Lastly, the bill requires a firearms dealer to display warnings about dangers of firearms in homes, to post numbers to call or text for the Suicide and Crisis hotline, and to post signs regarding the storage of firearms and advising that firearm owners should report the loss or theft of a firearm to a law enforcement agency.

Printed information for firearms dealers

The bill requires the Department of Health Services to consult with DOJ to develop detailed printed information in English and Spanish for firearms dealers to distribute. The information must focus on the risks of access to firearms, the importance of laws that regulate firearms, the importance of reporting lost or stolen firearms, a summary of the crimes against public health and safety, the duties of people who sell, purchase, or possess firearms, and suicide prevention resources.

Tracing and ballistics requirements for law enforcement officers

The bill requires all law enforcement agencies to participate in “eTrace” which is an online system under the federal Bureau of Alcohol, Tobacco, Firearms and Explosives that allows law enforcement agencies to submit firearm traces and receive firearm trace results, search all firearm traces submitted by their agency, and perform other functions. The bill also requires law enforcement officers that possess a recovered firearm to submit a firearm trace request to eTrace within 48 hours of recovering the firearm. The bill defines a “recovered firearm” to be a firearm that has been seized, taken into custody, or is otherwise being investigated by a law enforcement agency if it was unlawfully possessed, used for unlawful purposes, recovered from the scene of a crime, believed to have been used in a crime, or abandoned, lost, or discarded. The bill also requires the law enforcement agency

SENATE BILL 1046**SECTION 1**

to test fire the recovered firearm and enter the information from the test fire into the National Integrated Ballistic Information Network System.

Under the bill, DOJ must compile all eTrace data entered by a law enforcement agency. DOJ must analyze the data to look for patterns and trends relating to recovered firearms. DOJ must maintain a public online dashboard that allows users to view the patterns and trends. DOJ must also maintain a platform for law enforcement agencies to view statewide trace data that identify firearm traffickers, individuals who commit crimes with firearms, individuals who are prohibited from possessing firearms, and any known source of firearms used in crimes.

DOJ must annually notify each firearms dealer and manufacturer of the total number of firearm trace requests involving the dealer or manufacturer for the prior year, as well as other related data.

Straw purchasing of firearms

Under current law, a person who intentionally furnishes, purchases, or possesses a firearm for a person, knowing that the person is prohibited from possessing a firearm, is guilty of a Class G felony. This crime is commonly known as “straw purchasing.” This bill increases the penalty to a Class D felony. The bill adds that no person may purchase or receive a firearm on behalf of an individual, and no dealer may sell or transfer a firearm to a person knowing the person is purchasing or receiving the firearm on behalf of an individual, if there is reasonable cause to know that the individual intends to use the firearm, or give to another to use, in furtherance of a felony, a federal crime of terrorism, or a drug trafficking crime. The penalty for the new crime is a Class D felony.

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.** 20.455 (2) (gr) of the statutes, as affected by 2025 Wisconsin Act
2 240, is amended to read:

3 20.455 (2) (gr) *Handgun purchaser record check; permits for firearms dealers;*
4 *and checks for licenses or certifications to carry concealed weapons.* All moneys
5 received as fee payments under ss. 165.64 (2) (f) and (3) (b), 175.35 (2i) (2) (a) 3.,

SENATE BILL 1046**SECTION 1**

1 175.49 (5m), and 175.60 (7) (c) and (d), (13), and (15) (b) 4. a. and b. to provide
2 services under ss. 165.28, 165.64, 175.35, 175.37, 175.49, and 175.60.

3 **SECTION 2.** 20.455 (2) (gs) of the statutes is created to read:

4 20.455 (2) (gs) *Permits for firearms dealers.* A sum sufficient to administer ss.
5 165.64, 175.35, and 175.37.

6 **SECTION 3.** 51.20 (13) (cv) 4. of the statutes is amended to read:

7 51.20 (13) (cv) 4. If the court orders a subject individual not to possess a
8 firearm under subd. 1. or cancels under subd. 1m. c. an order issued under subd. 1.
9 or under s. 51.20 (13) (cv) 1., 2007 stats., the court clerk shall notify the department
10 of justice of that fact and provide any information identifying the subject individual
11 that is necessary to permit an accurate firearms restrictions record search under s.
12 175.35 ~~(2g)-(e)~~ (2) (a) 3., a background check under s. 175.60 (9g) (a), or an accurate
13 response under s. 165.63. No other information from the subject individual's court
14 records may be disclosed to the department of justice except by order of the court.
15 The department of justice may disclose information provided under this subdivision
16 only to respond to a request under s. 165.63, as part of a firearms restrictions record
17 search under s. 175.35 ~~(2g)-(e)~~ (2) (a) 3., under rules the department of justice
18 promulgates under s. 175.35 ~~(2g)-(d)~~, or as part of a background check under s.
19 175.60 (9g) (a).

20 **SECTION 4.** 51.45 (13) (i) 4. of the statutes is amended to read:

21 51.45 (13) (i) 4. If the court orders under subd. 1. a person not to possess a
22 firearm or cancels under subd. 2. c. an order issued under subd. 1., the court clerk
23 shall notify the department of justice of the order or cancellation and provide any
24 information identifying the person that is necessary to permit an accurate firearms

SENATE BILL 1046**SECTION 4**

1 restrictions record search under s. 175.35 ~~(2g)-(e)~~ (2) (a) 3., a background check
2 under s. 175.60 (9g) (a), or an accurate response under s. 165.63. No other
3 information from the person's court records may be disclosed to the department of
4 justice except by order of the court. The department of justice may disclose
5 information provided under this subdivision only to respond to a request under s.
6 165.63, as part of a firearms restrictions record search under s. 175.35 ~~(2g)-(e)~~ (2) (a)
7 3., under rules the department of justice promulgates under s. 175.35 ~~(2g)-(d)~~, or as
8 part of a background check under s. 175.60 (9g) (a).

9 **SECTION 5.** 54.10 (3) (f) 4. of the statutes is amended to read:

10 54.10 **(3)** (f) 4. If the court orders under subd. 1. an individual not to possess
11 a firearm or cancels under subd. 2. c. an order issued under subd. 1., the court clerk
12 shall notify the department of justice of the order or cancellation and provide any
13 information identifying the individual that is necessary to permit an accurate
14 firearms restrictions record search under s. 175.35 ~~(2g)-(e)~~ (2) (a) 3., a background
15 check under s. 175.60 (9g) (a), or an accurate response under s. 165.63. No other
16 information from the individual's court records may be disclosed to the department
17 of justice except by order of the court. The department of justice may disclose
18 information provided under this subdivision only to respond to a request under s.
19 165.63, as part of a firearms restrictions record search under s. 175.35 ~~(2g)-(e)~~ (2) (a)
20 3., under rules the department of justice promulgates under s. 175.35 ~~(2g)-(d)~~, or as
21 part of a background check under s. 175.60 (9g) (a).

