



## 2013 ASSEMBLY BILL 221

May 29, 2013 - Introduced by Representatives KESSLER and SINICKI, cosponsored by Senator RISSER. Referred to Committee on Criminal Justice.

1     **AN ACT to amend** 301.048 (2) (bm) 1. a., 938.208 (1) (a), 938.34 (4m) (b) 1., 938.78  
2           (3), 939.632 (1) (e) 1., 941.291 (1) (b), 946.82 (4) and 969.08 (10) (b); and **to**  
3           **create** 941.294 of the statutes; **relating to:** prohibition on certain bullets and  
4           providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

Current law does not place restrictions on the type of ammunition or bullets an individual can possess. This bill prohibits a person, with certain exceptions such as for law enforcement or to comply with hunting requirements, from selling, transporting, manufacturing, or possessing any hollowpoint bullet, any bullet that expands or flattens easily in the human body, or any bullet with a hard envelope that does not entirely cover the core of the bullet. An individual who violates the prohibition is guilty of a Class H felony and is subject to a fine of up to \$10,000, imprisonment of up to six years, or both. This bill also adds the new crime to lists of certain crimes that may increase the penalty or carry other consequences. For instance, this bill adds the crime to the list of violent crimes in a school zone so that if an individual sells, transports, manufactures, or possesses such ammunition on the premises of a school or within 1,000 feet from the premises of a school, the maximum term of imprisonment is increased by five years, and, in addition, a person who commits this crime may not possess body armor.

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

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report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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

1           **SECTION 1.** 301.048 (2) (bm) 1. a. of the statutes is amended to read:

2           301.048 (2) (bm) 1. a. A crime specified in s. 940.19 (3), 1999 stats., s. 940.195  
3 (3), 1999 stats., s. 943.23 (1m), 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 940.01,  
4 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (4) or (5), 940.195 (4)  
5 or (5), 940.20, 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.285 (2) (a) 1.  
6 or 2., 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2., or 3., 940.31, 940.43 (1) to (3), 940.45 (1)  
7 to (3), 941.20 (2) or (3), 941.26, 941.294 (1), 941.30, 941.327, 943.01 (2) (c), 943.011,  
8 943.013, 943.02, 943.04, 943.06, 943.10 (2), 943.23 (1g), 943.30, 943.32, 946.43,  
9 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.051, 948.06, 948.07,  
10 948.08, 948.085, or 948.30.

11           **SECTION 2.** 938.208 (1) (a) of the statutes is amended to read:

12           938.208 (1) (a) Probable cause exists to believe that the juvenile has committed  
13 a delinquent act that would be a felony under s. 940.01, 940.02, 940.03, 940.05,  
14 940.19 (2) to (6), 940.21, 940.225 (1), 940.31, 941.20 (3), 941.294 (1), 943.02 (1), 943.23  
15 (1g), 943.32 (2), 947.013 (1t), (1v) or (1x), 948.02 (1) or (2), 948.025, 948.03, or 948.085  
16 (2), if committed by an adult.

17           **SECTION 3.** 938.34 (4m) (b) 1. of the statutes is amended to read:

18           938.34 (4m) (b) 1. The juvenile has committed a delinquent act that would be  
19 a felony under s. 940.01, 940.02, 940.03, 940.05, 940.19 (2) to (6), 940.21, 940.225 (1),  
20 940.31, 941.20 (3), 941.294 (1), 943.02 (1), 943.23 (1g), 943.32 (2), 947.013 (1t), (1v)  
21 or (1x), 948.02 (1) or (2), 948.025, 948.03, or 948.085 (2) if committed by an adult.

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1           **SECTION 4.** 938.78 (3) of the statutes is amended to read:

2           938.78 (3) **RELEASE OF INFORMATION WHEN ESCAPE OR ABSENCE; RULES.** If a juvenile  
3 adjudged delinquent under s. 48.12, 1993 stats., or s. 938.12 or found to be in need  
4 of protection or services under s. 48.13 (12), 1993 stats., or s. 48.13 (14), 1993 stats.,  
5 or s. 938.13 (12) or (14) on the basis of a violation of s. 943.23 (1m) or (1r), 1999 stats.,  
6 or s. 941.10, 941.11, 941.20, 941.21, 941.23, 941.235, 941.237, 941.24, 941.26, 941.28,  
7 941.294 (1), 941.295, 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03,  
8 943.04, 943.10 (2) (a), 943.23 (1g), 943.32 (2), 948.02, 948.025, 948.03, 948.05,  
9 948.055, 948.085 (2), 948.60, 948.605, or 948.61 or any crime specified in ch. 940 has  
10 escaped from a juvenile correctional facility, residential care center for children and  
11 youth, inpatient facility, as defined in s. 51.01 (10), juvenile detention facility, or  
12 juvenile portion of a county jail, or from the custody of a peace officer or a guard of  
13 such a facility, center, or jail, or has been allowed to leave a juvenile correctional  
14 facility, residential care center for children and youth, inpatient facility, juvenile  
15 detention facility, or juvenile portion of a county jail for a specified time period and  
16 is absent from the facility, center, home, or jail for more than 12 hours after the  
17 expiration of the specified period, the department or county department having  
18 supervision over the juvenile may release the juvenile's name and any information  
19 about the juvenile that is necessary for the protection of the public or to secure the  
20 juvenile's return to the facility, center, home, or jail. The department shall  
21 promulgate rules establishing guidelines for the release of the juvenile's name or  
22 information about the juvenile to the public.

