



State of Wisconsin
2025 - 2026 LEGISLATURE

LRB-3517/1

CMH:cdc

2025 BILL

1 **AN ACT** *to amend* 165.63 (3), 165.63 (4) (d), 175.35 (1) (at), 175.60 (9g) (a) 2.,
2 175.60 (11) (a) 2. f., 801.58 (2m), 813.06, 813.126 (1), 813.127, 813.128 (2g) (b)
3 and 941.29 (1m) (f); **to create** 16.316, 20.505 (1) (ft), 801.50 (5sb) and 813.124
4 of the statutes; **relating to:** extreme risk protection temporary restraining
5 orders and injunctions, making an appropriation, and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a person is prohibited from possessing a firearm, and must surrender all firearms, if the person is subject to a domestic abuse injunction, a child abuse injunction, or, in certain cases, a harassment or an individuals-at-risk injunction. If a person surrenders a firearm because the person is subject to one of those injunctions, the firearm may not be returned to the person until a court determines that the injunction has been vacated or has expired and that the person is not otherwise prohibited from possessing a firearm. A person who is prohibited from possessing a firearm under such an injunction is guilty of a Class G felony for violating the prohibition.

This bill creates an extreme risk protection temporary restraining order and injunction to prohibit a person from possessing a firearm. Under the bill, either a law enforcement officer or a family or household member of the person may file a

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petition with a court to request an extreme risk protection injunction. The petition must allege facts that show that the person is substantially likely to injure themselves or another if the person possesses a firearm.

Under the bill, the petitioner may request the court to consider first granting a temporary restraining order. If the petitioner requests a TRO, the petitioner must include evidence that there is an immediate and present danger that the person may injure themselves or another if the person possesses a firearm and that waiting for the injunction hearing increases the immediate and present danger.

If the petitioner requests a TRO, the court must hear the petition in an expedited manner. The judge must issue a TRO if, after questioning the petitioner and witnesses or relying on affidavits, the judge determines that it is substantially likely that the petition for an injunction will be granted and the judge finds good cause to believe there is an immediate and present danger that the person will injure themselves or another if the person has a firearm and that waiting for the injunction hearing may increase the immediate and present danger. If the judge issues a TRO, the TRO is in effect until the injunction hearing, which must occur within 14 days of the TRO issuance. The TRO must require a law enforcement officer to personally serve the person with the order and to require the person to immediately surrender all firearms in their possession. If a law enforcement officer is unable to personally serve the person, then the TRO requires the person to surrender within 24 hours all firearms to a law enforcement officer or a firearms dealer and to provide the court a receipt indicating the surrender occurred.

At the injunction hearing, the court may grant an extreme risk protection injunction ordering the person to refrain from possessing a firearm and, if the person was not subject to a TRO, to surrender all firearms he or she possesses if the court finds by clear and convincing evidence that the person is substantially likely to injure themselves or another if the person possesses a firearm. An extreme risk protection injunction is effective for up to one year and may be renewed. A person who is subject to an extreme risk protection injunction may petition to vacate the injunction. If a person surrenders a firearm because the person is subject to an extreme risk protection TRO or injunction, the firearm may not be returned to the person until a court determines that the TRO has expired or the injunction has been vacated or has expired and that the person is not otherwise prohibited from possessing a firearm.

A person who possesses a firearm while subject to an extreme risk protection TRO or injunction is guilty of a Class G felony. In addition, a person who files a petition for an extreme risk protection injunction, knowing the information in the petition to be false, is guilty of the crime of false swearing, a Class H felony.

The bill also requires the Department of Administration to award grants to law enforcement agencies for the purpose of training officers how to identify persons who are substantially likely to injure themselves or another if the person possesses a firearm and how to file a petition for an extreme risk protection TRO or injunction.

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Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 16.316 of the statutes is created to read:

2 **16.316 Grants for training law enforcement on extreme risk**
 3 **protection orders.** The department shall award grants from the appropriation
 4 under s. 20.505 (1) (ft) to law enforcement agencies for the purpose of training law
 5 enforcement officers on filing petitions under s. 813.124 and identifying individuals
 6 who are substantially likely to injure themselves or another person if the individual
 7 possesses a firearm.

