



**A Midwest State Uses a Model Protocol, Legislation and Ingenuity to Gain  
Compliance With Firearm Surrender**

Battered Women's Justice Project  
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Wisconsin had legislated firearm prohibitions similar to the federal law, however, enforcement of the prohibitions remained challenging. In 2009, a subcommittee of the Governor's Council on Domestic Violence completed a model firearm surrender protocol to improve compliance with firearm surrender laws. In 2010, the protocol was piloted in 4 counties. Between 2012 and 2014 several other counties voluntarily adopted the model protocol. In April 2014, firearm surrender legislation passed into law, making the protocol mandatory across all of Wisconsin's 72 counties.

### **Sauk County is finding the truth with a ½ sheet of paper.**

Each of the counties who participated in the pilot project were given some leeway in developing practices within the protocol. Sauk County recognized that the success of firearm surrender relies on respondent's being truthful about gun ownership. By the time the respondents are filling out inventory sheets in court, they have already been advised that they may have to surrender their guns. Recognizing that self-reporting might be less than truthful, Sauk County deputies included in their service protocol a practice designed to catch respondents off guard and reveal the truth. At the time of service of the temporary injunction the deputy asks the respondent if they own firearms. The respondent's reply is recorded on a ½ sheet of paper that goes back to the court with proof of service. This allows the court a check and balance to see if the respondents' response to the court regarding gun ownership is consistent with their less prepared statement to the deputy.

### **Successful pilot project leads to state legislation.**

The successful pilot project facilitated the passage of legislation in 2014 that adopted the surrender protocols as state law. There were 7 months between the passage of the legislation and its effective date, allowing for statewide training of court staff and law enforcement. If the court issues a domestic abuse or child abuse injunction and finds that the respondent possesses firearms, the law requires the firearms be surrendered within 48 hours and requires the court to hold a surrender hearing within one week of the injunction hearing to ensure compliance. If the respondent fails to surrender firearms or attend the hearing, the court must issue an arrest warrant for him.

### **New legislation tightens up third party surrender.**

The 2014 legislation provides that when the subject of an injunction who wishes to surrender to a 3rd party, the 3rd party must be present in court, testify under oath that he received the firearm and be approved by the court. By requiring the 3rd party to come to court, it allows the judge to have a conversation with the 3rd party and ensure that they really understand the responsibilities of taking those firearms and not returning them to the respondent until it was lawful to do so. In the pilot counties, 3rd party surrender was the most common avenue for surrender. This was a significant improvement over the old law which allowed surrender to 3rd parties without an appearance in court.