



Legislation Text

File #: 06833, Version: 1

Fiscal Note

The City Attorney estimates that, under provisions of this Ordinance, perhaps 5 to 10 citations per year may be issued. Fines associated with these citations may yield a minimal increase in General Fund revenues.

Title

Creating Section 25.30 of the Madison General Ordinances to impose restrictions on the use of Facsimile Firearms, and amending Section 1.08(3)(a) of the Madison General Ordinances to establish bail amounts for this section.

Body

DRAFTER'S ANALYSIS: This proposal adopts current State law, Wis. Stat. sec. 941.2965, and prohibits a person from carrying or displaying a facsimile firearm in a manner that could reasonably be expected to alarm, intimidate, threaten or terrify another person. In so doing, this proposal provides City Police Officers a more effective means of enforcing this provision.

The Common Council of the City of Madison do hereby ordain as follows:

1. Section 25.30 entitled "Facsimile Firearms" of the Madison General Ordinances is created as follows:

"25.30 FACSIMILE FIREARMS.

- (1) In this section, "facsimile firearm" means any replica, toy, starter pistol or other object that bears a reasonable resemblance to or that reasonably can be perceived to be an actual firearm. "Facsimile firearm" does not include any actual firearm.
- (2) No person may carry or display a facsimile firearm in a manner that could reasonably be expected to alarm, intimidate, threaten or terrify another person.
- (3) Subsection (2) does not apply to any of the following:
 - (a) Any peace officer acting in the discharge of his or her official duties.
 - (b) Any person engaged in military activities, sponsored by the state or federal government, acting in the discharge of his or her official duties.
 - (c) Any person who is on his or her own real property, in his or her own home or at his or her own fixed place of business.
 - (d) Any person who is on real property and acting with the consent of the owner of that property."

2. Subdivision (a) of Subsection (3) entitled "Schedule of Deposits" of Section 1.08 entitled "Issuance Of Citations For Violations Of Certain Ordinances And Providing A Schedule Of Cash Deposits" of the Madison General Ordinances is amended by amending therein the following:

<u>"Offense</u>	<u>Ord. No./Adopted Statute No.</u>	<u>Deposit</u>
Unlawful Use of Facsimile Firearm	25.30(2)	\$300"

EDITOR'S NOTE: New or amended bail deposits must be approved by Municipal Judge prior to adoption. These deposits have been so approved.