23           **SECTION 5.** 939.632 (1) (e) 1. of the statutes is amended to read:

24           939.632 (1) (e) 1. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09  
25 (1c), 940.19 (2), (4) or (5), 940.21, 940.225 (1), (2) or (3), 940.235, 940.305, 940.31,

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1 941.20, 941.21, 941.294 (1), 943.02, 943.06, 943.10 (2), 943.23 (1g), 943.32 (2), 948.02  
2 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.051, 948.055, 948.07, 948.08,  
3 948.085, or 948.30 (2) or under s. 940.302 (2) if s. 940.302 (2) (a) 1. b. applies.

4 **SECTION 6.** 941.291 (1) (b) of the statutes is amended to read:

5 941.291 (1) (b) "Violent felony" means any felony, or the solicitation, conspiracy,  
6 or attempt to commit any felony, under s. 943.23 (1m) or (1r), 1999 stats., or s. 940.01,  
7 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19, 940.195, 940.20,  
8 940.201, 940.203, 940.21, 940.225, 940.23, 940.285 (2), 940.29, 940.295 (3), 940.30,  
9 940.305, 940.31, 940.43 (1) to (3), 940.45 (1) to (3), 941.20, 941.26, 941.28, 941.29,  
10 941.294 (1), 941.30, 941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.04, 943.06,  
11 943.10 (2), 943.23 (1g), 943.32, 943.81, 943.82, 943.83, 943.85, 943.86, 943.87,  
12 943.88, 943.89, 943.90, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04,  
13 948.05, 948.06, 948.07, 948.08, 948.085, or 948.30; or, if the victim is a financial  
14 institution, as defined in s. 943.80 (2), a felony, or the solicitation, conspiracy, or  
15 attempt to commit a felony under s. 943.84 (1) or (2).

16 **SECTION 7.** 941.294 of the statutes is created to read:

17 **941.294 Prohibition on certain bullets.** (1) Whoever intentionally sells,  
18 transports, manufactures, or possesses any hollowpoint bullet, bullet that expands  
19 or flattens easily in the human body, or bullet with a hard envelope which does not  
20 entirely cover the core or is pierced with incisions is guilty of a Class H felony.

21 (2) Subsection (1) does not apply if any of the following applies:

22 (a) The individual is engaged in law enforcement or forensics and the action is  
23 part of his or her official duties.

24 (b) The transportation or possession is for the purpose of disposition by an  
25 executor or administrator of an estate.

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1 (c) The action is for the purpose of providing or transporting the ammunition  
2 to a law enforcement agency.

3 (d) The transportation or possession is by a member of the armed forces or  
4 national guard personnel in the line of duty.

5 (e) The action is by a person who is complying with any rule promulgated by  
6 the department of natural resources that requires an individual to hunt deer or bear  
7 with the bullets or ammunition.

8 (f) The bullet is classified as antique by federal regulations.

9 **SECTION 8.** 946.82 (4) of the statutes is amended to read:

10 946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961  
11 (1) in effect as of April 27, 1982, or the attempt, conspiracy to commit, or commission  
12 of any of the felonies specified in: chs. 945 and 961, subch. V of ch. 551, and ss. 49.49,  
13 134.05, 139.44 (1), 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625,  
14 221.0636, 221.0637, 221.1004, 553.41 (3) and (4), 553.52 (2), 940.01, 940.19 (4) to (6),  
15 940.20, 940.201, 940.203, 940.21, 940.30, 940.302 (2), 940.305, 940.31, 941.20 (2) and  
16 (3), 941.26, 941.28, 941.294 (1), 941.298, 941.31, 941.32, 942.09, 943.01 (2), (2d), or  
17 (2g), 943.011, 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10,  
18 943.20 (3) (bf) to (e), 943.201, 943.203, 943.23 (1g), (2) and (3), 943.24 (2), 943.27,  
19 943.28, 943.30, 943.32, 943.34 (1) (bf), (bm), and (c), 943.38, 943.39, 943.40, 943.41  
20 (8) (b) and (c), 943.50 (4) (bf), (bm), and (c) and (4m), 943.60, 943.70, 943.76, 943.81,  
21 943.82, 943.83, 943.84, 943.85, 943.86, 943.87, 943.88, 943.89, 943.90, 944.21 (5) (c)  
22 and (e), 944.32, 944.33 (2), 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08,  
23 946.10, 946.11, 946.12, 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64,  
24 946.65, 946.72, 946.76, 946.79, 947.015, 948.05, 948.051, 948.08, 948.12, and 948.30.

25 **SECTION 9.** 969.08 (10) (b) of the statutes is amended to read:

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1           969.08 (10) (b) “Serious crime” means any crime specified in s. 943.23 (1m),  
2           1999 stats., or s. 943.23 (1r), 1999 stats., or s. 346.62 (4), 940.01, 940.02, 940.03,  
3           940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (5), 940.195 (5), 940.20, 940.201,  
4           940.203, 940.21, 940.225 (1) to (3), 940.23, 940.24, 940.25, 940.29, 940.295 (3) (b) 1g.,  
5           1m., 1r., 2. or 3., 940.302 (2), 940.31, 941.20 (2) or (3), 941.26, 941.294 (1), 941.30,  
6           941.327, 943.01 (2) (c), 943.011, 943.013, 943.02, 943.03, 943.04, 943.06, 943.10,  
7           943.23 (1g), 943.30, 943.32, 943.81, 943.82, 943.83, 943.85, 943.86, 943.87, 943.88,  
8           943.89, 943.90, 946.01, 946.02, 946.43, 947.015, 948.02 (1) or (2), 948.025, 948.03,  
9           948.04, 948.05, 948.051, 948.06, 948.07, 948.085, or 948.30 or, if the victim is a  
10          financial institution, as defined in s. 943.80 (2), a crime under s. 943.84 (1) or (2).

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(END)