

Information for Respondents Regarding the Surrender and Return of Firearms

Daim Ntawv Qhia rau Cov Neeg Raug Foob Hais Txog qhov Nyoo Muab thiab Xa Cov Phom Rov Qab

This form does not replace the need for an interpreter, any colloquies mandated by law, or the responsibility of the court and counsel to ensure that persons with limited English proficiency fully comprehend their rights and obligations. This form must be completed in the English language.

Daim foos no tsis hloov qhov xav tau ib tus neeg txhais lus, muaj kev sib tham txog dab tsi raws li txoj cai, los sis lub luag hauj lwm ntawm lub tsev hais plaub thiab tus kws lij choj kom ntseeg tau tias cov neeg uas tsis txawj lus Meskas zoo muaj kev nkag siab txog nws cov cai thiab nws cov hauj lwm yuav tau ua ntawd. Daim foos no yuavtsum ua kom tiav siv hom lus Askiv.

To read the statutes this guide relies upon, please see the following:

Yog xav nyeem cov ntawv kev cai uas daim ntawv qhia no muab los siv, thov mus saib nram qab no:

- Wisconsin law: §§813.12 – 813.125 and 813.1285, Wisconsin Statutes
Wisconsin tsab cai li choj: §§813.12 – 813.125 thiab 813.1285, Wisconsin Cov Ntawv Kev Cai
- Federal law: 18 U.S.C. Section 922(g)(8) and (9)
Tsoom Fwv Teb Chaws tsab cai lij choj: 18 U.S.C. Nqe 922(g)(8) thiab (9)

Would you like a copy of the forms listed in this guide?

Koj puas xav tau ib daim ntawv uas yog luam los ntawm cov foos uas muab teev rau hauv daim ntawv qhia no?

The forms are available at <http://www.wicourts.gov/forms1/circuit.htm>. Click on the link for “Civil” and then on the link for “all civil forms.”

Cov foos muaj nyob rau ntawm <http://www.wicourts.gov/forms1/circuit.htm>. Nias rau ntawm qhov uas txuas mus rau “Civil” ces rau ntawm qhov uas txuas rau “all civil forms.”

Make sure to check your county’s local rules.

Nco ntsoov mus xyuas koj lub county cov cai tswj hwm uas lawv siv.

Some counties may have forms or rules that are specific to that county. Check the Wisconsin State Bar’s website or talk to your county’s Clerk of Court for local rules.

<http://www.wisbar.org/directories/courtrules/pages/circuit-court-rules.aspx>

Ib cov counties kuj yuav muaj cov foos los yog cov cai tswj hwm uas muab siv rau lub county ntawd nkaus xwb. Mus saib Wisconsin State Bar lub website los yog tham nrog koj lub county Tus Neeg Khaws Ntaub Ntawv ntawm Tsev Hais Plaub kom paub cov cai tswj hwm uas lawv siv.

<http://www.wisbar.org/directories/courtrules/pages/circuit-court-rules.aspx>

Will I have to surrender my firearms?

Kuv puas yuav tsum tau nyoo muab kuv cov phom?

Yes, IF the judge or commissioner does any of the following:

Muab, YOG tus kws txiav txim plaub ntug los yog tus neeg xub mloog cov plaub thawj zaug ua ib qhov twg ntawm cov lus li nram qab no:

- Grants a domestic abuse injunction against you
Muab ib qhov txwv tawm tsam tsis pub kom koj tsim txom tsev neeg
- Grants a child abuse injunction against you
Muab ib qhov txwv tawm tsam tsis pub kom koj tsim txom me nyuam
- Grants an individual at risk injunction against you and orders the surrender of firearms
Muab ib tug neeg uas yuav raug tau teeb meem qhov kev txwv tawm tsam koj thiab xaaj kom nyoo muab cov phom
- Grants a harassment injunction against you and orders the surrender of firearms
Muab ib qhov txwv tawm tsam tsis pub kom koj ua phem thab neeg thiab xaaj kom nyoo muab cov phom

I have access to a firearm, but it is not mine. Do I still need to disclose it?

