

State of Misconsin 2017 - 2018 LEGISLATURE

LRB-0911/1 CMH:klm

2017 BILL

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

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.

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

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

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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	<u>a period of probation imposed</u> for a prior felony or violent misdemeanor.
20	(END)