22 **SECTION 6.** 55.12 (10) (d) of the statutes is amended to read:

23 55.12 **(10)** (d) If the court orders under par. (a) an individual not to possess a
24 firearm or cancels under par. (b) 3. an order issued under par. (a), the court clerk

SENATE BILL 1046**SECTION 6**

1 shall notify the department of justice of the order or cancellation and provide any
2 information identifying the individual that is necessary to permit an accurate
3 firearms restrictions record search under s. 175.35 ~~(2g)(e)~~ (2)(a) 3., a background
4 check under s. 175.60 (9g) (a), or an accurate response under s. 165.63. No other
5 information from the individual's court records may be disclosed to the department
6 of justice except by order of the court. The department of justice may disclose
7 information provided under this paragraph only to respond to a request under s.
8 165.63, as part of a firearms restrictions record search under s. 175.35 ~~(2g)(e)~~ (2)(a)
9 3., under rules the department of justice promulgates under s. 175.35 ~~(2g)(d)~~, or as
10 part of a background check under s. 175.60 (9g) (a).

11 **SECTION 7.** 66.05115 of the statutes is created to read:

12 **66.05115 Tracing and ballistics requirements for law enforcement.**

13 **(1)** In this section:

14 (a) "eTrace" means the Internet-based system under the federal bureau of
15 alcohol, tobacco, firearms and explosives that allows a participating law
16 enforcement agency to submit firearm traces and receive firearm trace results,
17 search all firearm traces submitted by their agency, and perform analytical
18 functions, or its successor system.

19 (b) "National integrated ballistic information network system" includes a
20 successor system.

21 (c) "Recovered firearm" has the meaning given in s. 165.64 (1) (h).

22 **(2)** Each law enforcement agency shall participate in eTrace.

23 **(3)** If a law enforcement agency is in possession of a recovered firearm, the law
24 enforcement agency shall do all of the following:

SENATE BILL 1046**SECTION 7**

1 (a) Submit a firearm trace request to eTrace for the recovered firearm within
2 48 hours of recovery. The request shall include all of the following:

3 1. The address of the location from which the firearm was recovered, a brief
4 description of how the law enforcement agency came into possession of the
5 recovered firearm, and any crime that may have been committed with the recovered
6 firearm.

7 2. Information about the person who last possessed the recovered firearm,
8 including the person's name, birthdate, sex, last known address, and any affiliation
9 with persons who have been convicted of a crime.

10 3. The make model, caliber or gauge, manufacture, and serial number of the
11 recovered firearm.

12 4. Notable or identifying features of the recovered firearm, including
13 accessories.

14 (b) Enter the make, model, caliber or gauge, manufacture, and serial number
15 of the recovered firearm into the national crime information center system to
16 determine if the recovered firearm has been reported stolen.

17 (c) Have the recovered firearm test fired and entered into the national
18 integrated ballistic information network system within 48 hours of recovery.

19 (4) Each law enforcement agency shall permanently retain electronic records
20 of all reports received from eTrace.

21 (5) If a law enforcement agency obtains a fired cartridge casing that the law
22 enforcement agency believes is related to the commission of a crime or civil
23 violation, the law enforcement agency shall enter that casing into the national
24 integrated ballistic information network system within 48 hours of obtaining it.

SENATE BILL 1046**SECTION 8**

1 **SECTION 8.** 146.27 of the statutes is created to read:

2 **146.27 Printed information for firearms dealers.** The department shall,
3 in consultation with the department of justice under s. 175.37 (3) (g) 2. a., develop
4 detailed printed information in English and Spanish for firearms dealers to
5 distribute. The information shall focus on the risks of access to firearms; the
6 importance of laws regulating firearms; the importance of reporting lost or stolen
7 firearms; a summary of subch. III of ch. 941; the duties of sellers, purchasers, and
8 possessors of firearms; and suicide prevention resources.

9 **SECTION 9.** 165.64 of the statutes is created to read:

10 **165.64 Permits for firearms dealers; regulating firearms**
11 **transactions. (1) DEFINITIONS.** In this section:

12 (a) “Dealer” means a person who sells or offers to sell at least 5 firearms
13 within a 12-month period.

14 (b) “Department” means the department of justice.

15 (c) “Employee” means an individual employed by a dealer who, in the course of
16 their duties, handles firearms, processes the sale or transfer of firearms, or
17 otherwise has access to firearms.

18 (d) “Federal licensee” means a person who has a license issued by the U.S.
19 department of justice under 18 USC 923 (a).

20 (e) “Firearm” means a weapon that acts by force of gunpowder to fire a
21 projectile, regardless of whether it is inoperable due to disassembly.

22 (f) “Manufacturer” means a person who possesses a federal firearms license to
23 engage in the business of manufacturing firearms or ammunition for sale or
24 distribution.

SENATE BILL 1046**SECTION 9**

1 (g) "Permit" means a permit issued under sub. (2).

2 (h) "Recovered firearm" means a firearm that has been seized, has been taken
3 into custody, or is under investigation by a law enforcement agency and that was
4 unlawfully possessed, used for any unlawful purpose, recovered from the scene of a
5 crime, reasonably believed to have been used or associated with the commission of a
6 crime, or abandoned, lost, or discarded.

7 (2) PERMITTING PROCESS. If a person submits an application for a state
8 firearms dealer permit, the department shall act on the application within 90 days
9 of receipt. The department may, for good cause, extend that period by 90 days or, if
10 the applicant is not a federal licensee as required under par. (b) but has an
11 application pending for the license, extend that period until 14 days after the
12 department is notified that the applicant has been issued a license. The
13 department shall issue a permit to an applicant who meets all of the following
14 criteria:

15 (a) The applicant is at least 21 years of age.

16 (b) The applicant is a federal licensee.

17 (c) The applicant is not prohibited under state or federal law from possessing
18 a firearm.

19 (d) The applicant has not had a license or permit involving importing,
20 manufacturing, dealing, or possessing a firearm revoked by the federal government,
21 a state, or a local governmental entity. If the revocation occurred more than 10
22 years before the applicant submitted his or her application however, the
23 department may waive the requirement under this paragraph for good cause.

24 (e) The applicant has not been convicted of a violation of a federal or state law

SENATE BILL 1046**SECTION 9**

1 concerning the possessing, purchase, sale, transport, or carrying of firearms, unless
2 at least 10 years have lapsed since the conviction.