Kuv mus muab tau ib rab phom los siv, tab sis rab phom tsis yog kuv li. Kuv puas tseem yuav tsum tau qhia rab phom ntawd?

- **Yes.** The law applies to firearms that you actually own AND those in your possession. If you have access to a firearm, you should disclose this information to the judge or commissioner.
Qhia. *Tsab cai lij choj siv rau cov phom uas koj yog tus tswv THIAB cov uas nyob ntawm koj. Yog koj mus muab tau ib rab phom los siv, koj yuav tsum tau qhia qhov no rau tus kws txiav txim plaub ntug los yog tus neeg xub mloog cov plaub thawj zaug paub.*
- If you surrender a firearm that does not belong to you, the owner may petition the court for its return. There will be a hearing and if the owner proves he/she owns the firearm, the court will order that the firearm be returned to that person.
Yog koj nyoo muab ib rab phom uas tsis yog koj li, tus tswv phom mam li ua ntawv mus rau tsev hais plaub kom muab rov qab. Nws yuav muaj ib lub rooj los mloog qhov no es yog tias tus tswv phom muaj pov thawj qhia tau tias nws yog tus tswv ntawm rab phom, lub tsev hais plaub yuav xaaj kom muab rab phom rov qab rau tus neeg ntawd.

Who can I surrender my firearms to?

Kuv yuav nyoo muab kuv cov phom rau leej twg?

- The sheriff (either of the county where you live or the county this court case is in).
Tub ceev xwm (txawm yog ntawm lub county uas koj nyob los yog lub county uas sib hais rooj plaub no nyob hauv).
- Another person (a.k.a. “third party”) you request AND who is approved of by the judge or commissioner

Lwm tus neeg (raws li paub yog “tus neeg thib peb”) uas koj thov THIAB pom zoo los ntawm tus kws txiav txim plaub ntug los yog tus neeg xub mloog cov plaub thawj zaug

- This person will need to come to the injunction hearing or the Firearm Surrender Hearing with you and speak to the judge or commissioner.

Tus neeg no yuav tau nrog koj tuaj rau ntawm lub rooj sib hais txog qhov kev txwv los yog Lub Rooj Sib Hais Nyoo Muab Phom thiab hais lus rau tus kws txiav txim plaub ntug los yog tus neeg xub mloog cov plaub thawj zaug.

- In some counties, even if you want to want to surrender your firearms to another person, you may have to first surrender your firearms to the sheriff. If the person comes to court for the injunction or Firearm Surrender Hearing and the court approves him/her, then that person may be able to pick up the firearms from the sheriff.

Nyob hauv ib txhia counties, tab txawm yog koj xav nyoo muab cov phom rau lwm tus neeg los, tej zaum koj yuav tau xub nyoo muab koj cov phom rau tub ceev xwm tso.

Yog tias tus neeg no tuaj mus rau ntawm lub rooj sib hais qhov kev txwv los yog Lub Rooj Sib Hais Nyoo Muab Phom es lub tsev hais plaub pom zoo rau nws, ces tus neeg ntawd kuj yuav muaj cuab kav nqa cov phom ntawm tus tub ceev xwm mus.

What happens now?

Muaj dab tsi tshwm sim tam sim no?

Note: Lines that begin with indicates something that you need to do.

Lus cim: Cov kab lus uas pib muaj qhia paub txog ib yam dab tsi uas koj yuav tau ua.

1. There will be an injunction hearing.

Nws yuav muaj ib lub rooj sib hais txog qhov txwv.

- Attached is the Respondent’s Statement of Possession of Firearms (CV-800).

Muab nrog ua ke no yog daim ntawv teev Tus Neeg Raug Foob Cov Lus Hais Txog Muaj Phom (CV-800).

Complete this form and bring it with you to the injunction hearing.

Muab daim foos no los ua kom tiav thiab nqa nrog koj mus rau ntawm lub rooj sib hais txog qhov kev txwv

- At the hearing, the judge or commissioner will decide whether to grant an injunction against you.

Nyob rau ntawm lub rooj sib hais, tus kws txiav txim plaub ntug los yog tus neeg xub mloog cov plaub thawj zaug yuav txiav txim seb puas muab ib qhov txwv tawm tsam koj.

