

👉 **09hr_ab0280_AC-CJ_pt01**



Details:

(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2009-10

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on ... Criminal Justice (AC-CJ)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

Present: (9) Representatives Turner, Staskunas, Hraychuck, Soletski, Pasch, Kleefisch, Kramer, Brooks and Ripp.

Absent: (2) Representatives Kessler and Friske.

Moved by Representative Staskunas, seconded by Representative Kramer that **Assembly Amendment 1 to AB 280** be recommended for introduction.

Ayes: (9) Representatives Turner, Staskunas, Hraychuck, Soletski, Pasch, Kleefisch, Kramer, Brooks and Ripp.

Noes: (0) None.

Absent: (2) Representatives Kessler and Friske.

INTRODUCTION OF ASSEMBLY AMENDMENT 1 TO AB 280 RECOMMENDED, Ayes 9, Noes 0

Moved by Representative Staskunas, seconded by Representative Kleefisch that **Assembly Amendment 1 to AB 280** be recommended for adoption.

Ayes: (9) Representatives Turner, Staskunas, Hraychuck, Soletski, Pasch, Kleefisch, Kramer, Brooks and Ripp.

Noes: (0) None.

Absent: (2) Representatives Kessler and Friske.

ASSEMBLY AMENDMENT 1 TO AB 280 ADOPTION RECOMMENDED, Ayes 9, Noes 0

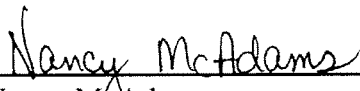
Moved by Representative Staskunas, seconded by Representative Kleefisch that **Assembly Bill 280** be recommended for passage as amended.

Ayes: (8) Representatives Turner, Staskunas, Hraychuck, Soletski, Pasch, Kleefisch, Brooks and Ripp.

Noes: (1) Representative Kramer.

Absent: (2) Representatives Kessler and Friske.

PASSAGE AS AMENDED RECOMMENDED, Ayes 8, Noes 1



Nancy McAdams
Committee Clerk



Vote Record
Committee on Criminal Justice

Date: 9-3-09
Moved by: Staskunas *requested Unanimous Consent* Seconded by: Kramer

AB 280 SB _____ Clearinghouse Rule _____
AJR _____ SJR _____ Appointment _____
AR _____ SR _____ Other _____

A/S Amdt 1
A/S Amdt _____ to A/S Amdt _____
A/S Sub Amdt _____
A/S Amdt _____ to A/S Sub Amdt _____
A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:
 Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Representative Robert Turner, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Frederick Kessler	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Anthony Staskunas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Ann Hraychuck	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative James Soletski	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Sandy Pasch	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Joel Kleefisch	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Donald Friske	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Bill Kramer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Edward Brooks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Keith Ripp	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: _____

Motion Carried Motion Failed

Vote Record Committee on Criminal Justice

Date: 9-3-09

Moved by: Staskunas

Seconded by: Kleefisch

AB 280

SB _____

Clearinghouse Rule _____

AJR _____

SJR _____

Appointment _____

AR _____

SR _____

Other _____

A/S Amdt 1

A/S Amdt _____ to A/S Amdt _____

A/S Sub Amdt _____

A/S Amdt _____ to A/S Sub Amdt _____

A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:

- Passage Adoption Confirmation Concurrence Indefinite Postponement
- Introduction Rejection Tabling Nonconcurrence

Committee Member

	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Representative Robert Turner, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Frederick Kessler	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Representative Anthony Staskunas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Ann Hraychuck	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative James Soletski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Sandy Pasch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Joel Kleefisch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Donald Friske	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Representative Bill Kramer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Edward Brooks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Keith Ripp	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: 9 _____ _____ 2

Motion Carried

Motion Failed

Passage

Vote Record Committee on Criminal Justice

Date: 9-3-09

Moved by: Stas Kunas

Seconded by: Kleefisch

AB 280

SB _____

Clearinghouse Rule _____

AJR _____

SJR _____

Appointment _____

AR _____

SR _____

Other _____

A/S Amdt 1

A/S Amdt _____ to A/S Amdt _____

A/S Sub Amdt _____

A/S Amdt _____ to A/S Sub Amdt _____

A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:

- Passage Adoption Confirmation Concurrence Indefinite Postponement
- Introduction Rejection Tabling Nonconcurrency

Committee Member

	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Representative Robert Turner, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Frederick Kessler	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Representative Anthony Staskunas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Ann Hraychuck	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative James Soletski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Sandy Pasch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Joel Kleefisch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Donald Friske	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Representative Bill Kramer	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Edward Brooks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Keith Ripp	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: 8 1 _____

Motion Carried

Motion Failed





Joe Leibham

State Senator
9th State Senate District

Senator Joe Leibham

*Assembly Bill 280 Testimony
August 20, 2009*

Chairman Turner,

I appreciate your willingness to hear public testimony on Assembly Bill (AB) 280. I am pleased to be co-authoring this important law enforcement bill with Representative Van Akkeren.