8 **SECTION 2.** 20.005 (3) (schedule) of the statutes: at the appropriate place,
 9 insert the following amounts for the purposes indicated:

				2025-26	2026-27
10					
11	20.505 Administration, department of				
12	(1) SUPERVISION AND MANAGEMENT				
13	(ft) Grants for training law				
14	enforcement on extreme risk				
15	protection orders	GPR	A	700,000	700,000

16 **SECTION 3.** 20.505 (1) (ft) of the statutes is created to read:

17 20.505 (1) (ft) *Grants for training law enforcement on extreme risk protection*
 18 *orders.* The amounts in the schedule for grants under s. 16.316.

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SECTION 4. 165.63 (3) of the statutes is amended to read:

165.63 (3) REQUESTS FROM COURTS. In making a determination required under s. 813.124 (7) (a), 813.1285 (7) (a), or 968.20 (1m) (d) 1., a judge or court commissioner shall request information under sub. (2) from the department or from a law enforcement agency or law enforcement officer as provided in sub. (4) (d).

SECTION 5. 165.63 (4) (d) of the statutes is amended to read:

165.63 (4) (d) Aid the court in making a determination required under s. 813.124 (7) (a), 813.1285 (7) (a), or 968.20 (1m) (d) 1. or aid an entity in making a determination required under s. 968.20 (1m) (d) 2.

SECTION 6. 175.35 (1) (at) of the statutes is amended to read:

175.35 (1) (at) "Firearms restrictions record search" means a search of department of justice records to determine whether a person seeking to purchase a handgun is prohibited from possessing a firearm under s. 941.29. "Firearms restrictions record search" includes a criminal history record search, a search to determine whether a person is prohibited from possessing a firearm under s. 51.20 (13) (cv) 1., 2007 stats., a search in the national instant criminal background check system to determine whether a person has been ordered not to possess a firearm under s. 51.20 (13) (cv) 1., 51.45 (13) (i) 1., 54.10 (3) (f) 1., or 55.12 (10) (a), a search to determine whether the person is subject to an injunction under s. 813.12 or 813.122, or a tribal injunction, as defined in s. 813.12 (1) (e), issued by a court established by any federally recognized Wisconsin Indian tribe or band, except the Menominee Indian tribe of Wisconsin, that includes notice to the respondent that he or she is subject to the requirements and penalties under s. 941.29 and that has

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1 been filed with the circuit court under s. 813.128 (3g), a search to determine
2 whether the person is subject to a temporary restraining order or injunction under
3 s. 813.124, and a search to determine whether the person is prohibited from
4 possessing a firearm under s. 813.123 (5m) or 813.125 (4m).

5 **SECTION 7.** 175.60 (9g) (a) 2. of the statutes is amended to read:

6 175.60 **(9g)** (a) 2. The department shall conduct a criminal history record
7 search and shall search its records and conduct a search in the national instant
8 criminal background check system to determine whether the applicant is
9 prohibited from possessing a firearm under federal law; whether the applicant is
10 prohibited from possessing a firearm under s. 941.29; whether the applicant is
11 prohibited from possessing a firearm under s. 51.20 (13) (cv) 1., 2007 stats.;
12 whether the applicant has been ordered not to possess a firearm under s. 51.20 (13)
13 (cv) 1., 51.45 (13) (i) 1., 54.10 (3) (f) 1., or 55.12 (10) (a); whether the applicant is
14 subject to an injunction under s. 813.12 or 813.122, or a tribal injunction, as defined
15 in s. 813.12 (1) (e), issued by a court established by any federally recognized
16 Wisconsin Indian tribe or band, except the Menominee Indian tribe of Wisconsin,
17 that includes notice to the respondent that he or she is subject to the requirements
18 and penalties under s. 941.29 and that has been filed with the circuit court under s.
19 813.128 (3g); whether the applicant is subject to a temporary restraining order or
20 injunction under s. 813.124; and whether the applicant is prohibited from
21 possessing a firearm under s. 813.123 (5m) or 813.125 (4m); and to determine if the
22 court has prohibited the applicant from possessing a dangerous weapon under s.

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1 969.02 (3) (c) or 969.03 (1) (c) and if the applicant is prohibited from possessing a
2 dangerous weapon as a condition of release under s. 969.01.

