

State of Misconsin 2015 - 2016 LEGISLATURE

LRB-4423/1 CMH:cjs

2015 ASSEMBLY BILL 892

February 9, 2016 – Introduced by Representatives SUBECK, BERCEAU, JOHNSON, SINICKI and C. TAYLOR, cosponsored by Senator C. LARSON. Referred to Committee on Criminal Justice and Public Safety.

AUTHORS SUBJECT TO CHANGE

1 AN ACT to repeal and recreate 948.55 of the statutes; relating to: storage of

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a firearm in residence if child is present and providing a criminal penalty.

Analysis by the Legislative Reference Bureau

This bill prohibits a person from storing or leaving a firearm at his or her residence in any place other than in a securely locked box or container or other secure locked location or with a trigger lock engaged if the person resides with a child who is under the age of 18 or if the person knows a child who is under the age of 18 will be present in the person's residence. A person who violates this requirement is guilty of a Class A misdemeanor for a first offense and a Class I felony for a second or subsequent offense. This replaces the current law that penalizes a person who recklessly stores or leaves a loaded firearm within reach of a child who is under 14 if the child obtains it and does one of the following: 1) discharges the firearm and causes bodily harm or death (Class A misdemeanor) or 2) possesses or exhibits the firearm in a public place or endangers public safety (Class C misdemeanor).

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

- 3 **SECTION 1.** 948.55 of the statutes is repealed and recreated to read:
- 4 948.55 Storage of firearm if children present. (1) In this section, "child"
- 5 means a person who has not attained the age of 18 years.

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1	(2) Whoever resides with a child, or knows a child will be present in his or her
2	residence, may not store or leave a firearm at his or her residence in any place other
3	than in a securely locked box or container or in a locked location that a reasonable
4	person would believe to be secure or unless a trigger lock is engaged on the firearm.
5	This prohibition does not apply to a person who is carrying the firearm.
6	(3) A person who violates sub. (2) is guilty of the following:
7	(a) For a first violation, a Class A misdemeanor.
8	(b) For a 2nd or subsequent violation, a Class I felony.
9	(END)