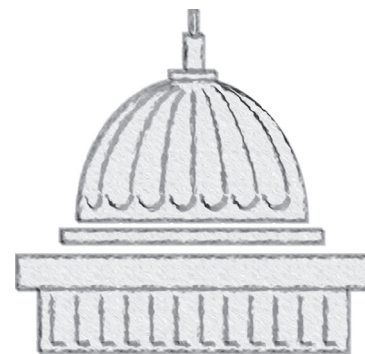


F. NRA / ILA Firearms Laws for

WISCONSIN

(As of June, 2010)



Compiled by:
NRA-Institute for Legislative Action
11250 Waples Mill Road
Fairfax, Virginia 22030
(800) 392-8683
www.nraila.org

A SYNOPSIS OF STATE LAWS ON PURCHASE, POSSESSION AND CARRYING OF FIREARMS.

QUICK REFERENCE CHART

| | Rifles and Shotguns | Handguns |
|-------------------------|------------------------|----------|
| Permit to Purchase | NO | NO* |
| Registration of Firearm | NO | NO |
| Licensing of Owner | NO | NO |
| Permit to Carry | NO | NO |
| *Waiting Period | | |

STATE CONSTITUTIONAL PROVISION

The people have the right to keep and bear arms for security, defense, hunting, recreation or any other lawful purpose. WISC. CONST. art. 1, § 25

PURCHASE

A firearm dealer transferring possession of a handgun must have the transferee present identification and detailed information, complete a notification form, and pay a \$8.00 fee. The information from the form is conveyed to the Department of Justice using a toll free telephone number for a background check for criminal history, involuntary commitment, domestic violence and tribal restraining orders. Forty-eight hours must elapse from the time that the dealer has received a confirmation number regarding the criminal history record search and the dealer has been notified that the transfer will not be in violation of law.

These provisions do not apply to antique handguns, transfers between wholesale or retail dealers, or to law enforcement or armed service agencies.

No pawnbroker, secondhand article dealer or secondhand jewelry dealer may engage in a transaction of purchase, receipt or exchange of any secondhand article, including firearms and ammunition, from a customer without first securing adequate identification from the customer and completing a form detailing a description of the firearm and identifying information on the person from whom received. Within 24 hours after purchasing or receiving a secondhand firearm or ammunition, a pawnbroker, secondhand article dealer or secondhand jewelry dealer shall make available, for inspection by a law enforcement officer, the original completed form, or the inventory, whichever is appropriate.

Any person denied the right to purchase a handgun because the firearms dealer received a non-approval number may request a firearms restriction record search review under department of justice rules. If the person disagrees with the result of that review, the person

may file an appeal under rules promulgated by the department.

POSSESSION

No state permit is required to possess a rifle, shotgun, or handgun.

It is unlawful for a person under the age of 18 to possess a firearm unless that person is accompanied by a parent or guardian and is target shooting or participating in a firearms training course. Young hunters between the ages of 12 and 16 may possess firearms under the supervision of a parent or guardian while in the field and/ or while enrolled in hunter safety classes.

It is unlawful for a person to possess a firearm if convicted of a felony or found not guilty of a felony by reason of mental illness; committed to a mental institution and ordered not to possess a firearm; subject of a domestic violence, child abuse or tribal restraining order; or if adjudicated delinquent on or after April 21, 1994, for an act that if committed by an adult would be a felony.

It is unlawful to possess a firearm in, on, or within 1,000 feet from the grounds of a school (school zone). Exempt are private property not part of school grounds, school security guards, law enforcement officers, use in a program approved by the school, unloaded and in a locked container or in a locked firearm rack that is on a motor vehicle, and unloaded and possessed while traversing school ground for the purpose of gaining access to lands open to hunting if the entry on school grounds is authorized by school authorities.

Any pupil determined to unlawfully possess a firearm while at school or while under the supervision of a school authority, will be suspended and be subject to expulsion proceedings.

CARRYING

It is unlawful for any person except a peace officer to go armed with a concealed and dangerous weapon. There is no statutory provision for obtaining a license or permit to carry a concealed weapon. State law does not prohibit the open carrying of a firearm, but a person should exercise caution when carrying a firearm in public.

It is unlawful to go armed with a firearm in any building owned or leased by the state or any political subdivision of the state.

ANTIQUES & REPLICAS

Beginning November 1, 1992 it shall be a crime for a person to sell or distribute any look-alike firearm. Look-alike firearm means

any imitation of any original firearm that was manufactured, designed and produced after December 31, 1897, including and limited to toy guns, water guns, replica non-guns and air-soft guns firing nonmetallic projectiles. The crime does not apply to the restoration of any weapon by a person having a license to collect firearms as curios or relics issued by the U.S. Dept. Of Treasury or to an imitation, non-firing, collector replica of an antique firearm developed prior to 1898, or any traditional bb, paint ball or pellet firing air guns that expels a projectile through the force of air pressure.

