

2015 DRAFTING REQUEST

Bill

Received: **9/8/2014** Received By: **chanaman**
Wanted: **As time permits** Same as LRB:
For: **Sheila Harsdorf (608) 266-7745** By/Representing: **Matt Wuebke**
May Contact: Drafter: **chanaman**
Subject: **Criminal Law - law enforcement** Addl. Drafters:
Criminal Law - procedure Extra Copies:

Submit via email: **YES**
Requester's email: **Sen.Harsdorf@legis.wisconsin.gov**
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Allow donation of vehicles by law enforcement

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>
/?	chanaman 9/9/2014	eweiss 10/1/2014		_____			
/P1	chanaman 1/7/2015	kfollett 1/7/2015	jmurphy 10/2/2014	_____	lparisi 10/2/2014		
/1	chanaman 2/4/2015	wjackson 2/5/2015	rschluet 1/7/2015	_____	sbasford 1/7/2015	sbasford 1/7/2015	
/2	chanaman	kfollett	jfrantze	_____	srose	sbasford	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	3/25/2015	3/25/2015	2/5/2015	_____	2/5/2015	2/5/2015	
/3				_____	lparisi 3/26/2015	lparisi 3/26/2015	

FE Sent For:

↳ Not
Needed

<END>



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-4546/P1
CMH:kjfrs

emw & kf
01/14/11

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SEC. APP ✓
X-ref ✓

sec act

1 **AN ACT to amend** 342.40 (2), 342.40 (3) (b), 342.40 (3) (c), 342.40 (3) (e) and
2 973.075 (4) of the statutes; **relating to:** donation of abandoned or seized
3 vehicles.

Analysis by the Legislative Reference Bureau

Under current law, if a vehicle is left unattended for a certain period of time, the vehicle is generally considered abandoned. Current law requires an abandoned vehicle to be impounded until claimed or disposed of. If an authorized person determines that the cost of towing and storage in impoundment exceeds the abandoned vehicle's value, the municipal entity may junk or sell that abandoned vehicle under certain conditions. This bill allows the municipal entity to donate that abandoned vehicle as well as junk or sell it. If an abandoned vehicle is impounded, current law allows the municipal entity to dispose of an unclaimed impounded vehicle by sealed bid or auction sale as provided by ordinance. If no acceptable bid is received, the municipal entity may readvertise the sale, adjourn the sale, sell the impounded vehicle at a private sale, or junk the impounded vehicle. This bill allows the municipal entity to donate an unclaimed impounded vehicle, either in lieu of the sale or if no acceptable bid is received.

municipality or county

municipal or county replacement

[Handwritten mark]

* Also, under current law, if a vehicle is seized and forfeited due to ^{the} a commission of a crime, the law enforcement agency that seizes the vehicle may retain it for official use or sell it. This bill allows the law enforcement agency to also donate the vehicle.

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

✓
✓
1 **SECTION 1.** 342.40 (2) of the statutes is amended to read:

2 342.40 (2) Any vehicle in violation of this section shall be impounded until
3 lawfully claimed or disposed of under sub. (3) except that if it is ~~deemed by a duly an~~
4 authorized municipal or county representative determines that the cost of towing
5 and storage charges for the impoundment would exceed the value of the vehicle, the
6 vehicle may be junked, donated, or sold by the municipality or county prior to
7 expiration of the impoundment period upon determination by the chief of police or
8 sheriff having jurisdiction that the vehicle is not stolen or otherwise wanted for
9 evidence or other reason. All substantially complete vehicles in excess of 19 model
10 years of age shall be disposed of in accordance with sub. (3) (c).

✓
✓
11 **SECTION 2.** 342.40 (3) (b) of the statutes is amended to read:

12 342.40 (3) (b) The owner of any abandoned vehicle except a stolen vehicle is
13 responsible for the abandonment and all costs of impounding and disposing of the
14 vehicle. ~~Costs~~ If the vehicle is sold, costs not recovered from the sale of the vehicle
15 may be recovered in a civil action by the municipality against the owner. Whether
16 or not the municipality recovers the cost of towing and enforcement, the municipality
17 shall be responsible to the towing service for requisitional towing service and
18 reasonable charges for impoundment.

