



2013 SENATE BILL 226

July 9, 2013 - Introduced by Senator OLSEN, cosponsored by Representatives SWEARINGEN, KLEEFISCH, BORN, MURSAU, BROOKS, BALLWEG, A. OTT, BERNIER, CZAJA, SCHRAA, TITTL and JACQUE. Referred to Committee on Transportation, Public Safety, and Veterans and Military Affairs.

1 **AN ACT** *to repeal* 973.075 (1) (bj); *to amend* 973.075 (1) (bg) and 973.075 (2) (d);
2 and *to create* 973.075 (1) (b) 1m. h. of the statutes; **relating to:** seizure of
3 property used in the crime of child enticement.

Analysis by the Legislative Reference Bureau

Under current law, certain property involved in the commission of a crime is subject to seizure and forfeiture. The forfeiture law applies to all property directly or indirectly derived from the commission of a crime. It also covers certain other property related to the commission of a crime, including: 1) a vehicle used to transport property used or received in committing a felony; 2) a vehicle used in committing a crime relating to prostitution; and 3) property used in committing a stalking offense or a criminal violation of a domestic abuse, child abuse, or harassment restraining order or injunction.

This bill 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 this 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 a court process.

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

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1 **SECTION 1.** 973.075 (1) (b) 1m. h. of the statutes is created to read:

2 973.075 (1) (b) 1m. h. In the commission of a crime under s. 948.07.

3 **SECTION 2.** 973.075 (1) (bg) of the statutes is amended to read:

4 973.075 (1) (bg) Any property used or to be used in the commission of a crime
5 under s. 943.74, 943.75 (2) or (2m), or 948.07, but if the property is encumbered by
6 a bona fide perfected security interest that was perfected before the date of the
7 commission of the current violation and the holder of the security interest neither
8 had knowledge of nor consented to the commission of that violation, the holder of the
9 security interest shall be paid from the proceeds of the forfeiture.

10 **SECTION 3.** 973.075 (1) (bj) of the statutes is repealed.

11 **SECTION 4.** 973.075 (2) (d) of the statutes is amended to read:

12 973.075 (2) (d) The officer has probable cause to believe that the property was
13 derived from or realized through a crime, or was used in a crime under s. 948.07, or
14 that the property is a vehicle which was used to transport any property or weapon
15 used or to be used or received in the commission of any felony, which was used in the
16 commission of a crime relating to a submerged cultural resource in violation of s.
17 44.47, which was used in the commission of a crime under s. 948.07, or which was
18 used to cause more than \$2,500 worth of criminal damage to cemetery property in
19 violation of s. 943.01 (2) (d) or 943.012.

20 **SECTION 5. Initial applicability.**

21 (1) This act first applies to crimes committed on the effective date of this
22 subsection.

23

(END)