MACHINE GUNS AND OTHER ILLEGAL WEAPONS

No person may sell, possess, use or transport any machine gun or other full automatic firearm.

A "machine gun" includes any weapon that shoots, is designed to shoot or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger.

Exceptions include the possession of a machine gun for scientific purpose; the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament or keepsake; or the possession of a machine gun other than one adapted to use pistol cartridges for a purpose manifestly not aggressive or offensive.

A person may be authorized by the chief of police of any city or the sheriff of any county to sell, possess, use, or transport a machine gun.

"Short-barreled rifle" means a rifle having one or more barrels having a length of less than 16 inches measured from closed breech or bolt face to muzzle or a rifle having an overall length of less than 26 inches. "Short-barreled shotgun" means a shotgun having one or more barrels having a length of less than 18 inches measured from closed breech or bolt face to muzzle or a shotgun having an overall length of less than 26 inches.

No person may sell or offer to sell, transport, purchase, possess or go armed with a short-barreled shotgun or short-barreled rifle. Exceptions include armed forces or national guard personnel in line of duty, any peace officer of the United States or of any political subdivision of the United States. This section does not apply to any firearm that may be lawfully possessed under federal law, or any firearm that could have been lawfully registered at the time of the enactment of the national firearms act of 1968.

MISCELLANEOUS

It is unlawful to possess any firearm in a wildlife refuge unless the firearm is unloaded and in a case.

No person born on or after January 1, 1973, may obtain any approval authorizing hunting unless the person is issued a Certificate of Accomplishment. Exceptions are allowed if there is evidence that is satisfactory to the department indicating that he or she has completed in another state a hunter safety course and if the course is recognized by the department under a reciprocity agreement or if the person has successfully completed basic training in the U.S. armed forces, reserves or national guard.

Firearms kept for personal use are specifically exempt from personal property taxation. Consumer goods including firearms are also exempt from execution of a judgment if they do not exceed

\$5,000.00 in aggregate value.

It is unlawful to discharge any firearm within 660 feet of any public park, square or enclosure owned or controlled by any municipality .

It is unlawful to operate or go armed with a firearm while under the influence of an intoxicant. It is unlawful to go armed with a handgun on any premises for which alcoholic beverages are sold and consumed.

It is unlawful to possess, place, or transport in or on any aircraft, vehicle, ATV, or any motor-driven boat while the motor is running, any firearm unless such firearm is unloaded and in a case, and it is also unlawful to load or fire any firearm from such aircraft or vehicle. This prohibition does not apply to vehicles being used to transport individuals in sport shooting activities at sport shooting ranges.

It is unlawful to set a spring gun or set gun which may kill game.

It is unlawful to discharge a firearm while on the lands of another within 100 yards of any building devoted to human occupancy without the express permission of the owner or occupant. "Building" does not include any tent, bus, truck, vehicle or similar portable unit.

It is unlawful to shoot from or across a highway or within 50 feet of the center of a roadway.

It is unlawful to recklessly store or leave a loaded firearm within the reach or easy access of a person under 14 who obtains the firearm without lawful permission and possesses or exhibits the firearm in a public place or discharges the firearm so as to cause bodily harm or death to self or another. In a commercial transfer the buyer or receiver of a firearm shall be provided with a written warning: "IF YOU LEAVE A LOADED FIREARM WITHIN THE REACH OR EASY ACCESS OF A CHILD YOU MAY BE FINED OR IMPRISONED OR BOTH IF THE CHILD IMPROPERLY DISCHARGES, POSSESSES OR EXHIBITS THE FIREARM."

No political subdivision may enact an ordinance or adopt a resolution that regulates 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.

SOURCES: Wis. Stat. Ann. Of 2003 §§ 23.33(3)(e), 29.091, 29.304, 29.591, 29.593, 29.927(5), 66.0409(2), 70.111, 120.13(1), 134.71, 167.30, 167.31, 175.35, 175.37, 815.18(3)(d), 885.235, 941.20, 941.23, 941.235, 941.237, 941.25 through 941.29, 941.297, 948.55, 948.60(3), 948.605.

CAUTION: Firearm laws are subject to frequent change and court interpretation. This summary is not intended as legal advice or restatement of law. This summary does not include federal or local laws, ordinances or regulations. For any particular situation, a licensed local attorney must be consulted for an accurate interpretation. **YOU MUST ABIDE WITH ALL LAWS: STATE, FEDERAL AND LOCAL.**

This may be reproduced. It may not be reproduced for commercial purposes.