✓
✓
19 **SECTION 3.** 342.40 (3) (c) of the statutes is amended to read:

1 342.40 (3) (c) Any vehicle which is deemed abandoned by a duly authorized
2 municipal or county representative and not disposed of under sub. (2) shall be
3 retained in storage for a minimum period of 10 days after certified mail notice has
4 been sent to the owner and lienholders of record to permit reclamation of the vehicle
5 after payment of accrued charges. Such notice shall set forth the year, make, model,
6 and serial number of the abandoned motor vehicle, the place where the vehicle is
7 being held, and shall inform the owner and any lienholders of their right to reclaim
8 the vehicle. The notice shall state that the failure of the owner or lienholders to
9 exercise their rights to reclaim the vehicle under this section ~~shall be deemed~~ is a
10 waiver of all right, title, and interest in the vehicle and a consent to the sale or
11 ~~donation~~ donation of the vehicle. Each retained vehicle not reclaimed by its owner or
12 lienholder may be sold. ~~The or donated. If the vehicle is sold, the~~ municipality or
13 county may dispose of the vehicle by sealed bid or auction sale as provided by
14 ordinance. At such sale the highest bid for any such motor vehicle shall be accepted
15 unless ~~the same is deemed~~ an authorized municipal or county representative finds
16 the bid inadequate ~~by a duly authorized municipal or county representative~~, in
17 which event all bids may be rejected. If all bids are rejected or no bid is received, the
18 municipality or county may ~~either~~ readvertise the sale, adjourn the sale to a definite
19 date, sell the motor vehicle at a private sale ~~or~~, junk the vehicle, or donate the vehicle.
20 Any interested person may offer bids on each abandoned vehicle to be sold. If
21 municipal or county ordinances do not state the procedure to be followed in
22 advertising or providing public notice of the sale, a public notice shall be posted at
23 the office of the municipal police department or the office of the county sheriff. The
24 posting of the notice at the police or sheriff's department shall be in the same form
25 as the certified mail notice sent to the owner or lienholders of record. Upon sale of

1 an abandoned vehicle, the municipality or county shall supply the purchaser with
 2 a completed form designed by the department enabling the purchaser to obtain a
 3 regular certificate of title for the vehicle. The purchaser shall have 10 days to remove
 4 the vehicle from the storage area, but shall pay a reasonable storage fee established
 5 by the municipality or county for each day the vehicle remains in storage after the
 6 2nd business day subsequent to the sale date. Ten days after the sale, the purchaser
 7 shall forfeit all interest in the vehicle and the vehicle shall be deemed to be
 8 abandoned and may be sold again or donated. Any listing of vehicles to be sold by
 9 any municipality or county shall be made available to any interested person or
 10 organization which makes a written request for such list. The municipality or county
 11 may charge a fee for the list.

12 **SECTION 4.** 342.40 (3) (e) of the statutes is amended to read:

13 342.40 (3) (e) Within 5 days after the sale, donation, or disposal of a vehicle as
 14 provided in this subsection or sub. (2), the municipality or county shall advise the
 15 department of the sale, donation, or disposition on a form supplied by the
 16 department.

MNS
4-17

17 **SECTION 5.** 973.075 (4) of the statutes is amended to read:

18 973.075 (4) When property is forfeited under ss. 973.075 to 973.077, the agency
 19 seizing the property may sell the property that is not required by law to be destroyed
 20 or transferred to another agency. The agency may retain any vehicle for official use
 21 or sell or donate the vehicle. The agency seizing the property may deduct 50% of the
 22 sale amount received for administrative expenses of seizure, maintenance of custody,
 23 advertising and court costs and the costs of investigation and prosecution reasonably
 24 incurred. The remainder shall be deposited in the school fund as the proceeds of the

1 forfeiture. If the property forfeited under ss. 973.075 to 973.077 is money, all the
2 money shall be deposited in the school fund.

3 (END)

INS
4-17

Section #. 968.20 (3) of the statutes is amended to read:

