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LRB-5331/1 CMH:cjs

2021 ASSEMBLY BILL 817

January 6, 2022 - Introduced by Representatives Ohnstad, McGuire, Andraca, Sinicki, Emerson, Cabrera, Hebl, Moore Omokunde, Conley, Vruwink, Snodgrass, Pope, Shelton, Considine, Subeck and Baldeh, cosponsored by Senators Wirch, Agard, Carpenter, L. Taylor, Larson and Ringhand. Referred to Committee on Criminal Justice and Public Safety.

AUTHORS SUBJECT TO CHANGE

1 AN ACT to amend 948.60 (3) (c); and to create 948.60 (3) (d) of the statutes;

relating to: possession of a dangerous weapon by a person under the age of 18.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from possessing a short-barreled rifle or shotgun. Any person who violates the prohibition is guilty of a Class H felony. A "short-barreled rifle" is a rifle with a barrel that is less than 16 inches long or a rifle that is less than 26 inches long, and a "short-barreled shotgun" is a shotgun with a barrel that is less than 18 inches long or a shotgun that is less than 26 inches long.

Current law prohibits a person who is under 18 years old from possessing a dangerous weapon, including a firearm. A person who violates the prohibition is guilty of a Class A misdemeanor. Current law provides exceptions for a person under 18 years old if any of the following apply: the person is using the firearm for target practice or for a course of instruction in how to use a firearm and the person is under adult supervision, the person is a member of the armed forces or national guard and is in the line of duty, or the dangerous weapon is a rifle or shotgun that is not a short-barreled rifle or a short-barreled shotgun and the person is in compliance with hunting laws.

This bill clarifies the last exception so that it applies only to a person under 18 who is legally hunting and who is in compliance with hunting laws. The bill further clarifies that a person under 18 who violates the prohibition against possessing a

ASSEMBLY BILL 817

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short-barreled rifle or shotgun voids the exceptions discussed above for target practice or instruction or for hunting.

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

Section 1. 948.60 (3) (c) of the statutes is amended to read:

948.60 (3) (c) This section applies only does not apply to a person under 18 years of age who possesses or is armed with a rifle or a shotgun if the person is in violation of s. 941.28 or is not legally hunting and is in compliance with ss. 29.304 and 29.593. This section applies only does not apply to an adult who transfers a firearm to a person under 18 years of age if the person under 18 years of age is not legally hunting and is in compliance with ss. 29.304 and 29.593 or to an adult who is in violation of s. 941.28.

Section 2. 948.60 (3) (d) of the statutes is created to read:

948.60 (3) (d) This section applies to a person under 18 years of age, even if otherwise exempted under par. (a) or (c), if the person under 18 years of age is in violation of s. 941.28. This section applies to an adult who transfers a firearm to a person under 18 years of age, even if the adult is otherwise exempted under par. (a) or (c), if the firearm is prohibited under s. 941.28.

15 (END)