3 (f) The applicant has completed an application provided by the department,
4 submitted fingerprints to the department, and submitted a fee of \$250. The
5 department may annually adjust the fee under this paragraph based on the costs of
6 administering this section.

7 **(3) PERMIT REQUIREMENTS AND RENEWAL.** (a) A permit shall indicate the
8 physical location of the dealer. If a person intends to operate as a dealer in more
9 than one physical location, the person must have a permit for each physical location.

10 (b) A permit is valid for one year from the date issued, and a renewed permit
11 is considered to have been issued no earlier one year after the expiration date of the
12 permit that is being renewed even if the department renewed the permit before the
13 previous permit expired. The department shall notify a permittee 90 days before a
14 permit expires. A permittee may apply for a renewal of a permit starting 90 days
15 before the permit expires by submitting an application and a \$200 renewal fee for
16 each location. An expired permit may not be renewed. If a permittee submits a
17 complete renewal application and fee before the permittee's permit expired, the
18 permittee's permit is extended until the department acts on the renewal
19 application. The department shall act on an application for renewal within 90 days
20 after receiving the application and shall ensure that the renewal applicant
21 continues to meet the requirements under sub. (2) for an initial permit.

22 **(3g) REVOCATION.** (a) The department may revoke a permit as provided
23 under this section.

24 (b) If the department revokes a permit solely because the dealer is no longer a

SENATE BILL 1046**SECTION 9**

1 federal licensee, then, notwithstanding sub. (2) (d), the dealer may apply for a new
2 permit after the dealer obtains a federal firearms license.

3 (c) If the department revokes a dealer's permit, the department shall notify
4 the federal bureau of alcohol, tobacco, firearms and explosives and provide the
5 reason for the revocation.

6 **(3m)** DEPARTMENTAL REVIEW AND APPEALS. (a) The department shall
7 provide for the review of any action by the department denying an application for, or
8 suspending or revoking, a permit under this section.

9 (b) 1. An individual aggrieved by any action by the department denying an
10 application for, or suspending or revoking, a permit under this section, may appeal
11 directly to the circuit court of the county in which the individual resides without
12 regard to whether the individual has sought review under the process in par. (a).

13 2. To begin an appeal under this paragraph, the aggrieved individual shall
14 file a petition for review with the clerk of the applicable circuit court within 30 days
15 of receiving notice of denial of an application for a permit or of suspension or
16 revocation of a permit. The petition shall state the substance of the department's
17 action from which the individual is appealing and the grounds upon which the
18 individual believes the department's action to be improper. The petition may
19 include a copy of any records or documents that are relevant to the grounds upon
20 which the individual believes the department's action to be improper.

21 3. A copy of the petition shall be served upon the department either
22 personally or by registered or certified mail within 5 days after the individual files
23 his or her petition under subd. 2.

24 4. The department shall file an answer within 15 days after being served with

SENATE BILL 1046**SECTION 9**

1 the petition under subd. 3. The answer shall include a brief statement of the
2 actions taken by the department. The department shall include with the answer
3 when filed a copy of any documents or records on which the department based its
4 action.

5 5. The court shall review the petition, the answer, and any records or
6 documents submitted with the petition or the answer. The review under this
7 subdivision shall be conducted by the court without a jury but the court may
8 schedule a hearing and take testimony.

9 6. The court shall reverse the department's action if the court finds any of the
10 following:

11 a. That the department failed to follow any procedure, or take any action,
12 prescribed under this section.

13 b. That the department erroneously interpreted a provision of law and a
14 correct interpretation compels a different action.

15 c. That the department's action depends on a finding of fact that is not
16 supported by substantial evidence in the record.

17 7. The court's decision shall provide whatever relief is appropriate regardless
18 of the original form of the petition.

19 (c) If the court reverses the department's action, the court may order the
20 department to pay the aggrieved individual all court costs and reasonable attorney
21 fees.

22 **(4) PROHIBITION ON TRANSFERRING WITHOUT A PERMIT.** No dealer may
23 transfer possession of a firearm following a sale unless the dealer has a permit for
24 the location in which the dealer is operating.

SENATE BILL 1046**SECTION 9**

1 **(5) VERIFICATION.** At least annually, the department shall request from the
2 U.S. department of justice a list of federal licensees that have business premises in
3 the state. The department shall use the list to verify that all federal licensees are in
4 compliance with this section and s. 175.35. The department shall notify all federal
5 licensees who are violating this section or s. 175.35.

6 **(10) REQUIREMENTS INVOLVING ETRACE.** (a) In this subsection, “eTrace” has
7 the meaning given under s. 66.05115 (1) (a).

8 (b) The department shall compile all eTrace data entered by a law
9 enforcement agency in this state and do all of the following:

10 1. Analyze the data, on an ongoing basis, for patterns and trends relating to
11 recovered firearms.

12 2. Create and update at least once every 6 months a public-facing interactive
13 online dashboard that allows users to view the patterns and trends described in
14 subd. 1.

15 3. Maintain and update at least monthly a restricted-access firearm trace
16 analytics platform for law enforcement agencies to view statewide trace data,
17 including known trafficking indicators that identify firearm traffickers, individuals
18 who commit crimes with firearms, individuals who are prohibited from possessing
19 firearms, and any known source of firearms used in crimes.

20 (c) 1. By March 31 of each year, the department shall provide each dealer and
21 manufacturer located in the state the following information for January 1 to
22 December 31 of the preceding year:

23 a. The total number of crime firearm trace requests involving the dealer or
24 manufacturer, including the date of each request.

SENATE BILL 1046**SECTION 9**

1 b. The time between the date of transfer and the date the firearm was used in
2 a crime for each crime firearm trace request involving the dealer or manufacturer.

3 c. The average time between the date of sale or transfer and the date the
4 firearm was used in a crime for all crime firearm trace requests involving the dealer
5 or manufacturer.

6 d. The total number and percentage of crime firearm trace requests involving
7 the dealer or manufacturer if less than one year elapses between the date of
8 transfer and the date the firearm was used in a crime.

9 e. The total number and percentage of crime firearm trace requests involving
10 the dealer or manufacturer if less than 3 years elapse between the date of transfer
11 and the date the firearm was used in a crime.

12 2. By March 31 of each year, the department shall provide each dealer with a
13 permit the following information for January 1 to December 31 of the preceding
14 year:

15 a. The total number and percentage of crime firearm trace requests made to
16 that dealer compared to the number of firearms transferred by the dealer.

17 b. The total number and percentage of crime firearm trace requests involving
18 the dealer or manufacturer if less than 3 years elapse between the date of transfer
19 and the date the firearm was used in a crime.