2. If an injunction is granted, the judge or commissioner may decide that you need to surrender your firearms.

Yog pom zoo muab ib qhov txwv, tus kws txiav txim plaub ntug los yog tus neeg xub mloog cov plaub thawj zaug kuj yuav txiav txim tias koj yuav tau nyoo muab koj cov phom.

- If the judge or commissioner grants a **domestic abuse** or **child abuse** injunction against you, you will be **AUTOMATICALLY** prohibited from possessing firearms and will be required to surrender any firearms that you own or possess.
*Yog tias tus kws txiav txim plaub ntug los yog tus neeg xub mloog cov plaub thawj zaug pom zoo muab ib qhov txwv tsis pub **tsim txom tsev neeg** los yog **tsim txom me nyuam** tawm tsam koj, koj yuav raug txwv tsis pub muaj phom **TAM SID KIAG** thiab yuav tsum kom nyoo muab cov phom twg uas koj yog tus tswv los yog muaj nrog koj.*
 - If the judge or commissioner grants an **individual at risk** or **harassment** injunction against you, the court **MAY** prohibit you from possessing firearms if the court determines that you may use a firearm to cause physical harm to another or to endanger public safety. If the court prohibits you from possessing firearms, you will be ordered to surrender any firearms you own or possess.
*Yog tias tus kws txiav txim plaub ntug los yog tus neeg xub mloog cov plaub thawj zaug pom zoo muab ib qhov txwv rau **tus uas yuav raug teeb meem** los yog txwv tsis pub **ua phem thab neeg** tawm tsam koj, **TEJ ZAUM** lub tsev hais plaub yuav txwv koj tsis pub muaj phom yog lub tsev hais plaub txiav txim tias tej zaum koj yuav siv ib rab phom mus ua phem raug lwm tus lub cev los yog ua kev phom sij rau tsoom neeg txoj kev kaj huv. Yog tias lub tsev hais plaub txwv tsis pub koj muaj phom, koj yuav raug xaaj kom nyoo muab cov phom twg uas koj yog tus tswv los yog muaj nrog koj.*
 - If the court prohibits you from possessing firearms and finds that you own or possess firearms, the judge or commissioner will fill out an Order for to Surrender Firearms and Notice of Firearm Surrender Hearing (CV-803) form.
Yog tias lub tsev hais plaub txwv tsis pub koj muaj phom thiab paub tias koj yog tus tswv los yog muaj phom, tus kws txiav txim plaub ntug los yog tus neeg xub mloog cov plaub thawj zaug yuav ua ib daim ntawv Xaaj Kom Nyoo Muab Phom thiab Ceeb Toom Txog Lub Rooj Sib Hais Nyoo Muab Phom (CV-803).
 - The judge or commissioner will ask you questions about each firearm and your intentions for how to surrender each firearm.
Tus kws txiav txim plaub ntug los yog tus neeg xub mloog cov plaub thawj zaug yuav nug koj hais txog txhua rab phom thiab yuav nyoo muab txhua rab phom li cas.
3. If the judge or commissioner orders you to surrender your firearms, you must do so within 48 hours (or sooner pursuant to the court order) of the injunction hearing. Possessing firearms for any reason other than surrender may result in criminal penalties being brought against you.
Yog tias tus kws txiav txim plaub ntug los yog tus neeg xub mloog cov plaub thawj zaug xaaj kom koj nyoo muab koj cov phom, koj yuav tsum tau ua li ntawd hauv 48 xuj moos (los yog sai dua ntawd raws li tsev hais plaub daim ntawv xaaj) ntawm lub rooj sib hais txog qhov kev txwv. Kev muaj phom rau lwm yam tshwj qhov nyoo muab yuav ua rau muaj kev nplua loj tawm tsam koj.

I want to surrender my firearms to the sheriff.

Kuv xav nyoo muab kuv cov phom rau tub ceev xwm.

- Unless the court has instructed otherwise, call the sheriff and set up a time for firearm surrender.

