



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-1916/1  
CMH:klm

## 2017 ASSEMBLY BILL 89

February 24, 2017 - Introduced by Representatives SANFELIPPO, JAGLER, HORLACHER, MURPHY, DUCHOW, TUSLER, GANNON, OTT, SPIROS, TITTL, SKOWRONSKI, KREMER, E. BROOKS and ALLEN, cosponsored by Senators VUKMIR, WANGGAARD, DARLING, NASS and FEYEN. Referred to Committee on Criminal Justice and Public Safety.

1     **AN ACT** *to renumber and amend* 941.29 (4m) (a) 2.; *to amend* 941.29 (4m) (a)  
2           (intro.); and *to create* 941.29 (4m) (a) 2. (intro.), b. and c. of the statutes;  
3           **relating to:** mandatory minimum incarceration period following illegal  
4           possession of a firearm.

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***Analysis by the Legislative Reference Bureau***

Under current law, if a person who is prohibited from possessing a firearm due to the commission of, or the solicitation, conspiracy, or attempt to commit, a violent felony is convicted of illegally possessing a firearm, the court must impose a mandatory minimum three-year incarceration period if the person, within the five years prior to the illegal possession of the firearm, was serving a sentence, was on parole, or was committed for a subsequent felony or a violent misdemeanor. Under this bill, the court must also impose the mandatory minimum three-year incarceration period if the person who is prohibited from possessing a firearm violated the prohibition while on probation, parole, extended supervision, or conditional release for the commission of a prior felony or violent misdemeanor.

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

5           **SECTION 1.** 941.29 (4m) (a) (intro.) of the statutes is amended to read:

**ASSEMBLY BILL 89****SECTION 1**

1            941.29 (4m) (a) (intro.) ~~The~~ If a person commits a violation of sub. (1m), the  
2 court shall impose a bifurcated sentence under s. 973.01 and the confinement portion  
3 of the bifurcated sentence imposed on the person shall be not less than 3 years if all  
4 of the following are true:

5            **SECTION 2.** 941.29 (4m) (a) 2. (intro.), b. and c. of the statutes are created to  
6 read:

7            941.29 (4m) (a) 2. (intro.) Any of the following applies:

8            b. The person committed the current offense while on probation, parole,  
9 extended supervision, or conditional release for the commission of a prior felony or  
10 violent misdemeanor.

11           c. The person committed the current offense within 5 years after being  
12 discharged from commitment under ch. 971 for the commission of a prior felony or  
13 violent misdemeanor.

14           **SECTION 3.** 941.29 (4m) (a) 2. of the statutes is renumbered 941.29 (4m) (a) 2.  
15 a. and amended to read:

16           941.29 (4m) (a) 2. a. The person committed the current offense within 5 years  
17 after completing his or her sentence, including any ~~probation, parole, or extended~~  
18 ~~supervision, or being discharged by the department of corrections,~~ after completing  
19 a period of probation imposed for a prior felony or violent misdemeanor.

20

(END)