20 3. The department shall reduce the permit renewal fee under sub. (3) (b) by 75
21 percent for a location, if all of the following apply:

22 a. The location is owned by a dealer that is no higher than the 10th percentile
23 of all dealers in the state with regards to the percentage determined under subd. 2.

24 a.

SENATE BILL 1046**SECTION 9**

1 b. The location is owned by a dealer that is no higher than the 10th percentile
2 of all dealers in the state with regards to the percentage determined under subd. 2.

3 b.

4 **(13)** MANUFACTURER REGULATION. (a) 1. A manufacturer that ships or
5 transports a firearm for sale or transfer to or within Wisconsin shall, prior to
6 shipping or transporting a firearm to a dealer, receive the following information
7 from that dealer for the preceding year:

8 a. A copy of the information provided to the dealer under sub. (10) (c) 1.

9 b. A copy of the information provided to the dealer under sub. (10) (c) 2.

10 c. A copy of the results of any compliance inspections conducted or reports of
11 violations or letters received from the federal bureau of alcohol, tobacco, firearms
12 and explosives.

13 2. A manufacturer shall retain all information received from a dealer under
14 subd. 1. for at least 5 years.

15 (b) If a manufacturer identifies on its website a dealer located within
16 Wisconsin as a preferred dealer of the manufacturer, the manufacturer shall
17 comply with the provisions of par. (a) with respect to such dealer, regardless of
18 whether the manufacturer ships or transports firearms directly to that dealer or
19 through a 3rd party.

20 **(13r)** INSPECTION. (a) The department shall conduct an on-site inspection of
21 each dealer who was granted an initial permit within a year after granting the
22 permit and shall conduct an annual on-site inspection of at least 20 percent of the
23 other dealers with a permit.

24 (b) The department may, in addition to the inspection required under par. (a),

SENATE BILL 1046**SECTION 9**

1 conduct periodic unannounced inspections of a dealer during regular business
2 hours.

3 (c) An inspection under this subsection shall ensure that the dealer is
4 complying with the requirements for a permit under this section. Before conducting
5 an inspection of a dealer, the department shall review crime firearm trace requests
6 involving that dealer and, at the inspection, provide the dealer with a copy of the
7 most recent information provided under sub. (10) (c) for the dealer.

8 (d) If a dealer or manufacturer is inspected by the federal bureau of alcohol,
9 tobacco, firearms and explosives, the dealer or manufacturer shall notify the
10 department of the inspection no later than 24 hours after the inspection and shall
11 send the department a copy of any reports of violation or letters it receives from the
12 federal bureau of alcohol, tobacco, firearms and explosives no later than 24 hours
13 after receipt. The department shall permanently retain copies of violations or
14 letters received under this paragraph.

15 **(14) REASONABLE CONTROLS AND PROCEDURES.** (a) In this subsection:

16 1. "False advertising" means advertising in a manner that is false, deceptive,
17 or misleading.

18 2. "Gun industry member" means a person engaged in the sale,
19 manufacturing, distribution, importing or marketing of firearms, ammunition,
20 ammunition magazines, and firearms accessories. "Gun industry member"
21 includes a parent company that owns, in whole or in part, more than one branch
22 location that operates as a dealer in this state.

23 3. "Knowingly" has the meaning given in s. 939.23.

24 4. "Pistol converter" means any device or instrument that when installed in or

SENATE BILL 1046**SECTION 9**

1 attached to the slide of a semi-automatic pistol interferes with the trigger
2 mechanism and enables the pistol to discharge a number of shots or bullets rapidly
3 or automatically with one continuous pull of the trigger.

4 5. “Qualified product” means a firearm, as defined in 18 USC 921 (a) (3) (A) or
5 (B), including any antique firearm, as defined in 18 USC 921 (a) (16), or
6 ammunition, as defined in 18 USC 921 (a) (17) (A), or a component part of a firearm
7 or ammunition.

8 6. “Reasonable controls and procedures” means policies that include, but are
9 not limited to, the following:

10 a. Instituting screening, security, inventory and other business practices to
11 prevent thefts of qualified products and sales of qualified products in violation of s.
12 941.2905 or to persons prohibited from possessing firearms under s. 941.29 or
13 federal law or persons at risk of injuring themselves or others.

14 b. Preventing deceptive acts and practices and false advertising and otherwise
15 ensuring compliance with chs. 421 to 427.

16 c. Taking reasonable steps to prevent the installation and use of a pistol
17 converter on qualified products.

18 7. “Recklessly” has the meaning given in s. 939.24.

19 (b) No gun industry member, by conduct that is unlawful or unreasonable
20 under all the circumstances, may knowingly or recklessly create, maintain, or
21 contribute to a condition that endangers the safety or health of the public through
22 the sale, manufacturing, importing, or marketing of a qualified product.

23 (c) A gun industry member that manufactures, markets, imports, or offers for
24 wholesale or retail sale any qualified product in this state shall establish and use

SENATE BILL 1046**SECTION 9**

1 reasonable controls and procedures to prevent its qualified products from being
2 possessed, used, marketed, or sold unlawfully in this state.

3 (d) A violation of par. (b) or (c) that results in harm to the public is declared to
4 be a public nuisance. The declaration does not depend on whether the gun industry
5 member acted for the purpose of causing harm to the public.

6 (e) Any person that has been damaged as a result of a gun industry member's
7 acts or omissions in violation of par. (b) or (c) may bring an action for recovery of
8 damages or to enforce this subsection.

9 (f) 1. When it appears to the attorney general that a gun industry member has
10 engaged in or is engaging in conduct that violates par. (b) or (c), the attorney
11 general may commence an action to seek and obtain any of the following:

12 a. An injunction prohibiting the gun industry member from continuing that
13 conduct or engaging in that conduct or doing any acts in furtherance of that
14 conduct.

15 b. An order providing for abatement of the nuisance at the expense of the gun
16 industry member.

17 c. Restitution; damages; reasonable attorneys' fees, filing fees, and reasonable
18 costs of suit; and any other appropriate relief.

19 2. The attorney general shall not be required to demonstrate any special
20 injury to be granted the relief authorized by this paragraph.

21 (g) When it appears to the attorney general that a gun industry member has
22 engaged in, is engaging in, or is about to engage in conduct that violates par. (b) or
23 (c), or when the attorney general believes it is in the public interest that an
24 investigation should be made to ascertain whether a gun industry member has

SENATE BILL 1046**SECTION 9**

1 engaged in, is engaging in, or is about to engage in conduct that violates par. (b) or
2 (c), the attorney general may do any of the following;

3 1. Require the gun industry member or any other person to file a statement or
4 report in writing under oath or otherwise, as to all the facts and circumstances
5 concerning conduct, and other data and information as the attorney general deems
6 necessary.