AB 280 seeks to ensure that a computer used in the commission of a crime will not be returned to the convicted criminal for potential reuse. It will also give local law enforcement agencies the flexibility to donate computers used in crimes to charitable organizations or donate proceeds from the sale of the computers to the school fund.

I introduced AB 280 at the urging of a Detective at the Sheboygan Police Department. Unfortunately, as we all know, more and more crimes are being committed with the use of a computer. Child pornography, solicitation, identity fraud, gambling and investment schemes are just a few of these high tech crimes. Under current law, the computers used in the commission of these crimes can only be retained during the investigation of the crime and are often times returned to the criminal. AB 280 would allow the law enforcement agency to acquire the computer through a forfeiture proceeding, thus ensuring that the equipment is not returned to the convicted criminal for reuse.

The forfeited computer could be retained by the law enforcement agency for its own use, donated to a nonprofit organization or another government agency, or sold with 50% of the proceeds of the sale being retained by the agency and the remainder being deposited in the common school fund.

Various other items used in the commissions of crimes are already allowed, under current law to be items of forfeiture. These include: a vehicle used to transport property used or received in committing a felony; a vehicle used in committing a crime relating to prostitution; property used in committing a stalking offense or a criminal violation of a domestic abuse, child abuse, or harassment restraining order or injunction; and pirated, bootlegged, and counterfeit recordings and any equipment used to make them.

Under AB 280, a computer that is used, with the knowledge and consent of its owner, in the commission of a crime would be added to this list of items that would be subject to forfeiture.

While computers are becoming more a part of our every day life and have offered us enormous opportunities, unfortunately, they are also becoming more a part of criminal activity. AB 280 can turn hundreds of negative situations into positive ones by ensuring that the computers used in crimes to harm an individual and the public good are not returned to the criminal, and allows the high-tech expensive equipment to be donated by our law enforcement to benefit our entire society.

Thank you again Mr. Chairman for holding a public hearing on AB 280.



McAdams, Nancy

From: McAdams, Nancy
Sent: Tuesday, September 01, 2009 2:51 PM
To: Dyke, Don
Cc: Rep.Turner
Subject: Amendment to AB 280

Hi Don,

I have the stripes for the amendment and Bob will introduce it as a committee amendment. Will you be able to explain it to the members?

Nancy;

Nancy McAdams
Office of State Rep. Robert Turner
223 North Capitol
P.O. Box 8953
Madison, WI 53708-8953
Phone: 608-266-0731
Fax: 608-282-3661



McAdams, Nancy

From: Rep.Turner
Sent: Tuesday, September 01, 2009 3:47 PM
To: Rep.Kessler; Rep.Staskunas; Rep.Hraychuck; Rep.Soletski; Rep.Pasch; Rep.Kleefisch;
Rep.Friske; Rep.Kramer; Rep.Brooks; Rep.Ripp
Cc: Dyke, Don; Schmidt, Melissa
Subject: Assembly Amendment to AB 280

Attachments: 2009 AB 280 Amendment.pdf

Dear Committee Members:



2009 AB 280
Amendment.pdf (17 .

Attached is a technical amendment that I will be introducing at the Executive Session this Thursday as a committee amendment. Please contact me if you have any questions or concerns. Thank you.

Sincerely,

State Rep. Robert Turner
Chair, Assembly Criminal Justice Committee
223 North Capitol
P.O. Box 8953
Madison, WI 53708-8953
Phone: 608-266-0731
Fax: 608-282-3661



State of Wisconsin
2009 – 2010 LEGISLATURE

LRBa0628/1
CMH:bjk:rs

ASSEMBLY AMENDMENT ,
TO 2009 ASSEMBLY BILL 280

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 12: after “property” insert “described in sub. (1) (d) or (h) that
3 is”.

4 **2.** Page 2, line 13: delete “under sub. (1) (d) or (h)”.

5 **3.** Page 3, line 1: delete “felony” and substitute “felony crime”.

6 **4.** Page 4, line 1: delete “is forfeited under sub. (1) (h)” and substitute
7 “described in sub. (1) (h) is forfeited”.

8 **5.** Page 4, line 11: after “(1p),” insert “retain it for the agency’s use or”.

9 **6.** Page 4, line 14: delete “or donating a computer seized under” and substitute
10 “, donating, or retaining a forfeited computer described in”.

11 (END)