3 **SECTION 8.** 175.60 (11) (a) 2. f. of the statutes is amended to read:

4 175.60 (11) (a) 2. f. The individual becomes subject to ~~an~~ a temporary
5 restraining order or injunction described in s. 941.29 (1m) (f) or is ordered not to
6 possess a firearm under s. 813.123 (5m) or 813.125 (4m).

7 **SECTION 9.** 801.50 (5sb) of the statutes is created to read:

8 801.50 (5sb) Venue of an action under s. 813.124 shall be in the county in
9 which the cause of action arose or where the petitioner or the respondent resides.

10 **SECTION 10.** 801.58 (2m) of the statutes is amended to read:

11 801.58 (2m) If, under sub. (2), the judge determines that the request for
12 substitution was made timely and in proper form, any ex parte order granted by the
13 original judge remains in effect according to the terms, except that a temporary
14 restraining order issued under s. 813.12 (3), 813.122 (4), 813.123 (4), 813.124 (2t),
15 or 813.125 (3) by the original judge is extended until the newly assigned judge holds
16 a hearing on the issuance of an injunction. The newly assigned judge shall hear any
17 subsequent motion to modify or vacate any ex parte order granted by the original
18 judge.

19 **SECTION 11.** 813.06 of the statutes is amended to read:

20 **813.06 Security for damages.** In proceedings under s. 767.225 the court or
21 judge may, and in all other proceedings except proceedings under ss. 813.12,
22 813.122, 813.124, 813.125 and 823.113 the court or judge shall, require a bond of
23 the party seeking an injunction, with sureties, to the effect that he or she will pay to

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1 the party enjoined such damages, not exceeding an amount to be specified, as he or
2 she may sustain by reason of the injunction if the court finally decides that the
3 party was not entitled thereto. Copies of such bond, affidavit or other pleading
4 shall be served upon the party enjoined and the officer serving the same shall,
5 within 8 days after such service, file his or her return in the office of the clerk of the
6 court.

7 **SECTION 12.** 813.124 of the statutes is created to read:

8 **813.124 Extreme risk protection temporary restraining orders and**
9 **injunctions.** (1) DEFINITIONS. In this section:

10 (a) "Family or household member" means any of the following:

- 11 1. A person related by blood, adoption, or marriage to the respondent.
- 12 2. A person with whom the respondent has or had a dating relationship, as
13 defined in s. 813.12 (1) (ag), or with whom the respondent has a child in common.
- 14 3. A person who resides with, or within the 6 months before filing a petition,
15 had resided with, the respondent.
- 16 4. A domestic partner under ch. 770 of the respondent.
- 17 5. A person who is acting or has acted as the respondent's legal guardian or
18 who is or was a foster parent or other physical custodian described in s. 48.62 (2) of
19 the respondent.
- 20 6. A person for whom the respondent is acting or has acted as a legal guardian
21 or for whom the respondent is or was the foster parent or other physical custodian
22 described in s. 48.62 (2).

23 (b) "Firearms dealer" has the meaning given in s. 175.35 (1) (ar).

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1 (c) "Law enforcement officer" has the meaning given in s. 165.85 (2) (c).

2 (2) COMMENCEMENT OF ACTION AND RESPONSE. No action under this section
3 may be commenced by complaint and summons. An action under this section may
4 be commenced only by a petition described under sub. (4) (a).

5 (2m) PROCEDURE. Procedure for an action under this section is as follows:

6 (a) If the petitioner requests an extreme risk protection temporary restraining
7 order, the court shall consider the request as provided under sub. (2t). If the court
8 issues a temporary restraining order, the court shall set forth the date, which must
9 be within 14 days of issuing the temporary restraining order, for the hearing on the
10 injunction and shall forward a copy of the temporary restraining order, the
11 injunction hearing date, and the petition to the appropriate law enforcement agency
12 with jurisdiction over the respondent's residence. The law enforcement agency
13 shall immediately, or as soon as practicable, serve it on the respondent. If personal
14 service cannot be effected upon the respondent, the court may order other
15 appropriate service.

