



JIM OTT

STATE REPRESENTATIVE • 23rd ASSEMBLY DISTRICT

(608) 266-0486
District: (262) 240-0808
Toll-Free: (888) 534-0023
Rep.Ottj@legis.wi.gov

P.O. Box 8953
Madison, WI 53708-8953

Good morning and thank you for your attention to this important matter of public safety, Assembly Bill 727.

Current law requires that any person subject to a domestic abuse injunction, a child abuse injunction or a harassment injunction that is also determined to be a danger to public safety must surrender any firearm he or she may possess to the sheriff of the county in which the court action took place. Once the injunction has expired or been vacated, the court may order the return of the firearms, as long as they are not otherwise prohibited from possessing them.

Current law also makes purchases from a federally licensed gun dealer and possession of firearms unlawful by any individual who has been the subject of an involuntary mental health commitment and subject to felony criminal penalties.

AB 727 requires that courts, at the conclusion of the restraining order, request information from the Department of Justice to establish an individual's eligibility to lawfully possess a firearm before ordering this allowance be restored. Importantly this information will establish whether the individual has been the subject of an involuntary mental health commitment for the purposes of considering the weapons return. As I've said, current law contemplates felony criminal charges for an individual possessing a firearm if they have been the subject of an involuntary mental health commitment. This is of particular importance in cases of already established findings regarding the imposition of domestic violence and other restraining orders.

The AB 727 further allows law enforcement to access this involuntary mental health commitment information from the courts. The Department of Justice already gathers this information, and giving access to law enforcement will allow them to uphold current law. Lastly, access to this information will better inform law enforcement administrators when considering both hiring and ongoing law enforcement officer's fitness.

AB 727 only allows review of involuntary mental health commitments when considering the return of firearms after their surrender. Also, this bill is allowing law enforcement to uphold current law, in cases where individuals are in violation of current law as it concerns their possession of firearms and an involuntary mental health commitment history.

This bill will allow for full administration of current law currently not possible and will further protect citizens against those who wish to possess firearms with involuntary mental health commitment histories.

AB 727 also seeks to more fully allow law enforcement access to information regarding juveniles as established in 2011 Wisconsin Act 270. (Section 938 of the Wisconsin Statutes) These elements in the bill will make the same information electronically that law enforcement currently may access in paper file formats. This is included in the bill to further the important elements contained in Act 270 to fully inform law enforcement while providing use of technology to provide efficiency and timely access to the information already available.

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

For Official Use

In the matter of the possession of firearms by:

**Order to Sheriff for
Firearms Record Check/
Response of Sheriff**

(Name of person subject to firearm restriction)

Case No. _____

Date of Birth

The above named person has petitioned the court to return firearms which were ordered surrendered in an injunction dated _____. A copy of the petition is attached.

IT IS ORDERED THAT:

The sheriff of this county complete the bottom portion of this order within 5 business days of receipt indicating whether or not this person:

- has been convicted of a felony in a state or federal court;
- has been convicted of a misdemeanor crime of domestic violence;
- is prohibited by an order of any federal or state court from possessing a firearm, other than the order in this case; or
- is for any other reason known to the sheriff to be prohibited from possession of a firearm.

BY THE COURT:

Signature of Circuit Court Judge/Family Court Commissioner

Name Printed or Typed

Date

RESPONSE OF SHERIFF

As ordered, I conducted the following records check:

- An NCIC records check, as of (date): _____.
- A CIB records check, as of (date): _____.
- A firearms restriction records check, as of (date): _____.

This records check indicated that this person:

- has not has been convicted of a felony in a state or federal court.
- has not has been convicted of a misdemeanor crime of domestic violence.
- is not is prohibited by an order of a federal or state court from possessing a firearm other than the order in this case.
- is not is prohibited from possession of a firearm for other reasons known to me.

(Attach further information for any affirmative answer.)

Signature

Title

Date

- Distribution:
1. Original to Court
 2. Copy to Sheriff