Ntshe ho yog lub tsev hais plaub qhia kom ua lwm yam xwb, hu rau tub ceev xwm mus teem ib lub sij hawm los nyoo muab cov phom.

- The sheriff will fill out a receipt for each firearm that you surrender, which will include the firearm's manufacturer, model number, and serial number.

Tub ceev xwm yuav ua ib daim ntawv qhia tias tau txais rau txhua rab phom uas koj nyoo muab, uas yuav muaj xws li lub tuam txhab ua rab phom, hom phom naj npawb, thiab kab naj npawb.

- Both you and the sheriff will sign each receipt. The sheriff will keep the original receipt and give you two copies.

Koj thiab tus tub ceev xwm neb ob leeg yuav tau kos npe rau txhua daim ntawv uas tau txais. Tus tub ceev xwm yuav khaws daim tseem thiab muab ob daim luam rau koj.

- File one of the copies of the receipt(s) with the clerk of court before the Firearm Surrender Hearing.

Muab ib daim ntawm ob daim luam ntawm daim (cov) ntawv tau txais mus rau tus neeg khaws ntaub ntawv ntawm tsev hais plaub ua ntej Lub Rooj Sib Hais Nyoo Muab Phom.

I want to surrender my firearms to a person I choose and who is approved by the judge or commissioner.

Kuv xav nyoo muab kuv cov phom rau ib tug neeg uas kuv xaiv uas tau pom zoo los ntawm tus kws txiav txim plaub ntug los yog tus neeg xub mloog cov plaub ntawj zaug.

- That person must be present at the injunction hearing or the Firearm Surrender Hearing.

Tus neeg ntawm yuav tsum nyob ntawm lub rooj sib hais txog qhov kev txwv los yog Lub Rooj Sib Hais Nyoo Muab Phom.

- The judge or commissioner will tell the person about the responsibilities and potential penalties associated with being a third party who agrees to take firearms. The judge or commissioner will give him/her a copy of the Notice of Firearms Possession Penalties (CV-432).

Tus kws txiav txim plaub ntug los yog tus neeg xub mloog cov plaub thawj zaug yuav qhia rau tus neeg ntawd hais txog cov luag hauj lwm thiab cov kev nplua yuav muaj tau ntsig txog qhov ua ib tug neeg thib peb uas pom zoo los mus nqa cov phom. Tus kws txiav txim plaub ntug los yog tus neeg xub mloog cov plaub thawj zaug yuav muab ib daim luam ntawm daim foos Ceeb Toom Txog Kev Muaj Phom Cov Kev Nplua (CV-432).

- In some counties, even if you want to surrender to another party, you may be required to surrender your firearms to the sheriff first. If the court approves the third party, the third party may be able to pick the firearms up from the sheriff.

Nyob hauv ib txhia counties, tab txawm yog koj xav nyoo muab cov phom rau lwm tus neeg los, tej zaum koj yuav tau xub nyoo muab koj cov phom rau tub ceev xwm tso. Yog tias lub tsev hais plaub pom zoo rau tus neeg thib peb, tus neeg thib peb ntawd kuj yuav muaj cuab kav nqa cov phom ntawm tus tub ceev xwm mus.

I received an Order to Surrender Firearms and Notice of Firearm Surrender Hearing (CV-803) OR the Notice of Firearm Surrender Hearing (Respondent Not Present at Injunction Hearing) (CV-802) form that says that there is a Firearm Surrender Hearing scheduled. Do I need to go to this hearing? *Kuv tau txais ib daim ntawv Xaaj Kom Nyoo Muab Phom thiab Ceeb Toom Txog Lub Rooj Sib Hais Nyoo Muab Phom (CV-803) LOS YOG Ntawv Ceeb Toom Txog Lub Rooj Sib Hais Nyoo Muab Phom (Tus Neeg Raug Foob Tsis Nyob ntawm Lub Rooj Sib Hais Txog Kev Txwv) (CV-802) uas hais tias nws muaj ib lub Rooj Sib Hais Nyoo Muab Phom uas tau muab teem cia. Kuv puas yuav tau mus rau ntawm lub rooj sib hais no?*

Please read this section carefully.