7 2. Examine under oath any gun industry member or any other person
8 concerning the act or omission.

9 3. Examine any record, object, book, document, account, or paper as the
10 attorney general deems necessary.

11 4. Pursuant to an order of the circuit court, impound and retain in the
12 attorney general's possession any record, book, document, account, object, or paper
13 that is produced in accordance with this subsection until the completion of all
14 proceedings in connection with impounded items.

15 (h) To the extent causation is applicable, the conduct of a gun industry
16 member constitutes a proximate cause of the public nuisance if the harm to the
17 public was a reasonably foreseeable effect of such conduct, notwithstanding any
18 intervening actions, including but not limited to criminal actions by 3rd parties.

19 **(15) PENALTIES.** (a) A dealer who violates sub. (4) is guilty of the following:

20 1. Except as provided under subd. 2., a misdemeanor subject to a fine not to
21 exceed \$10,000 or imprisonment not to exceed 9 months or both.

22 2. For a 2nd or subsequent conviction, a Class I felony.

23 (b) If a dealer violates this section, s. 175.35 or 175.37, or any federal law or
24 regulation concerning the transfer of firearms for which the penalty includes

SENATE BILL 1046**SECTION 9**

1 potential revocation of the dealer's federal firearms license, the department may do
2 any of the following:

3 1. Assess a forfeiture commensurate with the severity of the violation not to
4 exceed \$10,000 for each violation.

5 2. Issue a warning that includes a description of the violation and the possible
6 penalties for subsequent violations.

7 3. Suspend the dealer's permit for a period determined by the department, or
8 revoke the dealer's permit, if the department determines, based on the violation
9 and any past violations, that the dealer is likely to pose a danger to the public
10 health, safety or welfare.

11 (c) 1. Notwithstanding par. (b) 3., the department shall suspend a dealer's
12 permit if the dealer is charged with an offense that would render the dealer
13 ineligible for the permit if convicted of such offense.

14 2. The department shall revoke a dealer's permit if any of the following apply:

15 a. The dealer no longer qualifies for the permit under sub. (2).

16 b. The dealer refuses to provide the department ongoing access to the
17 electronic records in accordance with s. 175.35 (4) (c).

18 c. The dealer fails to conduct a background check required under federal law
19 or a firearms restrictions record search under s. 175.35, or transfers a firearm prior
20 to receiving the results of a background check or firearms restrictions record search
21 or before the period under s. 175.35 (2) (a) 4. elapses.

22 d. Knowingly or negligently transfers a firearm in violation of s. 175.35 or
23 941.2905.

SENATE BILL 1046**SECTION 9**

1 e. Knowingly or negligently sells or transfers a firearm to a person who is
2 prohibited from possessing or purchasing a firearm under federal or state law.

3 f. Knowingly or negligently fails to respond to a crime firearm trace request as
4 required under s. 175.37 (2).

5 g. Knowingly or negligently provides a fraudulent or material misstatement
6 in the completion of any record or notification required under federal law or this
7 section.

8 **SECTION 10.** 175.35 of the statutes is repealed and recreated to read:

9 **175.35 Requirements for sales of firearms.** (1) DEFINITIONS. In this
10 section:

11 (a) “Dealer” has the meaning given in s. 165.64 (1) (a).

12 (b) “Department” means the department of justice.

13 (c) “Employee” has the meaning given in s. 165.64 (1) (c).

14 (d) “Firearms restrictions record search” means a search of department
15 records and a search in the national instant criminal background check system to
16 determine if a person is prohibited from possessing a firearm under state or federal
17 law.

18 (e) “Manufacturer” has the meaning given in s. 165.64 (1) (f).

19 **(2) REQUIREMENTS FOR TRANSFER.** (a) When a dealer sells a firearm, he or
20 she may not transfer possession of that firearm to the prospective transferee until
21 all of the following have occurred:

22 1. The prospective transferee has presented a valid government-issued
23 photographic identification and the dealer has confirmed that the identification
24 matches the prospective transferee.

SENATE BILL 1046**SECTION 10**

1 2. The prospective transferee has attested in writing, in the form the
2 department requires, that he or she is the bona fide purchaser of the firearm.

3 3. The dealer has requested the department to perform a firearms restrictions
4 record search on the prospective transferee, paid a \$10 fee for a firearms
5 restrictions record search, and the dealer has received an approval number from the
6 department regarding the firearms restrictions record search.

7 4. Seven days have elapsed since the dealer requested the firearms
8 restrictions record search.

9 (b) This subsection does not apply to any of the following:

10 1. A transfer of an antique firearm under 18 USC 921 (a) (16).

11 2. A transfer of a firearm between dealers, between wholesalers and dealers,
12 and between manufacturers and dealers.

13 3. A transfer of a firearm to a law enforcement or armed services agency for
14 official use.

15 **(3) PENALTIES.** A dealer who violates sub. (2) (a) is guilty of the following:

16 (a) A misdemeanor subject to a fine not to exceed \$10,0000 or imprisonment
17 not to exceed 9 months, or both.

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

19 **(4) DEALER RECORDKEEPING.** (a) A dealer shall retain an electronic record of
20 each purchase and transfer, a monthly inventory of all firearms, all transaction
21 forms required by the federal bureau of alcohol, tobacco, firearms, and explosives,
22 and other records of business on the dealer's premises in the form required by the
23 department. The records shall include all of the following:

24 1. The make, model, caliber or gauge, manufacturer, and serial number of all

SENATE BILL 1046**SECTION 10**

1 firearms that are acquired or disposed of. The dealer shall create the record under
2 this subdivision within one business day of acquisition or disposal.

3 2. If a dealer acquires a secondhand firearm, in addition to the information
4 under subd. 1., the date and name of the person who sold or traded the firearm and
5 the number associated with the identification document the person presented.

6 (b) If a dealer uses a commission or bonus basis to compensate an employee for
7 a sale of a firearm, the dealer shall create a permanent record for each employee of
8 each sale on which a commission or bonus was provided. The record shall include
9 the make, model, caliber or gauge, manufacturer, and serial number for the firearm
10 involved in each such sale, as well as a form transaction record as required by the
11 department.

12 (c) Any record created under this subsection shall be available for inspection
13 by the department in the form required by the department and by law enforcement
14 agencies. Any record created under this subsection that involves a manufacturer
15 shall be available for inspection by the manufacturer.

16 **SECTION 11.** 175.37 of the statutes is repealed and recreated to read:

17 **175.37 Security of premises where firearms are sold; firearm safety.**

18 **(1) DEFINITIONS.** In this section:

19 (a) “Dealer” has the meaning given in s. 165.64 (1) (a).