968.20 (3) (a) First class cities shall dispose of dangerous weapons or ammunition seized 12 months after taking possession of them if the owner, authorized under sub. (1m), has not requested their return and if the dangerous weapon or ammunition is not required for evidence or use in further investigation and has not been disposed of pursuant to a court order at the completion of a criminal action or proceeding. Disposition procedures shall be established by ordinance or resolution and may include provisions authorizing an attempt to return to the rightful owner any dangerous weapons or ammunition which appear to be stolen or are reported stolen. If enacted, any such provision shall include a presumption that if the dangerous weapons or ammunition appear to be or are reported stolen an attempt will be made to return the dangerous weapons or ammunition to the authorized rightful owner. If the return of a seized dangerous weapon other than a firearm is not requested by its rightful owner under sub. (1) and is not returned by the officer under sub. (2), the city shall safely dispose of the dangerous weapon or, if the dangerous weapon is a motor vehicle, as defined in s. 340.01 (35), sell ^{or donate} the motor vehicle following the procedure under s. 973.075 (4) or authorize a law enforcement agency to retain and use the motor vehicle. If the return of a seized firearm or ammunition is not requested by its authorized rightful owner under sub. (1) and is not returned by the officer under sub. (2), the seized firearm or ammunition shall be shipped to and become property of the state crime laboratories. A person designated by the department of justice may destroy any material for which the laboratory has no use or arrange for the exchange of material with other public agencies. In lieu of destruction, shoulder weapons for which the laboratories have no use shall be turned over to the department of natural resources for sale and distribution of proceeds under s. 29.934 or for use under s. 29.938.

(b) Except as provided in par. (a) or sub. (1m) or (4), a city, village, town or county or other custodian of a seized dangerous weapon or ammunition, if the dangerous weapon or ammunition is not required for evidence or use in further investigation and has not been disposed of pursuant to a court order at the completion of a criminal action or proceeding, shall make reasonable efforts to notify all persons who have or may have an authorized rightful interest in the dangerous weapon or ammunition of the application requirements under sub. (1). If, within 30 days after the notice, an application under sub. (1) is not made and the seized dangerous weapon or ammunition is not returned by the officer under sub. (2), the city, village, town or county or other custodian may retain the dangerous weapon or ammunition and authorize its use by a law enforcement agency, except that a dangerous weapon used in the commission of a homicide or a handgun, as defined in s. 175.35 (1) (b), may not be retained. If a dangerous weapon other than a firearm is not so retained, the city, village, town or county or other custodian shall safely dispose of the dangerous weapon or, if the dangerous weapon is a motor vehicle, as defined in s. 340.01 (35), sell ^{or donate} the motor vehicle following ^{the} ~~the~~ procedure under s. 973.075 (4). If a firearm or ammunition is not so retained, the city, village, town or county or other custodian shall ship it to the state crime laboratories and it is then the property of the laboratories. A person designated by the department of justice may destroy any material for which the laboratories have no use or arrange for the exchange of material with other public agencies. In lieu of destruction, shoulder weapons for which the laboratory has no use shall be turned over to the department of natural resources for sale and distribution of proceeds under s. 29.934 or for use under s. 29.938.

History: 1977 c. 260; 1977 c. 449 s. 497; 1979 c. 221; 1981 c. 160; 1983 a. 189 s. 329 (3); 1983 a. 278; 1985 a. 29 ss. 2447 to 2449, 3200 (35); 1987 a. 203; 1987 a. 332 s. 64; 1993 a. 90, 196; 1996 a. 157; 1997 a. 192, 248; 1999 a. 185; 2001 a. 16; 2005 a. 387, 394; 2009 a. 258; 2011 a. 257 s. 56.



State of Wisconsin
2015 - 2016 LEGISLATURE



LRB-0111/P1
CMH:emw&kjf:jam

stays

today please

no changes

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

refer

1 AN ACT to amend 342.40 (2), 342.40 (3) (b), 342.40 (3) (c), 342.40 (3) (e), 968.20
2 (3) and 973.075 (4) of the statutes; relating to: donation of abandoned or seized
3 vehicles.

Analysis by the Legislative Reference Bureau

Under current law, if a vehicle is left unattended for a certain period of time, the vehicle is generally considered abandoned. Current law requires an abandoned vehicle to be impounded until claimed or disposed of. If an authorized municipal or county representative determines that the cost of towing and storage in impoundment exceeds the abandoned vehicle's value, the municipality or county may junk or sell that abandoned vehicle under certain conditions. This bill allows the municipality or county to donate that abandoned vehicle as well as junk or sell it. If an abandoned vehicle is impounded, current law allows the municipality or county to dispose of an unclaimed impounded vehicle by sealed bid or auction sale as provided by ordinance. If no acceptable bid is received, the municipality or county may readvertise the sale, adjourn the sale, sell the impounded vehicle at a private sale, or junk the impounded vehicle. This bill allows the municipality or county to donate an unclaimed impounded vehicle, either in lieu of the sale or if no acceptable bid is received.