If you are required to appear at the Firearms Surrender Hearing and you fail to do so, the judge or commissioner may issue a warrant for your arrest.

Thov nyeem nqe lus no kom zoo.

Yog tias koj yuav tsum tau mus tshwm ntsej tshwm muag rau ntawm Lub Rooj Sib Hais Nyoo Muab Phom es koj tsis mus, tus kws txiav txim plaub ntug los yog tus neeg xub mloog cov plaub thawj zaug yuav ua ib tsab ntawv txhom koj.

If any of the following situations apply to you, you **MUST** go to the hearing.

Yog ib qhov ntawm cov hauj lwm hauv qab no siv rau koj, koj YUAV TSUM mus rau ntawm lub rooj sib hais.

- I did not go to the injunction hearing and I never gave the court my signed Respondent's Statement of Possession of Firearms (CV-800) form that says I do not own or possess any firearms.
Kuv tsis tau mus rau ntawm lub rooj sib hais txog qhov kev txwv thiab kuj yeej tsis tau muab kuv daim ntawv uas kuv kos npe rau tsev hais plaub tias Tus Neeg Raug Foob Cov Lus Hais Txog Muaj Phom (CV-800) uas hais tias kuv tsis yog tus tswv los yog muaj ib cov phom twg li.
- The judge or commissioner ordered me to surrender my firearms, but I did not do so within 48 hours of the injunction hearing.

Tus kws txiav txim plaub ntug los yog tus neeg xub mloog cov plaub thawj zaug tau xaaj kom kuv nyoo muab kuv cov phom, tab sis kuv tsis tau ua nyob rau hauv 48 xuj moos ntawm lub rooj sib hais txog qhov kev txwv.

- I surrendered my firearms within 48 hours, but I did not take the surrender receipt from the sheriff to the clerk of court.

Kuv tau nyoo muab kuv cov phom nyob rau hauv 48 xyuj moos, tab sis kuv tsis tau nqa daim ntawv uas qhia tias kuv tau txais cov phom ntawm tub ceev xwm mus rau tus neeg khaws ntaub ntawv ntawm tsev hais plaub.

- Bring any receipt(s) to the Firearm Surrender Hearing.

Nqa ib (cov) ntawv tau txais mus rau ntawm Lub Rooj Sib Hais Nyoo Muab Phom.

- I want to surrender my firearms to someone that I choose rather than the sheriff, but that person did not come to the injunction hearing.

Kuv xav nyoo muab kuv cov phom rau ib tug neeg uas kuv xaiv uas tsis yog muab rau tub ceev xwm, tab sis tus neeg ntawd tsis tau tuaj rau ntawm lub rooj sib hais txog qhov txwv.

- The person you want to hold your firearms needs to come with you to the Firearm Surrender Hearing.

Tus neeg uas koj xav kom tuav koj cov phom yuav tsum tau tuaj nrog koj rau ntawm Lub Rooj Sib Hais Nyoo Muab Phom.

- I want to surrender my firearms to another person, but the judge or commissioner made me surrender them to the sheriff first.

Kuv xav nyoo muab kuv cov phom rau lwm tus neeg, tab sis tus kws txiav txim plaub ntug los yog tus neeg xub mloog cov plaub thawj zaug kom kuv xub muab cov phom rau tub ceev xwm tso.

- The person that you want to hold your firearms needs to come with you to the Firearm Surrender Hearing. If the court approves that person to hold your firearms, the person may be able to pick up the firearms from the sheriff.

Tus neeg uas koj xav kom tuav koj cov phom yuav tsum tau tuaj nrog koj rau ntawm Lub Rooj Sib Hais Nyoo Muab Phom. Yog lub tsev hais plaub pom zoo rau tus neeg ntawd tuav koj cov phom, tus neeg ntawd yuav muaj cuab kav mus nqa cov phom ntawm tub ceev xwm.

The injunction against me has expired or has been dismissed. How do I get my firearms back?

Qhov kev txwv tawm tsam kuv tau tas sij hawm los yog raug muab lawb mus lawm, yuav ua li cas kuv thiaj tau kuv cov phom rov qab?