20 (b) “Employee” has the meaning given in s. 165.64 (1) (c).

21 (c) “Manufacturer” has the meaning given in s. 165.64 (1) (f).

22 **(2) LAW ENFORCEMENT.** (a) If a dealer or manufacturer receives a crime
23 firearm trace request from a law enforcement agency, the dealer or manufacturer
24 shall respond to the request within 24 hours of receipt.

SENATE BILL 1046**SECTION 11**

1 (b) A dealer or manufacturer shall notify the department of justice, a law
2 enforcement agency with jurisdiction over the premises, and the federal bureau of
3 alcohol, tobacco, firearms and explosives of any loss, theft, or unlawful transfer of a
4 firearm or ammunition within 24 hours after the dealer or manufacturer learns of
5 the loss, theft, or unlawful transfer.

6 **(3) SECURITY OF PREMISES.** (a) A dealer shall ensure, when the dealer's place
7 of business is unattended, that all of the following security measures are taken:

8 1. Firearms and ammunition are stored separate from each other.

9 2. Firearms are not visible from outside the premises.

10 3. Each firearm on the premises is one of the following:

11 a. Stored in a locked fireproof safe or vault.

12 b. Secured with a hardened steel rod or cable through the trigger that is
13 secured with a hardened steel lock that has a shackle that is protected or shielded
14 from the use of a bolt cutter, and the rod or cable is anchored in a manner that
15 prevents the removal of the firearm from the premises.

16 (b) A dealer shall ensure, when the dealer's place of business is attended, that
17 all of the following security measures are taken:

18 1. Each firearm is that is not in the immediate presence of the dealer or an
19 employee is unloaded, inaccessible to the public, and stored in a manner described
20 in par. (a) 3.

21 2. All ammunition is stored separately from firearms and in a manner that
22 ensure that the dealer or an employee must assist a customer to access it.

23 (c) A dealer shall ensure that all of the following security measures are taken:

SENATE BILL 1046**SECTION 11**

1 1. At least one of the following are installed on all exterior doors and windows
2 of all buildings on the premises where firearms are stored:

3 a. Bars.

4 b. Security screens.

5 c. Commercial-grade metal doors.

6 d. Grates.

7 e. Other physical barriers approved by the department of justice.

8 2. The premises are equipped with physical barriers designed to prevent the
9 use of motor vehicles to breach any building where firearms are stored.

10 3. The exterior of the premises is equipped with sufficient lighting to allow an
11 individual to safely enter and exit the premises and get to the individual's vehicle.

12 (d) 1. A dealer shall ensure that its business premises are monitored by a
13 digital video surveillance system that meets all of the following requirements:

14 a. The system records color images and, for systems recording inside the
15 premises, audio of the areas under surveillance.

16 b. Each camera that is part of the system is permanently mounted in a fixed
17 location, and the cameras are located so as to allow the camera to produce data that
18 allow for clear identification of any person recorded and record all activity occurring
19 at all entrances and exits to the premises; all areas where firearms or ammunition
20 are displayed, stored, handled, or carried; all points of sale or transfer; and all
21 parking lots that are adjacent to the premises.

22 c. The system continuously records 24 hours per day at a frame rate that is no
23 less than 15 frames per second and provides date and time for all images and audio.

SENATE BILL 1046**SECTION 11**

1 d. The device on which recordings are stored is secured to protect the
2 recordings from tampering, unauthorized access or use, and theft.

3 e. The system notifies the dealer if any part of the system, including storage,
4 fails or experiences an interruption.

5 f. The system produces images and audio that can be retrieved and images
6 that can be enlarged on media approved by the department of justice that are able
7 to be made into permanent records and used in criminal investigations and
8 proceedings.

9 g. The system is capable of delineating on playback the activity and physical
10 features of individuals or areas on the premises.

11 2. A dealer shall maintain all recordings made by the system for at least 3
12 years and shall make recordings available for inspection by a law enforcement
13 agency upon request.

14 3. A dealer shall inspect the system at least weekly and, if the system becomes
15 inoperable, shall repair or replace the system within 7 days.

16 4. A dealer shall allow the department of justice to inspect the system at the
17 department's request.

18 5. A dealer shall certify annually to the department of justice, in the form the
19 department requires, that the dealer's system complies with the requirements
20 under this paragraph.

21 6. A dealer shall post a sign in a conspicuous place at each entrance to the
22 premises that states in block letters not less than one inch in height "These
23 premises are under video and audio surveillance. Your image and conversations
24 may be recorded."

SENATE BILL 1046**SECTION 11**

1 (e) 1. A dealer shall ensure that the dealer's premises are monitored by an
2 alarm system or service that meets all of the following requirements:

3 a. The remote control station notifies the dealer and the law enforcement
4 agency with jurisdiction over the premises if there is an unauthorized entry into
5 the premises in which firearms are stored.

6 b. The alarm system or service covers all critical areas of the premises,
7 including each entrance, exit, exterior windows, hatches, and skylights, as well as
8 all area in which firearms are stored, displayed, handled, and transferred.

9 c. The alarm system or service monitors motion, entry, sound, and failures in
10 the alarm system or service.

11 d. The alarm system or service remains operational in a power outage.

12 2. A dealer shall inspect the alarm system or service at least weekly and, if the
13 system or service becomes inoperable, shall repair or replace the system or service
14 within 7 days.

15 3. A dealer shall allow the department of justice to inspect the system or
16 service at the department's request.

17 4. A dealer shall certify annually to the department of justice, in the form the
18 department requires, that the dealer's system or service complies with the
19 requirements under this subsection.

20 (f) Unless the transfer involves a firearm classified as an antique under 18
21 USC 921 (a) (16), a dealer shall ensure that each firearm transferred includes one of
22 the following:

23 1. A trigger lock or other device designed to disable the firearm and prevent
24 the discharge of the firearm.

SENATE BILL 1046**SECTION 11**

1 2. A gun case or container that is can be secured to prevent unauthorized
2 access to the firearm.

3 (g) 1. On premises on which firearms are transferred, a dealer shall display
4 the following warnings at entrances and at each location where firearm transfers
5 occur in black text that is at least 1.5 inches high against a white background and
6 that appears in both English and Spanish:

7 a. Warning: Access to a firearm in the home significantly increases the risk of
8 suicide, death during domestic violence disputes, and an unintentional death of
9 children, household members, and others. If you or a loved one is experiencing
10 distress or depression call the 988 Suicide and Crisis hotline or text "HOME" to
11 741741.

