

..Number
220420
..Version
PROPOSED SUBSTITUTE
Reference

..Sponsor
ALD. STAMPER

..Title
A substitute ordinance relating to the supervision of firearms

..Sections
105-30 cr

..Analysis
This ordinance requires that, if a firearm is lost or stolen from a person, the person report the theft or loss of the firearm to the police within 48 hours of discovery, to prevent the unlawful acquisition of a firearm and use of the firearm in the commission of a crime. The ordinance imposes a forfeiture on any person who fails to report the firearm property as lost or stolen of not less than \$1,000 together with the costs of prosecution for the first offense and a forfeiture of not less than \$5,000 for any subsequent offense, if the firearm, which has not been reported as lost or stolen, is determined by a court to have been used in the commission of either a felony or misdemeanor.

..Body
The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 105-30 of the code is created to read:

105-30. Lost or Stolen Firearm Reporting.

1. FINDINGS. The common council finds that lost or stolen firearms have been used by persons other than the lawful owners in the commission of crimes. The common council further finds that there has been an increase in firearm-related offenses coinciding with the increase in stolen firearms. Firearms are most frequently stolen from vehicles and residences. The common council therefore finds that the reporting of lost or stolen firearms could result in fewer firearm-related offenses.

2. DEFINITIONS. For purposes of this section:

a. "Firearm" means a weapon that acts by force of gunpowder as defined in s. 167.31(1)(c), Wis. Stats. A firearm includes a handgun.

b. "Handgun" means any weapon designed or redesigned, or made or remade, and intended to be fired while held in one hand and to use the energy of an explosive to expel a projectile through a smooth or rifled bore as defined in s. 175.60(1)(bm), Wis. Stats. A handgun does not include a machine gun, short-barreled rifle or a short-barreled shotgun.

- c. "Machine gun" means a weapon defined in s. 941.25(1), Wis. Stats.
- d. "Short-barreled rifle" means a rifle defined in s. 941.28(1)(b), Wis. Stats.
- e. "Short-barreled shotgun" means a shotgun defined in s. 941.28(1)(c), Wis. Stats.

3. REPORTING. If a firearm is lost or stolen from a person in possession of the firearm, the person shall report the theft or loss of any firearm to the police department within 48 hours of discovery.

4. PENALTY. If a firearm is lost or stolen from a person in possession of a firearm, not reported to the police as lost or stolen and determined by a court to have been used in the commission of either a felony or misdemeanor, the person's failure to report shall be subject to a forfeiture of not less than \$1,000, together with the costs of prosecution, for the first offense and not less than \$5,000 for any subsequent offense and in default of payment of the forfeiture and costs, shall be imprisoned as provided by law.

LRB
APPROVED AS TO FORM

Legislative Reference Bureau
Date: _____

..Attorney
IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney
Date: _____

..Requestor

..Drafter
LRB 177409 – 3
Aaron Cadle
November 4, 2022