

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB327)

Received: 10/19/1999

Received By: nilsepe

Wanted: As time permits

Identical to LRB:

For: Antonio Riley (608) 266-0645

By/Representing: Chris Gunst

This file may be shown to any legislator: NO

Drafter: nilsepe

May Contact:

Alt. Drafters:

Subject: **Transportation - miscellaneous**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Forfeiture of vehicles used in drug crimes and owned by person under 16 years of age

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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FE Sent For:

<END>

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1/?	nilsepe	cmr 10/19	DL 10/19	all/CA 10/19			

FE Sent For:

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<END>

Today 10/19

90776/1
PEN/CH

ASSEMBLY SUBSTITUTE AMENDMENT,
TO 1999 ASSEMBLY BILL 327

AA - AB 327

#. Page 1, line 4: after "registration" insert

1 ~~AN ACT to amend~~ 961.55 (1) (d) 2. of the statutes; relating to forfeiture of
vehicles involved in certain drug crimes.

#. Page 2, line 12: delete lines 12 and 13.

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

#. Page 2, line 17: delete lines 17 to 19 and substitute:

3 SECTION 961.55 (1) (d) 2. of the statutes is amended to read:

4 961.55 (1) (d) 2. No vehicle is subject to forfeiture under this section by reason
5 of any act or omission established by the owner thereof to have been committed or
6 omitted without the owner's knowledge or consent; This subdivision does not apply
7 to any vehicle owned by a person who is under 16 years of age on the date the vehicle
8 was used, or was intended for use, in the manner described under par. (d) (intro.).

9 SECTION Initial applicability.

1 (1) ~~This~~ ^{The treatment of section 961.55 (1)(d)2. of the statutes} first applies to vehicles used, or intended for use, on the effective
2 date of this subsection in the manner described under section 961.55 (1)(d)2. of the
3 statutes. [∩]

4 (END)

d-note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

~~LRB 01/19/1ds~~
PEN:cmh:kjf

October 19, 1999

a0776/1dn

Representative Riley:

Current law prohibits the manufacture, delivery, distribution, dispensing or acquisition of certain controlled substances and of raw materials, products and equipment of any kind used, or intended for use, in manufacturing, compounding, processing, delivering, distributing, importing or exporting those controlled substances. Under current law, any vehicle used or intended for use to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt of such controlled substances, raw materials, products or equipment, or for the purpose of transporting any property or weapon used or to be used or received in the commission of any felony related to such controlled substances may, in addition to other penalties, be forfeited to the state. Current law provides an "innocent owner" defense, under which the owner of a vehicle subject to such forfeiture may prevent the forfeiture by establishing that the offense was committed without his or her knowledge or consent.

This substitute amendment makes this "innocent owner" defense inapplicable to a vehicle that was owned by a person who is under 16 years of age at the time of the offense giving rise to the forfeiture action. This substitute amendment applies prospectively only, to vehicles used, or intended for use, in offenses on or after the date this substitute amendment takes effect.

~~I believe this substitute amendment has no fiscal effect.~~

Insert
dn

Paul E. Nilsen
Legislative Attorney
Phone: (608) 261-6926



State of Wisconsin
1999 - 2000 LEGISLATURE

(insert
d-v
LRB-1853/1
PEN:pgt:jf
2

1999 ASSEMBLY BILL 327

May 6, 1999 - Introduced by Representatives RILEY, STONE, HASENOHRL, LA FAVE, ALBERS, BRANDEMUEHL, BOCK, RYBA, STASKUNAS, GOETSCH, MILLER, MUSSER, AINSWORTH, WASSERMAN, HAHN, TURNER and BOYLE, cosponsored by Senators BURKE, SCHULTZ, PANZER and HUELSMAN. Referred to Committee on Transportation.

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AN ACT to amend 341.08 (1m), 341.08 (2) (a) and (am) and 341.17 (9) (a) 3.; and **to create** 341.10 (15) of the statutes; **relating to:** requiring motor vehicle owners to include their birth dates on applications for motor vehicle registration.

Analysis by the Legislative Reference Bureau

91

Under current law, an applicant for motor vehicle registration is required to include his or her name and address in the application, together with a description of the vehicle and other information reasonably required by the department of transportation (DOT) to enable it to register the vehicle.

This bill requires the owner to include his or her birth date in the application for registration ~~and requires DOT to refuse to register a vehicle owned by persons who are younger than 16 years of age.~~ The bill requires DOT to treat birth dates like other personal identifiers, such as name and address, for purposes of disclosure to the public.

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

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

5

SECTION 1. 341.08 (1m) of the statutes is amended to read:

(end insert)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa0776/1dn
PEN:ch:hmh

October 19, 1999

Representative Riley:

Current law prohibits the manufacture, delivery, distribution, dispensing or acquisition of certain controlled substances and of raw materials, products and equipment of any kind used, or intended for use, in manufacturing, compounding, processing, delivering, distributing, importing or exporting those controlled substances. Under current law, any vehicle used or intended for use to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt of such controlled substances, raw materials, products or equipment, or for the purpose of transporting any property or weapon used or to be used or received in the commission of any felony related to such controlled substances may, in addition to other penalties, be forfeited to the state. Current law provides an "innocent owner" defense, under which the owner of a vehicle subject to such forfeiture may prevent the forfeiture by establishing that the offense was committed without his or her knowledge or consent.

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