

Firearms Laws

AUTHORITY

[Wisconsin Statute 941.29](#)

[Wisconsin Administrative Code DOC 328.04\(m\)](#)

Wisconsin Statute 938.48

[Federal Gun Control Act of 1968](#)

[18 USC 921 to 928](#)

[Public Law 102-393 \(10/06/92\)](#)

[1995 Wisconsin Act 71](#)

[Omnibus Consolidated Appropriations Act of 1997](#)

GENERAL STATEMENT

Wisconsin and federal law prohibit persons who meet certain criteria from receiving, transporting, owning or possessing a firearm or ammunition. Agents cannot grant permission to any person covered by these statutes. In addition, youth may not be granted permission to carry concealed firearms or other weapons.

FEDERAL GUN CONTROL ACT

The [Federal Gun Control Act of 1968](#), combined with its subsequent amendments, state any person cannot receive, own, possess, or transport firearms if they meet any of the following criteria:

1. Is under indictment for, or has been convicted of, a crime punishable by a term exceeding one year;
2. Is a fugitive from justice;
3. Is an unlawful user of, or addicted to, any controlled substance (as defined in [Controlled Substances Act, 21 U.S.C. 802](#)):
 - The term "addict" means any individual who habitually uses any narcotic drug so as to endanger public morals, health, safety, or welfare, or who is so far addicted in the use of narcotic drugs as to have lost the power of self-control with reference to his/her addiction.
 - The term "controlled substance" means a drug or other substance included in Schedule I, II, III, IV or V of the Controlled Substance Act. The term does not include distilled spirits, wine, malt beverages, or tobacco.
4. Has been adjudicated as a mental defective or has been committed to a mental institution;
5. Is an alien illegally or unlawfully in the United States;
6. Has been discharged from the Armed Forces under dishonorable conditions;
7. Having been a citizen of the United States, has renounced his/her citizenship.

Furthermore, the [OCAA of 1997](#) made it unlawful for any person convicted of a "misdemeanor crime of domestic violence" to ship, transport, possess, or receive firearms or ammunition. It also makes it unlawful for any person to sell or otherwise dispose of a firearm or ammunition to any person, knowing or having reasonable cause to believe that the recipient has been convicted of such a misdemeanor.

As defined in the GCA, a "Misdemeanor Crime of Domestic Violence" means an offense that:

1. Is a misdemeanor under federal or state law; and
2. Has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim; by a person with whom the victim shares a child in common; by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian; or by a person similarly situated to a spouse, parent, or guardian of the victim.

This is a lifetime prohibition and includes any firearm the youth owned prior to conviction. The agent has no authority to grant exceptions for hunting or any other reason. Possession of a firearm does not require that the youth own the firearm, but rather have "control and dominion" or ready access to it.

WISCONSIN FIREARMS LAW

[Wisconsin Statute 941.29](#) prohibits possession of firearms by any person convicted of a felony in Wisconsin or of a crime in another state that would be a felony in Wisconsin.

[1995 Wisconsin Act 71](#) prohibits possession of firearms by persons under domestic violence or child abuse injunctions and restraining orders. Prohibition is automatic for domestic abuse and child abuse orders. The judge or family court commissioner may order prohibition for harassment orders.

To ensure to the extent possible, the safety of victims of domestic violence, to ensure compliance with federal and state law, and to provide notification to youth, the following action is required:

1. Permission to possess firearms or ammunition shall not be granted to youth subject to the laws specified above.
2. It shall be DOC policy that anyone convicted of any crime where the behavior is domestic violence in nature or anyone with a history of domestic violence related behavior shall not be granted permission to possess firearms or ammunition.
3. DJC staff shall inform all youth subject to this policy to check with an attorney or the district attorney in their county to determine if prohibitions regarding firearms and ammunition apply to them when they are no longer on supervision.

DEFINITION OF A FIREARM

The following are defined as firearms:

- Any weapon which acts by force of gunpowder, including muzzle-loaded weapons;
- Any weapon which will, or is designed to or may readily be converted to, expel a projectile by the action of an explosive, including the frame or receiver of any such weapon;
- Any firearm muffler or firearm silencer
- Any destructive device (explosives, incendiaries, grenades, mines, and rockets);
- Any starter pistol.

RELIEF

The [Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives](#) can no longer grant relief from Federal firearm restrictions. The only option is to apply for a Governor's pardon. However, a pardon is rarely granted for the sole purpose of restoring the right to possess firearms.