



## 1997 ASSEMBLY BILL 74

February 12, 1997 - Introduced by Representatives DOBYNS, PORTER, MURAT, FREESE, MUSSER, LADWIG, HAHN, WASSERMAN, SCHAFER, GUNDERSON, KELSO, LAZICH, PLALE, VANDER LOOP and HUBER, cosponsored by Senators BUETTNER, CLAUSING, HUELSMAN, WIRCH, SCHULTZ, ROSENZWEIG and COWLES. Referred to Committee on Criminal Justice and Corrections.

1     **AN ACT to renumber** 973.075 (1) (b) 3.; **to renumber and amend** 814.61 (1) (c),  
2           973.075 (1) (b) (intro.), 973.075 (1) (b) 1. and 973.075 (1) (b) 2.; **to amend** 29.06  
3           (1) (d) and 973.075 (5) (intro.); and **to create** 814.61 (1) (c) 3., 973.075 (1) (b) 1m.  
4           f. and 973.075 (1) (bm) of the statutes; **relating to:** forfeiture of property used  
5           to commit certain crimes and court fees in property forfeiture proceedings.

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### *Analysis by the Legislative Reference Bureau*

Current law provides for the forfeiture to the state of certain property connected to criminal activity. Specifically, all of the following property is subject to forfeiture under current law: 1) any property that is directly or indirectly derived from or gained through the commission of any crime; 2) a vehicle used to transport any property or weapon that is used, that will be used or that is received in the commission of a felony; 3) a vehicle used in the commission of certain specified crimes, such as prostitution or impersonating a police officer; 4) certain equipment, such as scuba gear, that is used in the commission of a crime relating to a submerged cultural resource; and 5) tank vessels that violate certain environmental protection requirements for tank vessels.

This bill provides for the forfeiture of any vehicle that is used, or of any other property that is used or that will be used, to commit: 1) the crime of stalking; or 2) a criminal violation of a temporary restraining order or an injunction issued against a person for engaging in domestic abuse (abuse of an adult member of the family or household, an adult former spouse or an adult with whom the person has a child in

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common), abuse of a child, abuse of a vulnerable adult or harassment of another person.

Finally, under current law, with certain exceptions, a person beginning a civil action or special proceeding must pay a filing fee, a court support services fee and a justice information system fee to the clerk of the court in which the action or proceeding is begun. This bill provides that a district attorney who begins a court proceeding for the forfeiture of property connected to criminal activity does not have to pay these fees to begin the proceeding.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 29.06 (1) (d) of the statutes is amended to read:

2           29.06 (1) (d) The provisions of s. 973.075 (1) (b) ~~1. to 3.~~ 2m. and (5) apply to  
3 vehicles other than motor vehicles under this subsection.

4           **SECTION 2.** 814.61 (1) (c) of the statutes is renumbered 814.61 (1) (c) (intro.) and  
5 amended to read:

6           814.61 (1) (c) (intro.) Paragraphs (a) and (b) do not apply to any of the following:

7           1. An action to determine paternity brought by the state or its delegate under  
8 s. 767.45 (1) (g) or (h) or commenced on behalf of the child by an attorney appointed  
9 under s. 767.045 (1) (c) ~~or to an~~.

10          2. An action under ch. 769.

11          **SECTION 3.** 814.61 (1) (c) 3. of the statutes is created to read:

12          814.61 (1) (c) 3. A forfeiture proceeding under ss. 961.55 to 961.56 or 973.075  
13 to 973.077.

14          **SECTION 4.** 973.075 (1) (b) (intro.) of the statutes is renumbered 973.075 (1) (b)  
15 1m. (intro.) and amended to read:

16          973.075 (1) (b) 1m. (intro.) All Except as provided in subd. 2m., all vehicles, as  
17 defined in s. 939.22 (44), which are used to in any of the following ways:

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1           a. To transport any property or weapon used or to be used or received in the  
2           commission of any felony, which are used in.

3           b. In the commission of a crime under s. 946.70, which are used in.

4           c. In the commission of a crime in violation of s. 944.30, 944.31, 944.32, 944.33  
5           or 944.34, which are used in.

6           d. In the commission of a crime relating to a submerged cultural resource in  
7           violation of s. 44.47 or which are used to.

8           e. To cause more than \$1,000 worth of criminal damage to cemetery property  
9           in violation of s. 943.01 (2) (d) or 943.012, but.

10           **SECTION 5.** 973.075 (1) (b) 1. of the statutes is renumbered 973.075 (1) (b) 2m.

11           a. and amended to read:

12           973.075 (1) (b) 2m. a. No vehicle used by any person as a common carrier in the  
13           transaction of business as a common carrier is subject to forfeiture under ss. 973.075  
14           to 973.077 unless it appears that the owner or other person in charge of the vehicle  
15           had knowledge of or consented to the commission of the crime;

16           **SECTION 6.** 973.075 (1) (b) 1m. f. of the statutes is created to read:

17           973.075 (1) (b) 1m. f. In the commission of a crime under s. 813.12 (8), 813.122  
18           (11), 813.123 (10), 813.125 (7), 813.128 (2) or 940.32.

19           **SECTION 7.** 973.075 (1) (b) 2. of the statutes is renumbered 973.075 (1) (b) 2m.

20           b. and amended to read:

21           973.075 (1) (b) 2m. b. No vehicle is subject to forfeiture under ss. 973.075 to  
22           973.077 by reason of any act or omission established by the owner of the vehicle to  
23           have been committed or omitted without his or her knowledge or consent; and.

24           **SECTION 8.** 973.075 (1) (b) 3. of the statutes is renumbered 973.075 (1) (b) 2m.

25           c.