Also, under current law, if a vehicle is seized and forfeited due to the commission of a crime, the law enforcement agency that seizes the vehicle may retain it for official use or sell it. This bill allows the law enforcement agency to also donate the vehicle.

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

1 **SECTION 1.** 342.40 (2) of the statutes is amended to read: ✓

2 342.40 (2) Any vehicle in violation of this section shall be impounded until
3 lawfully claimed or disposed of under sub. (3) except that if it is deemed by a duly an
4 authorized municipal or county representative determines that the cost of towing
5 and storage charges for the impoundment would exceed the value of the vehicle, the
6 vehicle may be junked, donated, or sold by the municipality or county prior to
7 expiration of the impoundment period upon determination by the chief of police or
8 sheriff having jurisdiction that the vehicle is not stolen or otherwise wanted for
9 evidence or other reason. All substantially complete vehicles in excess of 19 model
10 years of age shall be disposed of in accordance with sub. (3) (c).

11 **SECTION 2.** 342.40 (3) (b) of the statutes is amended to read: ✓

12 342.40 (3) (b) The owner of any abandoned vehicle except a stolen vehicle is
13 responsible for the abandonment and all costs of impounding and disposing of the
14 vehicle. ~~Costs~~ If the vehicle is sold, costs not recovered from the sale of the vehicle
15 may be recovered in a civil action by the municipality against the owner. Whether
16 or not the municipality recovers the cost of towing and enforcement, the municipality
17 shall be responsible to the towing service for requisitional towing service and
18 reasonable charges for impoundment. ✓

19 **SECTION 3.** 342.40 (3) (c) of the statutes is amended to read:

1 342.40 (3) (c) Any vehicle which is deemed abandoned by a duly authorized
2 municipal or county representative and not disposed of under sub. (2) shall be
3 retained in storage for a minimum period of 10 days after certified mail notice has
4 been sent to the owner and lienholders of record to permit reclamation of the vehicle
5 after payment of accrued charges. Such notice shall set forth the year, make, model,
6 and serial number of the abandoned motor vehicle, the place where the vehicle is
7 being held, and shall inform the owner and any lienholders of their right to reclaim
8 the vehicle. The notice shall state that the failure of the owner or lienholders to
9 exercise their rights to reclaim the vehicle under this section ~~shall be deemed~~ is
10 waiver of all right, title, and interest in the vehicle and a consent to the sale or
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15 unless ~~the same is deemed~~ an authorized municipal or county representative finds
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17 which event all bids may be rejected. If all bids are rejected or no bid is received, the
18 municipality or county may ~~either~~ readvertise the sale, adjourn the sale to a definite
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20 Any interested person may offer bids on each abandoned vehicle to be sold. If
21 municipal or county ordinances do not state the procedure to be followed in
22 advertising or providing public notice of the sale, a public notice shall be posted at
23 the office of the municipal police department or the office of the county sheriff. The
24 posting of the notice at the police or sheriff's department shall be in the same form
25 as the certified mail notice sent to the owner or lienholders of record. Upon sale of

SECTION 3

1 an abandoned vehicle, the municipality or county shall supply the purchaser with
2 a completed form designed by the department enabling the purchaser to obtain a
3 regular certificate of title for the vehicle. The purchaser shall have 10 days to remove
4 the vehicle from the storage area, but shall pay a reasonable storage fee established
5 by the municipality or county for each day the vehicle remains in storage after the
6 2nd business day subsequent to the sale date. Ten days after the sale, the purchaser
7 shall forfeit all interest in the vehicle and the vehicle shall be deemed to be
8 abandoned and may be sold again or donated. Any listing of vehicles to be sold by
9 any municipality or county shall be made available to any interested person or
10 organization which makes a written request for such list. The municipality or county
11 may charge a fee for the list.

12 **SECTION 4.** 342.40 (3) (e) of the statutes is amended[✓] to read:

13 342.40 (3) (e) Within 5 days after the sale, donation, or disposal of a vehicle as
14 provided in this subsection or sub. (2), the municipality or county shall advise the
15 department of the sale, donation, or disposition on a form supplied by the
16 department.

