



Legislation Text

File #: 240435, **Version:** 1

240435
SUBSTITUTE 1

ALD. SPIKER

A substitute ordinance banning bump stocks in the City of Milwaukee.

105-34-2-b am

This ordinance amends the definition of a dangerous weapon to include a weapon accessory capable of producing death or great bodily harm, and further adds to the list of dangerous weapons a bump stock or any device designed to allow for rapid fire from a non-automatic firearm.

Whereas, Wisconsin Statute 66.0409(2) preempts the City of Milwaukee from regulating the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permitting, registration or taxation of any firearm or part of a firearm, including ammunition and reloader components, unless the ordinance or resolution is the same as or similar to, and no more stringent than, a state statute; and

Whereas, The intention of Wisconsin Statute 66.0409(2) is to ensure that Wisconsin citizens are unimpeded in their right to legally own a firearm, the parts that make up a firearm, or the equipment to create ammunition for that firearm; and

Whereas, To be a part of something that part must be a piece or element that comprises the whole; and

Whereas, A firearm without a trigger is not whole, because a firearm with no trigger cannot fire; and

Whereas, A firearm without a shoulder strap or custom grip fires regardless of the presence of these features, meaning that such aftermarket products cannot be considered intrinsic parts of any firearm; and

Whereas, A bump stock is not a firearm, but an aftermarket product that is in no way an element or component part of any firearm; and

Whereas, A bump stock plays no role in reloading, either the practice of assembling ammunition using previously fired cartridge cases nor replenishing the firearm with additional ammunition; and

Whereas, A bump stock is an attachment that allows a semi-automatic firearm to fire in a rapid, indiscriminate, and deadly manner that all but replicates an illegal, fully automatic weapon; and

Whereas, A prohibition on bump stocks therefore does not regulate the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permitting, registration or taxation of any firearm or part of a firearm; and

Whereas, A prohibition on bump stocks is a common-sense public safety measure that in no way contradicts state law nor the rights of Wisconsin citizens; now, therefore

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

Part 1. Section 105-34-2-b of the code is amended to read:

105-34. Carrying Dangerous Weapons.

2. DEFINITIONS.

b. "Dangerous weapon" means any device designed as a weapon >>or weapon accessory<< ~~[[and]]~~ capable of producing death or great bodily harm, any electric weapon as defined in s. 941.295(1c), Wis. Stats., and any similar electronic control device, or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm. The following are dangerous per se: blackjack, billy, standclub, sandbag, bludgeon, nunchaku sticks, throwing stars, sling shot, slung shot, any instrument which impels a missile by compressed air, spring or other means, any weapon in which loaded or blank cartridges are used, crossknuckles, knuckles of any metal, barbed or blade type arrowhead, bowie knife, dirk knife, dirk, dagger, switch blade knife or any knife which has a blade that may be drawn without the necessity of contact with the blade itself or is automatically opened by pressure on the handle or some other part of the knife and is commonly known as a switch blade knife, straightedge razor or any other knife having a blade 3 inches or longer >>, bump stock or any device designed to enable rapid fire from a non-automatic firearm<<.

APPROVED AS TO FORM

K. Broadnax

Legislative Reference Bureau
Date:7/10/2024

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFOCEABLE

Office of the city Attorney
Date:_____

LRB
Christopher Hillard
7/9/2024