12 b. Warning: Firearms should be stored unloaded and locked in a location
13 separate from ammunition and inaccessible to children and other unauthorized
14 persons. If you leave a loaded firearm within the reach or easy access of a child, you
15 may be fined or imprisoned or both if the child improperly discharges, possesses, or
16 exhibits the firearm.

17 c. Warning: If a firearm you own or possess is lost or stolen, you should report
18 the loss or theft to a law enforcement agency with jurisdiction over where the loss or
19 theft occurred as soon as possible.

20 2. a. The department of justice shall work with the department of health
21 services under s. 146.27 to develop printed information as provided under s. 146.27.

22 b. Dealers shall distribute the printed information under subd. 2. a. when
23 transferring a firearm.

24 **SECTION 12.** 175.60 (7) (d) of the statutes is amended to read:

SENATE BILL 1046**SECTION 12**

1 175.60 (7) (d) A fee for a background check that is equal to the fee charged
2 under s. 175.35 ~~(2i)~~ (2) (a) 3.

3 **SECTION 13.** 175.60 (15) (b) 4. b. of the statutes is amended to read:

4 175.60 (15) (b) 4. b. A fee for a background check that is equal to the fee
5 charged under s. 175.35 ~~(2i)~~ (2) (a) 3.

6 **SECTION 14.** 813.12 (6) (am) 1. of the statutes is amended to read:

7 813.12 (6) (am) 1. If an injunction is issued or extended under sub. (4) or if a
8 tribal injunction is filed under s. 813.128 (3g), the clerk of the circuit court shall
9 notify the department of justice of the injunction and shall provide the department
10 of justice with information concerning the period during which the injunction is in
11 effect and information necessary to identify the respondent for purposes of
12 responding to a request under s. 165.63 or for purposes of a firearms restrictions
13 record search under s. 175.35 ~~(2g)-(e)~~ (2) (a) 3. or a background check under s.
14 175.60 (9g) (a).

15 **SECTION 15.** 813.12 (6) (am) 2. of the statutes is amended to read:

16 813.12 (6) (am) 2. Except as provided in subd. 3., the department of justice
17 may disclose information that it receives under subd. 1. only to respond to a request
18 under s. 165.63 or as part of a firearms restrictions record search under s. 175.35
19 ~~(2g)-(e)~~ (2) (a) 3. or a background check under s. 175.60 (9g) (a).

20 **SECTION 16.** 813.122 (9) (am) 1. of the statutes is amended to read:

21 813.122 (9) (am) 1. If an injunction is issued or extended under sub. (5), the
22 clerk of the circuit court shall notify the department of justice of the injunction and
23 shall provide the department of justice with information concerning the period
24 during which the injunction is in effect and information necessary to identify the

SENATE BILL 1046**SECTION 16**

1 respondent for purposes of responding to a request under s. 165.63 or for purposes
2 of a firearms restrictions record search under s. 175.35 ~~(2g)-(e) (2) (a) 3.~~ or a
3 background check under s. 175.60 (9g) (a).

4 **SECTION 17.** 813.122 (9) (am) 2. of the statutes is amended to read:

5 813.122 **(9)** (am) 2. Except as provided in subd. 3., the department of justice
6 may disclose information that it receives under subd. 1. only to respond to a request
7 under s. 165.63 or as part of a firearms restrictions record search under s. 175.35
8 ~~(2g)-(e) (2) (a) 3.~~ or a background check under s. 175.60 (9g) (a).

9 **SECTION 18.** 813.123 (8m) (a) of the statutes is amended to read:

10 813.123 **(8m)** (a) If an order prohibiting a respondent from possessing a
11 firearm is issued under sub. (5m), the clerk of the circuit court shall notify the
12 department of justice of the existence of the order prohibiting a respondent from
13 possessing a firearm and shall provide the department of justice with information
14 concerning the period during which the order is in effect and information necessary
15 to identify the respondent for purposes of responding to a request under s. 165.63 or
16 for purposes of a firearms restrictions record search under s. 175.35 ~~(2g)-(e) (2) (a) 3.~~
17 or a background check under s. 175.60 (9g) (a).

18 **SECTION 19.** 813.123 (8m) (b) of the statutes is amended to read:

19 813.123 **(8m)** (b) Except as provided in par. (c), the department of justice may
20 disclose information that it receives under par. (a) only to respond to a request
21 under s. 165.63 or as part of a firearms restrictions record search under s. 175.35
22 ~~(2g)-(e) (2) (a) 3.~~ or a background check under s. 175.60 (9g) (a).

23 **SECTION 20.** 813.125 (5r) (a) of the statutes is amended to read:

24 813.125 **(5r)** (a) If an order prohibiting a respondent from possessing a

SENATE BILL 1046**SECTION 20**

1 firearm is issued under sub. (4m), the clerk of the circuit court shall notify the
2 department of justice of the existence of the order prohibiting a respondent from
3 possessing a firearm and shall provide the department of justice with information
4 concerning the period during which the order is in effect and information necessary
5 to identify the respondent for purposes of responding to a request under s. 165.63 or
6 for purposes of a firearms restrictions record search under s. 175.35 ~~(2g)(e)~~ (2)(a) 3.
7 or a background check under s. 175.60 (9g) (a).

8 **SECTION 21.** 813.125 (5r) (b) of the statutes is amended to read:

9 813.125 ~~(5r)~~ (b) Except as provided in par. (c), the department of justice may
10 disclose information that it receives under par. (a) only to respond to a request
11 under s. 165.63 or as part of a firearms restrictions record search under s. 175.35
12 ~~(2g)(e)~~ (2)(a) 3. or a background check under s. 175.60 (9g) (a).

13 **SECTION 22.** 938.208 (1) (b) of the statutes is amended to read:

14 938.208 (1) (b) Probable cause exists to believe that the juvenile possessed,
15 used or threatened to use a handgun, as defined in s. ~~175.35 (1) (b)~~ 941.237 (1) (d),
16 short-barreled rifle, as defined in s. 941.28 (1) (b), or short-barreled shotgun, as
17 defined in s. 941.28 (1) (c), while committing a delinquent act that would be a felony
18 under ch. 940 if committed by an adult.

19 **SECTION 23.** 938.34 (4m) (b) 2. of the statutes is amended to read:

20 938.34 ~~(4m)~~ (b) 2. The juvenile has possessed, used or threatened to use a
21 handgun, as defined in s. ~~175.35 (1) (b)~~ 941.237 (1) (d), short-barreled rifle, as
22 defined in s. 941.28 (1) (b), or short-barreled shotgun, as defined in s. 941.28 (1) (c),
23 while committing a delinquent act that would be a felony under ch. 940 if committed
24 by an adult.