16 (b) The court shall hold a hearing under sub. (3) on whether to issue an
17 extreme risk protection injunction, which is the final relief. If there was no
18 temporary restraining order, the respondent shall be served notice of the petition by
19 a law enforcement officer and the date for the hearing shall be set upon motion by
20 either party. If personal service cannot be effected upon the respondent, the court
21 may order other appropriate service. The service shall include the name of the
22 respondent and of the petitioner, and, if known, notice of the date, time, and place of
23 the injunction hearing.

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1 (c) When the respondent is served under this subsection, the respondent shall
2 be provided notice of the requirements and penalties under s. 941.29.

3 **(2t) EXTREME RISK PROTECTION TEMPORARY RESTRAINING ORDER.** (a) A judge
4 shall issue an extreme risk protection temporary restraining order under this
5 subsection prohibiting the respondent from possessing a firearm and ordering the
6 respondent to surrender all firearms in the respondent's possession if all of the
7 following occur:

8 1. A petitioner files a petition alleging the elements under sub. (4) (a), and
9 requests a temporary restraining order. The petition requesting a temporary
10 restraining order shall be heard by the court in an expedited manner. The court
11 shall examine under oath the petitioner and any witness the petitioner may
12 produce or may rely on an affidavit submitted in support of the petition.

13 2. The judge finds all of the following:

14 a. Substantial likelihood that the petition for an injunction will be successful.

15 b. Good cause to believe that there is an immediate and present danger that
16 the respondent may injure themselves or another person if the respondent possesses a
17 firearm and that waiting for the injunction hearing may increase the immediate
18 and present danger.

19 (b) A temporary restraining order issued under this subsection shall remain
20 in effect until a hearing is held on issuance of an injunction under sub. (3). Notice
21 need not be given to the respondent before issuing a temporary restraining order
22 under this subsection. A temporary restraining order may be entered against only
23 the respondent named in the petition and may not be renewed or extended.

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1 (c) A temporary restraining order issued under this subsection shall inform
2 the respondent named in the petition of the requirements and penalties under s.
3 941.29.

4 (d) The temporary restraining order issued under this subsection shall
5 require one of the following:

6 1. If a law enforcement officer is able to personally serve the respondent with
7 the order, the officer to require the respondent to immediately surrender all
8 firearms in the respondent's possession.

9 2. If a law enforcement officer is not able to personally serve the respondent
10 with the order, the respondent to, within 24 hours of service, surrender all firearms
11 in the respondent's possession to a law enforcement officer or transfer or sell all
12 firearms in the respondent's possession to a firearms dealer. Within 48 hours of
13 service, the respondent shall file with the court that issued the order under this
14 subsection a receipt indicating that the respondent surrendered, transferred, or
15 sold the firearms. The receipt must include the date on which each firearm was
16 surrendered, transferred, or sold and the manufacturer, model, and serial number
17 of each firearm and must be signed by either the law enforcement officer to whom
18 the firearm was surrendered or the firearms dealer to whom the firearm was
19 transferred or sold.

20 **(3) EXTREME RISK PROTECTION INJUNCTION.** (a) The court shall hold a
21 hearing on whether to issue an extreme risk protection injunction, which is the
22 final relief. At the hearing, a judge may grant an injunction prohibiting the
23 respondent from possessing a firearm and, if there was no temporary restraining

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1 order under sub. (2t), ordering the respondent to surrender all firearms in the
2 respondent's possession if all of the following occur:

3 1. The petitioner files a petition alleging the elements set forth under sub. (4)
4 (a).

5 2. The petitioner serves upon the respondent a copy or summary of the
6 petition and notice of the time for hearing on the issuance of the injunction, or the
7 respondent serves upon the petitioner notice of the time for hearing on the issuance
8 of the injunction.

9 3. The judge finds by clear and convincing evidence that the respondent is
10 substantially likely to injure themselves or another person if the respondent possesses
11 a firearm.

12 (b) The judge may enter an injunction against only the respondent named in
13 the petition.

14 (c) 1. Unless a judge vacates the injunction under par. (d), an injunction under
15 this subsection is effective for a period determined by the judge that is no longer
16 than one year.

17 2. When an injunction expires, the court shall extend the injunction, upon
18 petition, for up to one year if the judge finds by clear and convincing evidence that
19 the respondent is still substantially likely to injure themselves or another person if the
20 respondent possesses a firearm.