17 **SECTION 5.** 968.20 (3) of the statutes is amended[✓] to read:

18 968.20 (3) (a) First class cities shall dispose of dangerous weapons or
19 ammunition seized 12 months after taking possession of them if the owner,
20 authorized under sub. (1m), has not requested their return and if the dangerous
21 weapon or ammunition is not required for evidence or use in further investigation
22 and has not been disposed of pursuant to a court order at the completion of a criminal
23 action or proceeding. Disposition procedures shall be established by ordinance or
24 resolution and may include provisions authorizing an attempt to return to the
25 rightful owner any dangerous weapons or ammunition which appear to be stolen or

1 are reported stolen. If enacted, any such provision shall include a presumption that
2 if the dangerous weapons or ammunition appear to be or are reported stolen an
3 attempt will be made to return the dangerous weapons or ammunition to the
4 authorized rightful owner. If the return of a seized dangerous weapon other than a
5 firearm is not requested by its rightful owner under sub. (1) and is not returned by
6 the officer under sub. (2), the city shall safely dispose of the dangerous weapon or,
7 if the dangerous weapon is a motor vehicle, as defined in s. 340.01 (35), sell or donate
8 the motor vehicle following the procedure under s. 973.075 (4) or authorize a law
9 enforcement agency to retain and use the motor vehicle. If the return of a seized
10 firearm or ammunition is not requested by its authorized rightful owner under sub.
11 (1) and is not returned by the officer under sub. (2), the seized firearm or ammunition
12 shall be shipped to and become property of the state crime laboratories. A person
13 designated by the department of justice may destroy any material for which the
14 laboratory has no use or arrange for the exchange of material with other public
15 agencies. In lieu of destruction, shoulder weapons for which the laboratories have
16 no use shall be turned over to the department of natural resources for sale and
17 distribution of proceeds under s. 29.934 or for use under s. 29.938.

18 (b) Except as provided in par. (a) or sub. (1m) or (4), a city, village, town or
19 county or other custodian of a seized dangerous weapon or ammunition, if the
20 dangerous weapon or ammunition is not required for evidence or use in further
21 investigation and has not been disposed of pursuant to a court order at the
22 completion of a criminal action or proceeding, shall make reasonable efforts to notify
23 all persons who have or may have an authorized rightful interest in the dangerous
24 weapon or ammunition of the application requirements under sub. (1). If, within 30
25 days after the notice, an application under sub. (1) is not made and the seized

SECTION 5

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3 ammunition and authorize its use by a law enforcement agency, except that a
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6 is not so retained, the city, village, town or county or other custodian shall safely
7 dispose of the dangerous weapon or, if the dangerous weapon is a motor vehicle, as
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10 town or county or other custodian shall ship it to the state crime laboratories and it
11 is then the property of the laboratories. A person designated by the department of
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14 shoulder weapons for which the laboratory has no use shall be turned over to the
15 department of natural resources for sale and distribution of proceeds under s. 29.934
16 or for use under s. 29.938.

17 **SECTION 6.** 973.075 (4) of the statutes is amended to read:

18 973.075 (4) When property is forfeited under ss. 973.075 to 973.077, the agency
19 seizing the property may sell the property that is not required by law to be destroyed
20 or transferred to another agency. The agency may retain any vehicle for official use
21 or sell or donate the vehicle. The agency seizing the property may deduct 50% of the
22 sale amount received for administrative expenses of seizure, maintenance of custody,
23 advertising and court costs and the costs of investigation and prosecution reasonably
24 incurred. The remainder shall be deposited in the school fund as the proceeds of the

1 forfeiture. If the property forfeited under ss. 973.075 to 973.077 is money, all the
2 money shall be deposited in the school fund.

3 (END)



State of Wisconsin
2015 - 2016 LEGISLATURE



LRB-0111/11
CMH:emw&kjf:rs

Thina please

TWLj

2015 BILL

Regan

1 AN ACT to amend 342.40 (2), 342.40 (3) (b), 342.40 (3) (c), 342.40 (3) (e), 968.20
2 (3) and 973.075 (4) of the statutes; relating to: donation of abandoned or seized
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Under current law, if a vehicle is left unattended for a certain period of time, the vehicle is generally considered abandoned. Current law requires an abandoned vehicle to be impounded until claimed or disposed of. If an authorized municipal or county representative determines that the cost of towing and storage in impoundment exceeds the abandoned vehicle's value, the municipality or county may junk or sell that abandoned vehicle under certain conditions. This bill allows the municipality or county to donate that abandoned vehicle as well as junk or sell it. If an abandoned vehicle is impounded, current law allows the municipality or county to dispose of an unclaimed impounded vehicle by sealed bid or auction sale as provided by ordinance. If no acceptable bid is received, the municipality or county may readvertise the sale, adjourn the sale, sell the impounded vehicle at a private sale, or junk the impounded vehicle. This bill allows the municipality or county to donate an unclaimed impounded vehicle, either in lieu of the sale or if no acceptable bid is received.

to a nonprofit organization

BILL

Also, under current law, if a vehicle is seized and forfeited due to the commission of a crime, the law enforcement agency that seizes the vehicle may retain it for official use or sell it. This bill allows the law enforcement agency to also donate the vehicle.