SENATE BILL 1046**SECTION 24**

1 **SECTION 24.** 938.396 (2g) (n) of the statutes is amended to read:

2 938.396 **(2g)** (n) *Firearms restrictions record search or background check.* If a
3 juvenile is adjudged delinquent for an act that would be a felony if committed by an
4 adult, the court clerk shall notify the department of justice of that fact. No other
5 information from the juvenile's court records may be disclosed to the department of
6 justice except by order of the court. The department of justice may disclose any
7 information provided under this subsection only as part of a firearms restrictions
8 record search under s. 175.35 ~~(2g)-(e)~~ (2) (a) 3. or a background check under s.
9 175.60 (9g) (a).

10 **SECTION 25.** 939.46 (3) of the statutes is amended to read:

11 939.46 **(3)** A petitioner under s. 813.12 or 813.122, or an individual whose
12 parent, stepparent, or legal guardian filed a petition under s. 813.122 on behalf of
13 the individual as a child victim, as defined in s. 813.122 (1) (c), has an affirmative
14 defense ~~for an offense under s. 175.35 (2e) that is punishable under s. 175.35 (3) (b)~~
15 ~~2., or~~ for an offense under s. 941.2905, if the person prohibited from possessing a
16 firearm was the respondent in the action under s. 813.12 or 813.122.

17 **SECTION 26.** 941.237 (1) (d) of the statutes is amended to read:

18 941.237 **(1)** (d) "Handgun" ~~has the meaning given in s. 175.35 (1) (b)~~ means
19 any weapon designed or redesigned, or made or remade, and intended to be fired
20 while held in one hand and to use the energy of an explosive to expel a projectile
21 through a smooth or rifled bore.

22 **SECTION 27.** 941.2905 (1) of the statutes is renumbered 941.2905 (1m) (a) and
23 amended to read:

24 941.2905 **(1m)** (a) Whoever intentionally furnishes, purchases, or possesses a

SENATE BILL 1046**SECTION 27**

1 firearm for a person, knowing that the person is prohibited from possessing a
2 firearm under s. 941.29 (1m), is guilty of a Class ~~G~~ D felony.

3 **SECTION 28.** 941.2905 (1g) of the statutes is created to read:

4 941.2905 (1g) In this section:

5 (a) “Drug trafficking crime” has the meaning given 18 USC 924 (c) (2), and
6 includes a felony punishable under ch. 961 if the conduct constituting the action
7 would be a felony under 21 USC 801 et seq., 21 USC 951 et seq., or 46 USC 705.

8 (b) “Federal crime of terrorism” has the meaning given in 18 USC 2332b (g)
9 (5).

10 **SECTION 29.** 941.2905 (1m) (b) of the statutes is created to read:

11 941.2905 (1m) (b) 1. No person may purchase or receive a firearm on behalf of
12 an individual, and no dealer may sell or transfer a firearm to a person knowing the
13 person is purchasing or receiving the firearm on behalf of an individual, if the
14 person or dealer knows, or has reasonable cause to know, that the individual is any
15 of the following:

16 a. Intending to use, carry, possess, or sell or otherwise dispose of the firearm
17 in furtherance of a felony, a federal crime of terrorism, or a drug trafficking crime.

18 b. Intending to sell or otherwise dispose of the firearm to an individual
19 described in subd. 1. a. or par. (a). For purposes of this subd. 1. b., a person shall be
20 presumed to intend to sell or otherwise dispose of the firearm to an individual if the
21 firearm is found to be in the possession of the individual within 6 months of the
22 purchase of the firearm, unless clear and convincing evidence demonstrates
23 otherwise.

24 2. A person who violates subd. 1. is guilty of a Class D felony.

SENATE BILL 1046**SECTION 30**

1 **SECTION 30.** 941.2905 (2) (intro.) of the statutes is amended to read:

2 941.2905 (2) (intro.) The prohibition in sub. ~~(1)~~ (1m) (a) against possessing a
3 firearm for a person who is prohibited from possessing a firearm does not apply to
4 the possession of a firearm by any of the following:

5 **SECTION 31.** 941.296 (1) (b) of the statutes is amended to read:

6 941.296 (1) (b) “Handgun” has the meaning given in s. ~~175.35 (1) (b)~~ 941.237
7 (1) (d).

8 **SECTION 32.** 968.20 (3) (b) of the statutes is amended to read:

9 968.20 (3) (b) Except as provided in par. (a) or sub. (1m) or (4), a city, village,
10 town or county or other custodian of a seized dangerous weapon or ammunition, if
11 the dangerous weapon or ammunition is not required for evidence or use in further
12 investigation and has not been disposed of pursuant to a court order at the
13 completion of a criminal action or proceeding, shall make reasonable efforts to
14 notify all persons who have or may have an authorized rightful interest in the
15 dangerous weapon or ammunition of the application requirements under sub. (1).
16 If, within 30 days after the notice, an application under sub. (1) is not made and the
17 seized dangerous weapon or ammunition is not returned by the officer under sub.
18 (2), the city, village, town or county or other custodian may retain the dangerous
19 weapon or ammunition and authorize its use by a law enforcement agency, except
20 that a dangerous weapon used in the commission of a homicide or a handgun, as
21 defined in s. ~~175.35 (1) (b)~~ 941.237 (1) (d), may not be retained. If a dangerous
22 weapon other than a firearm is not so retained, the city, village, town or county or
23 other custodian shall safely dispose of the dangerous weapon or, if the dangerous
24 weapon is a motor vehicle, as defined in s. 340.01 (35), sell the motor vehicle

SENATE BILL 1046**SECTION 32**

1 following the procedure under s. 973.075 (4). If a firearm or ammunition is not so
2 retained, the city, village, town or county or other custodian shall ship it to the state
3 crime laboratories and it is then the property of the laboratories. A person
4 designated by the department of justice may destroy any material for which the
5 laboratories have no use or arrange for the exchange of material with other public
6 agencies. In lieu of destruction, shoulder weapons for which the laboratory has no
7 use shall be turned over to the department of natural resources for sale and
8 distribution of proceeds under s. 29.934 or for use under s. 29.938.

9 **SECTION 33. Nonstatutory provisions.**

10 (1) A dealer is not in violation of s. 165.64 (4) if the dealer submitted an
11 application under s. 165.64 (2) for a permit no later than 2 months before the
12 effective date of this subsection and the department of justice has not acted on the
13 application.

14 **SECTION 34. Initial applicability.**

15 (1) PERMIT REQUIRED FOR FIREARMS DEALERS. The treatment of s. 165.64 (4)
16 first applies to transfers occurring on the effective date of this subsection.

17 **SECTION 35. Effective date.**

18 (1) This act takes effect on July 1, 2026, or on the day after publication,
19 whichever is later.

20 (END)