21 (d) A respondent who is subject to an injunction issued under this subsection
22 may request in writing a judge to vacate the injunction one time during any
23 injunction period. If a respondent files a request under this paragraph, the

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petitioner shall be notified of the request before the judge considers the request. The judge shall vacate the injunction if the respondent demonstrates by clear and convincing evidence that the respondent is no longer substantially likely to injure themselves or another person if the respondent possesses a firearm.

(e) An injunction issued under this subsection shall inform the respondent named in the petition of the requirements and penalties under s. 941.29.

(4) PETITION. (a) The petition shall allege facts sufficient to show the following:

1. The name of the petitioner and, unless the petitioner is a law enforcement officer, how the petitioner is a family or household member of the respondent.

2. The name of the respondent.

3. That the respondent is substantially likely to injure themselves or another person if the respondent possesses a firearm.

4. If the petitioner knows, the number, types, and locations of any firearms that the respondent possesses.

5. If requesting a temporary restraining order, evidence of an immediate and present danger that the respondent may injure themselves or another person if the respondent possesses a firearm and that waiting for the injunction hearing may increase the immediate and present danger.

(b) The clerk of the circuit court shall provide simplified forms to help a person file a petition.

(c) Only the following persons may file a petition under this section:

1. A law enforcement officer.

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1 2. A family or household member of the respondent.

2 **(5) ENFORCEMENT ASSISTANCE.** (a) 1. If a temporary restraining order is
3 issued under sub. (2t) or an injunction is issued, extended, or vacated under sub. (3),
4 the clerk of the circuit court shall notify the department of justice of the action and
5 shall provide the department of justice with information concerning the period
6 during which the order or injunction is in effect or the date on which the injunction
7 is vacated and with information necessary to identify the respondent for purposes
8 of responding to a request under s. 165.63 or for purposes of a firearms restrictions
9 record search under s. 175.35 (2g) (c) or a background check under s. 175.60 (9g) (a).

10 2. Except as provided in subd. 3., the department of justice may disclose
11 information that it receives under subd. 1. only to respond to a request under s.
12 165.63 or as part of a firearms restrictions record search under s. 175.35 (2g) (c) or
13 a background check under s. 175.60 (9g) (a).

14 3. The department of justice shall disclose any information that it receives
15 under subd. 1. to a law enforcement agency when the information is needed for law
16 enforcement purposes.

17 (b) Within one business day after a temporary restraining order is issued
18 under sub. (2t) or an injunction is issued, extended, or vacated under sub. (3), the
19 clerk of the circuit court shall send a copy of the temporary restraining order, of the
20 injunction, or of the order extending or vacating an injunction, to the sheriff or to
21 any other local law enforcement agency that is the central repository for injunctions
22 and that has jurisdiction over the petitioner's premises.

23 (c) No later than 24 hours after receiving the information under par. (b), the

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1 sheriff or other appropriate local law enforcement agency under par. (b) shall enter
2 the information concerning a temporary restraining order issued under sub. (2t) or
3 concerning an injunction issued, extended, or vacated under sub. (3) into the
4 transaction information for management of enforcement system. The sheriff or
5 other appropriate local law enforcement agency shall also make available to other
6 law enforcement agencies, through a verification system, information on the
7 existence and status of any order or injunction issued under this section. The
8 information need not be maintained after the order or injunction is no longer in
9 effect.

10 (d) 1. The court may schedule a hearing to surrender firearms for any reason
11 relevant to the surrender of firearms.

12 2. If the respondent does not comply with an order issued at a hearing to
13 surrender firearms, or a law enforcement officer has probable cause to believe that
14 the respondent possesses a firearm, the law enforcement officer shall request a
15 search warrant to seize the firearms and may use information contained in the
16 petition to establish probable cause.

17 **(6) PENALTY FOR FALSE SWEARING.** Whoever files a petition under this section
18 knowing the information in the petition to be false is subject to the penalty for false
19 swearing under s. 946.32 (1).

20 **(7) RETURN OF FIREARMS AND FORM.** (a) A firearm surrendered under this
21 section may not be returned to the respondent until the respondent completes a
22 petition for the return of firearms under par. (c) and a judge or circuit court
23 commissioner determines all of the following:

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1 1. If a temporary restraining order was issued, that the temporary restraining
2 order has expired and no injunction has been issued.