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to a nonprofit organization

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BILL

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BILL**SECTION 3**

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BILL

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4 authorized rightful owner. If the return of a seized dangerous weapon other than a
5 firearm is not requested by its rightful owner under sub. (1) and is not returned by
6 the officer under sub. (2), the city shall safely dispose of the dangerous weapon or,
7 if the dangerous weapon is a motor vehicle, as defined in s. 340.01 (35), sell or donate
8 the motor vehicle ~~following the procedure~~ under s. 973.075 (4) or authorize a law
9 enforcement agency to retain and use the motor vehicle. If the return of a seized
10 firearm or ammunition is not requested by its authorized rightful owner under sub.
11 (1) and is not returned by the officer under sub. (2), the seized firearm or ammunition
12 shall be shipped to and become property of the state crime laboratories. A person
13 designated by the department of justice may destroy any material for which the
14 laboratory has no use or arrange for the exchange of material with other public
15 agencies. In lieu of destruction, shoulder weapons for which the laboratories have
16 no use shall be turned over to the department of natural resources for sale and
17 distribution of proceeds under s. 29.934 or for use under s. 29.938.

18 (b) Except as provided in par. (a) or sub. (1m) or (4), a city, village, town or
19 county or other custodian of a seized dangerous weapon or ammunition, if the
20 dangerous weapon or ammunition is not required for evidence or use in further
21 investigation and has not been disposed of pursuant to a court order at the
22 completion of a criminal action or proceeding, shall make reasonable efforts to notify
23 all persons who have or may have an authorized rightful interest in the dangerous
24 weapon or ammunition of the application requirements under sub. (1). If, within 30
25 days after the notice, an application under sub. (1) is not made and the seized

BILL

1 dangerous weapon or ammunition is not returned by the officer under sub. (2), the
2 city, village, town or county or other custodian may retain the dangerous weapon or
3 ammunition and authorize its use by a law enforcement agency, except that a
4 dangerous weapon used in the commission of a homicide or a handgun, as defined
5 in s. 175.35 (1) (b), may not be retained. If a dangerous weapon other than a firearm
6 is not so retained, the city, village, town or county or other custodian shall safely
7 dispose of the dangerous weapon or, if the dangerous weapon is a motor vehicle, as
8 defined in s. 340.01 (35), sell or donate the motor vehicle ~~following the procedure~~
9 under s. 973.075 (4). If a firearm or ammunition is not so retained, the city, village,
10 town or county or other custodian shall ship it to the state crime laboratories and it
11 is then the property of the laboratories. A person designated by the department of
12 justice may destroy any material for which the laboratories have no use or arrange
13 for the exchange of material with other public agencies. In lieu of destruction,
14 shoulder weapons for which the laboratory has no use shall be turned over to the
15 department of natural resources for sale and distribution of proceeds under s. 29.934
16 or for use under s. 29.938.

17 **SECTION 6.** 973.075 (4) of the statutes is amended to read:

18 973.075 (4) When property is forfeited under ss. 973.075 to 973.077, the agency
19 seizing the property may sell the property that is not required by law to be destroyed
20 or transferred to another agency. The agency may retain any vehicle for official use
21 ~~or sell or donate~~ the vehicle. ^{or donate the vehicle to a nonprofit organization} The agency seizing the property may deduct 50% of the
22 sale amount received for administrative expenses of seizure, maintenance of custody,
23 advertising and court costs and the costs of investigation and prosecution reasonably
24 incurred. The remainder shall be deposited in the school fund as the proceeds of the

BILL

1 forfeiture. If the property forfeited under ss. 973.075 to 973.077 is money, all the
2 money shall be deposited in the school fund.

3

(END)

Hanaman, Cathlene

From: Krantz, Jennifer
Sent: Wednesday, March 25, 2015 9:29 AM
To: Hanaman, Cathlene
Subject: Regarding LRB 0111/2

Ms. Hanaman,

I just received word that we would like to add a provision to our drafted bill LRB 0111/2. We would like to add language that Veterans groups accepting donated vehicles would guarantee that at least 50% of the proceeds, obtained through the donation of said vehicles, be used to serve the needs of active duty service men/women, veterans, or the families of veterans, as noted in their respective charters/bylaws.

