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State of Misconsin 2019 - 2020 LEGISLATURE

LRB-1700/2 EVM:amn

2019 ASSEMBLY BILL 75

March 7, 2019 - Introduced by Representatives Stafsholt, Sinicki, Born, Brandtjen, Brooks, Duchow, Edming, Gundrum, Horlacher, Jagler, Krug, Kuglitsch, Kulp, Macco, Magnafici, Murphy, Mursau, Ott, Plumer, Pronschinske, Quinn, Ramthun, Rohrkaste, Sanfelippo, Schraa, Spiros, Steffen, Subeck, Thiesfeldt, Tittl, Tranel, Tusler, Vruwink, Wichgers, Zimmerman and Skowronski, cosponsored by Senators Craig, L. Taylor, Jacque, Kapenga, Kooyenga, Nass, Ringhand and Stroebel. Referred to Committee on Veterans and Military Affairs.

AUTHORS SUBJECT TO CHANGE

- AN ACT to renumber and amend 66.0409(3)(b); and to create 66.0409(3)(b)
 - 3. of the statutes; **relating to:** local regulation of honorary firearm discharges.

Analysis by the Legislative Reference Bureau

Under current law, no political subdivision may have more stringent regulation than is provided in state statutes of the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permitting, registration, or taxation of a firearm. Current law also specifies that this limitation does not prohibit a municipality from restricting the discharge of a firearm.

Under this bill, a municipal restriction on the discharge of a firearm may not be enforced against an honorary discharge of a firearm that involves the use of only blanks and that is part of an event honoring a current or former member of the military, law enforcement officer, or fire fighter or of military honors provided at a cemetery on Memorial Day or Veterans Day or at a veterans memorial site.

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

- **SECTION 1.** 66.0409 (3) (b) of the statutes is renumbered 66.0409 (3) (b) 1. and
- 4 amended to read:

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66.0409 (3) (b) 1. Nothing in this section prohibits a city, village or town that
is authorized to exercise village powers under s. $60.22(3)$ from enacting an ordinance
or adopting a resolution that restricts the discharge of a firearm. Any
2. Notwithstanding subd. 1., any ordinance or resolution that restricts the
discharge of a firearm does not apply and may not be enforced if the actor's conduct
is justified or, had it been subject to a criminal penalty, would have been subject to
a defense described in s. 939.45.
Section 2. 66.0409 (3) (b) 3. of the statutes is created to read:
66.0409 (3) (b) 3. Notwithstanding subd. 1., any ordinance or resolution that
restricts the honorary discharge of a firearm that involves the use of only blanks and
that is part of any of the following does not apply and may not be enforced:
a. An event, including a funeral, honoring a current or former member of the
military, law enforcement officer, or professional fire fighter.
b. Military honors provided at a cemetery on Memorial Day or Veterans Day.

c. Military honors provided at a veterans memorial site.

(END)