



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2013 Senate Bill 226

Senate Amendment 1

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Senate Bill 226 relates to seizure of property used in the commission of a crime of child enticement.

Current Law

Under current law, certain property used in the commission of a crime may be seized and forfeited. The statute provides that all property, real or personal, including money, that is directly or indirectly derived from or realized through the commission of any crime is subject to seizure and forfeiture. In addition, certain types of property used in the commission of a crime are specifically subject to seizure and forfeiture such as a vehicle used to transport property used or received in committing a felony and property used in committing a stalking offense or a criminal violation of a domestic abuse, child abuse, or harassment restraining order.

Any property seized but not forfeited must be returned to its rightful owner. Any person claiming the right to possession of property seized may apply to the circuit court for the county in which the property was seized. The court must order notice to be given to the district attorney and all persons who have or may have an interest in the property and must hold a hearing to hear all claims as to its true ownership. If the right to possession is proved to the court's satisfaction, it must order the property returned if the property is not needed as evidence and all proceedings in which it might have been required have been completed.

Senate Bill 226

Senate Bill 226 applies the forfeiture law to a vehicle used in the crime of child enticement and any property used or to be used in the commission of the crime of child enticement. Under the bill, if a law enforcement officer has probable cause to believe that the

vehicle or other property was used in the commission of the crime of child enticement, he or she may seize the property without court process.

Senate Amendment 1

Senate Amendment 1 provides that in a proceeding to return property to its rightful owner, the court must order the property returned as soon as practically possible.

Bill History

Senate Amendment 1 was offered by Senator Grothman. On March 11, 2014, the Senate adopted the amendment on a voice vote and passed the bill, as amended, on a vote of Ayes, 33; Noes, 0.

AS:ksm