I know we have already jacketed our current version of the bill so I will be sending that back. Please let me know if you have any additional questions or concerns regarding the added language.

Thank you,
Jennifer Krantz
Office of Senator Sheila Harsdorf
(608)266-7745

452095



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-0111/2
CMH:emw/kjf/wlj:jf
d mPB

today please

2015 BILL

repeal

1 **AN ACT to amend** 342.40 (2), 342.40 (3) (b), 342.40 (3) (c), 342.40 (3) (e), 968.20
2 (3) and 973.075 (4) of the statutes; **relating to:** donation of abandoned or seized
3 vehicles.

Analysis by the Legislative Reference Bureau

Under current law, if a vehicle is left unattended for a certain period of time, the vehicle is generally considered abandoned. Current law requires an abandoned vehicle to be impounded until claimed or disposed of. If an authorized municipal or county representative determines that the cost of towing and storage in impoundment exceeds the abandoned vehicle's value, the municipality or county may junk or sell that abandoned vehicle under certain conditions. This bill allows the municipality or county to donate that abandoned vehicle as well as junk or sell it. If an abandoned vehicle is impounded, current law allows the municipality or county to dispose of an unclaimed impounded vehicle by sealed bid or auction sale as provided by ordinance. If no acceptable bid is received, the municipality or county may readvertise the sale, adjourn the sale, sell the impounded vehicle at a private sale, or junk the impounded vehicle. This bill allows the municipality or county to donate to a nonprofit organization an unclaimed impounded vehicle, either in lieu of the sale or if no acceptable bid is received.

Also, under current law, if a vehicle is seized and forfeited due to the commission of a crime, the law enforcement agency that seizes the vehicle may retain it for official

BILL

use or sell it. This bill allows the law enforcement agency to also donate the vehicle to a nonprofit organization.

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

→
WS
2/1

SECTION 1. 342.40 (2) of the statutes is amended to read:

342.40 (2) Any vehicle in violation of this section shall be impounded until lawfully claimed or disposed of under sub. (3) except that if it is deemed by a duly an authorized municipal or county representative determines that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked, donated to a nonprofit organization, or sold by the municipality or county prior to expiration of the impoundment period upon determination by the chief of police or sheriff having jurisdiction that the vehicle is not stolen or otherwise wanted for evidence or other reason. All substantially complete vehicles in excess of 19 model years of age shall be disposed of in accordance with sub. (3) (c).

SECTION 2. 342.40 (3) (b) of the statutes is amended to read:

342.40 (3) (b) The owner of any abandoned vehicle except a stolen vehicle is responsible for the abandonment and all costs of impounding and disposing of the vehicle. ~~Costs~~ If the vehicle is sold, costs not recovered from the sale of the vehicle may be recovered in a civil action by the municipality against the owner. Whether or not the municipality recovers the cost of towing and enforcement, the municipality shall be responsible to the towing service for requisitional towing service and reasonable charges for impoundment.

SECTION 3. 342.40 (3) (c) of the statutes is amended to read:

BILL

1 342.40 (3) (c) Any vehicle which is deemed abandoned by a duly authorized
2 municipal or county representative and not disposed of under sub. (2) shall be
3 retained in storage for a minimum period of 10 days after certified mail notice has
4 been sent to the owner and lienholders of record to permit reclamation of the vehicle
5 after payment of accrued charges. Such notice shall set forth the year, make, model,
6 and serial number of the abandoned motor vehicle, the place where the vehicle is
7 being held, and shall inform the owner and any lienholders of their right to reclaim
8 the vehicle. The notice shall state that the failure of the owner or lienholders to
9 exercise their rights to reclaim the vehicle under this section ~~shall be deemed is~~ a
10 waiver of all right, title, and interest in the vehicle and a consent to the sale or
11 donation of the vehicle. Each retained vehicle not reclaimed by its owner or
12 lienholder may be sold. ~~The~~ or donated to a nonprofit organization. If the vehicle is
13 sold, the municipality or county may dispose of the vehicle by sealed bid or auction
14 sale as provided by ordinance. At such sale the highest bid for any such motor vehicle
15 shall be accepted unless ~~the same is deemed an authorized municipal or county~~
16 representative finds the bid inadequate by a duly authorized municipal or county
17 ~~representative~~, in which event all bids may be rejected. If all bids are rejected or no
18 bid is received, the municipality or county may ~~either~~ readvertise the sale, adjourn
19 the sale to a definite date, sell the motor vehicle at a private sale ~~or~~, junk the vehicle,
20 or donate the vehicle to a nonprofit organization. Any interested person may offer
21 bids on each abandoned vehicle to be sold. If municipal or county ordinances do not
22 state the procedure to be followed in advertising or providing public notice of the sale,
23 a public notice shall be posted at the office of the municipal police department or the
24 office of the county sheriff. The posting of the notice at the police or sheriff's
25 department shall be in the same form as the certified mail notice sent to the owner