- 1. Complete the Petition to Return Firearm(s) (CV-433) form. **Do not sign it yet!**

*Ua kom tiav daim ntawv Thov Kom Muab Rab (Cov) Phom Rov Qab (CV-433). **Txhob rawm kos npe rau!***

2. Sign CV-433 in front of a notary. (A notary is a person authorized to administer oaths and certify documents. The clerk of court's office and most banks have notaries.)

Kos Npe Rau Daim ntawv CV-433 tim ntsej tim muag ntawm ib tug neeg ntaus thwj. (Ib tug neeg ntaus thwj yog ib tug tau tso cai kom ua qhov tsa tes thiab kos npe rau cov ntawv tseem ceeb tias muaj tseeb. Tus neeg khaws ntaub ntawv rau tsev hais plaub qhov chaw ua hauj lwm thiab cov tuam txhab tso nyiaj feem ntau muaj cov neeg ntaus thwj.)

3. File CV-433 with the clerk of court.
Muab daim ntawv CV-433 mus rau tus neeg khaws ntaub ntawv ntawm tsev hais plaub.

4. Wait for the judge or commissioner to complete and sign the Order Concerning Return of Firearms (CV-435). If the court schedules a hearing, you will be notified of that date. If there is no hearing, you will receive CV-435 in the mail.

Tos kom tus kws txiav txim plaub ntug los yog tus neeg xub mloog cov plaub thawj zaug ua tiav thiab kos npe rau daim ntawv Xaaj Hais Txog Qhov Muab Cov Phom Rov Qab (CV-435). Yog lub tsev hais plaub teem ib lub rooj sib hais, yuav qhia rau koj paub seb yog hnuv twg. Yog tsis muaj lub rooj sib hais, koj yuav tau txais ib daim CV-435 xa tuaj rau koj.

The judge or commissioner needs to find the answers to these two questions before he/she can order the return of firearms:

Tus kws txiav txim plaub ntug los yog tus neeg xub mloog cov plaub thawj zaug xav tau lo lus teb rau ob lo lus nug no ua ntej nws yuav xaaj tau kom muab cov phom rov qab.

- A. Has the injunction against you been vacated or has it expired?
Puas tau muab qhov kev txwv tawm tsam ko rho tawm los yog tas sij hawm lawm?
- B. Do any other federal or state laws or court orders prohibit you from possessing firearms?
Puas muaj lwm cov cai lij choj ntawm tsoom fww teb chaws los yog lub xeev los yog tsev hais plaub xaaj txwv tsis pub koj muaj phom?

5. If the judge or commissioner orders your firearms returned, contact the person holding your firearms and notify that person of this decision.

Yog tias tus kws txiav txim plaub ntug los yog tus neeg xub mloog cov plaub thawj zaug xaaj kom muab koj cov phom rov qab rau koj, hu rau tus neeg uas tuav koj cov phom thiab qhia rau tus neeg ntawd kom paub txog qhov kev txiav txim no.

I surrendered my firearms to the sheriff.

Kuv tau nyoo muab kuv cov phom rau tub ceev xwm lawm.

- You have 30 days to contact the sheriff. You may be charged storage costs beyond this date.
Koj muaj 30 hnuv tiv tauj lub nroog tus tub ceev xwm (sheriff). Tej zaum yuav tsub tus nqi rau qhov chaw cia cov phom rau koj them.

- If you have not recovered your firearms from the sheriff within 12 months, the sheriff may dispose of your firearms. You may be charged for storage costs beyond the expiration date and for disposal costs.

Yog koj tsis tau koj cov phom rov qab los ntawm tub ceev xwm nyob rau hauv 12 lub hlis, tej zaum tub ceev xwm yuav muab koj cov phom mus cia muaj chaw. Tej zaum yuav tsub tus nqi rau qhov chaw cia cov phom rau koj them dhau ntawm hnuv tas sij hawm thiab rau tus nqi muab mus cia muaj chaw.

- The sheriff will return the original receipts and any copies he/she has.
Tub ceev xwm yuav muab cov ntawv tau txais daim tseem thiab cov luam uas nws muaj cia rov qab.