3 2. If an injunction was issued, that the injunction has been vacated or has
4 expired and not been extended.

5 3. That the person is not prohibited from possessing a firearm under any state
6 or federal law or by the order of any federal court or state court, other than an order
7 from which the judge or circuit court commissioner is competent to grant relief. The
8 judge or commissioner shall use the information provided under s. 165.63 to aid in
9 making the determination under this subdivision.

10 (b) If a respondent surrenders under this section a firearm that is owned by a
11 person other than the respondent, the person who owns the firearm may apply for
12 its return to the circuit court for the county in which the person to whom the
13 firearm was surrendered is located. The court shall order such notice as it
14 considers adequate to be given to all persons who have or may have an interest in
15 the firearm and shall hold a hearing to hear all claims to its true ownership. If the
16 right to possession is proved to the court's satisfaction, it shall order the firearm
17 returned. If the court returns a firearm under this paragraph, the court shall
18 inform the person to whom the firearm is returned of the requirements and
19 penalties under s. 941.2905.

20 (c) The director of state courts shall develop a petition for the return of
21 firearms form that is substantially the same as the form under s. 813.1285 (5) (b).

22 (8) NOTICE OF FULL FAITH AND CREDIT. A temporary restraining order issued
23 under sub. (2t) and an injunction issued under sub. (3) shall include a statement

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1 that the order or injunction may be accorded full faith and credit in every civil or
2 criminal court of the United States, civil or criminal courts of any other state, and
3 Indian tribal courts to the extent that such courts may have personal jurisdiction
4 over nontribal members.

5 **SECTION 13.** 813.126 (1) of the statutes is amended to read:

6 813.126 (1) TIME LIMITS FOR DE NOVO HEARING. If a party seeks to have the
7 judge conduct a hearing de novo under s. 757.69 (8) of a determination, order, or
8 ruling entered by a court commissioner in an action under s. 813.12, 813.122,
9 813.123, 813.124, or 813.125, including a denial of a request for a temporary
10 restraining order, the motion requesting the hearing must be filed with the court
11 within 30 days after the circuit court commissioner issued the determination, order,
12 or ruling. The court shall hold the de novo hearing within 30 days after the motion
13 requesting the hearing is filed with the court unless the court finds good cause for
14 an extension. Any determination, order, or ruling entered by a court commissioner
15 in an action under s. 813.12, 813.122, 813.123, 813.124, or 813.125 remains in effect
16 until the judge in the de novo hearing issues his or her final determination, order, or
17 ruling.

18 **SECTION 14.** 813.127 of the statutes is amended to read:

19 **813.127 Combined actions; domestic abuse, child abuse, extreme risk**
20 **protection, and harassment.** A petitioner may combine in one action 2 or more
21 petitions under one or more of the provisions in ss. 813.12, 813.122, 813.124, and
22 813.125 if the respondent is the same person in each petition. In any such action,
23 there is only one fee applicable under s. 814.61 (1) (a). In any such action, the

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1 hearings for different types of temporary restraining orders or injunctions may be
2 combined.

3 **SECTION 15.** 813.128 (2g) (b) of the statutes is amended to read:

4 813.128 **(2g)** (b) A foreign protection order or modification of the foreign
5 protection order that meets the requirements under this section has the same effect
6 as an order issued under s. 813.12, 813.122, 813.123, 813.124, or 813.125, except
7 that the foreign protection order or modification shall be enforced according to its
8 own terms.

9 **SECTION 16.** 941.29 (1m) (f) of the statutes is amended to read:

10 941.29 **(1m)** (f) The person is subject to an injunction issued under s. 813.12
11 or 813.122, a temporary restraining order or an injunction issued under s. 813.124,
12 or ~~under~~ a tribal injunction, as defined in s. 813.12 (1) (e), issued by a court
13 established by any federally recognized Wisconsin Indian tribe or band, except the
14 Menominee Indian tribe of Wisconsin, that includes notice to the respondent that
15 he or she is subject to the requirements and penalties under this section and that
16 has been filed under s. 813.128 (3g).

17 **(END)**