BILL**SECTION 3**

1 or lienholders of record. Upon sale of an abandoned vehicle, the municipality or
2 county shall supply the purchaser with a completed form designed by the
3 department enabling the purchaser to obtain a regular certificate of title for the
4 vehicle. The purchaser shall have 10 days to remove the vehicle from the storage
5 area, but shall pay a reasonable storage fee established by the municipality or county
6 for each day the vehicle remains in storage after the 2nd business day subsequent
7 to the sale date. Ten days after the sale, the purchaser shall forfeit all interest in the
8 vehicle and the vehicle shall be deemed to be abandoned and may be sold again or
9 donated to a nonprofit organization. Any listing of vehicles to be sold by any
10 municipality or county shall be made available to any interested person or
11 organization which makes a written request for such list. The municipality or county
12 may charge a fee for the list.

13 **SECTION 4.** 342.40 (3) (e) of the statutes is amended to read: ✓

14 342.40 (3) (e) Within 5 days after the sale, donation, or disposal of a vehicle as
15 provided in this subsection or sub. (2), the municipality or county shall advise the
16 department of the sale, donation, or disposition on a form supplied by the
17 department.

18 **SECTION 5.** 968.20 (3) of the statutes is amended to read: ✓

19 968.20 (3) (a) First class cities shall dispose of dangerous weapons or
20 ammunition seized 12 months after taking possession of them if the owner,
21 authorized under sub. (1m), has not requested their return and if the dangerous
22 weapon or ammunition is not required for evidence or use in further investigation
23 and has not been disposed of pursuant to a court order at the completion of a criminal
24 action or proceeding. Disposition procedures shall be established by ordinance or
25 resolution and may include provisions authorizing an attempt to return to the

BILL

1 rightful owner any dangerous weapons or ammunition which appear to be stolen or
2 are reported stolen. If enacted, any such provision shall include a presumption that
3 if the dangerous weapons or ammunition appear to be or are reported stolen an
4 attempt will be made to return the dangerous weapons or ammunition to the
5 authorized rightful owner. If the return of a seized dangerous weapon other than a
6 firearm is not requested by its rightful owner under sub. (1) and is not returned by
7 the officer under sub. (2), the city shall safely dispose of the dangerous weapon or,
8 if the dangerous weapon is a motor vehicle, as defined in s. 340.01 (35), sell or donate
9 the motor vehicle ~~following the procedure~~ under s. 973.075 (4) or authorize a law
10 enforcement agency to retain and use the motor vehicle. If the return of a seized
11 firearm or ammunition is not requested by its authorized rightful owner under sub.
12 (1) and is not returned by the officer under sub. (2), the seized firearm or ammunition
13 shall be shipped to and become property of the state crime laboratories. A person
14 designated by the department of justice may destroy any material for which the
15 laboratory has no use or arrange for the exchange of material with other public
16 agencies. In lieu of destruction, shoulder weapons for which the laboratories have
17 no use shall be turned over to the department of natural resources for sale and
18 distribution of proceeds under s. 29.934 or for use under s. 29.938.

19 (b) Except as provided in par. (a) or sub. (1m) or (4), a city, village, town or
20 county or other custodian of a seized dangerous weapon or ammunition, if the
21 dangerous weapon or ammunition is not required for evidence or use in further
22 investigation and has not been disposed of pursuant to a court order at the
23 completion of a criminal action or proceeding, shall make reasonable efforts to notify
24 all persons who have or may have an authorized rightful interest in the dangerous
25 weapon or ammunition of the application requirements under sub. (1). If, within 30

BILL

1 days after the notice, an application under sub. (1) is not made and the seized
2 dangerous weapon or ammunition is not returned by the officer under sub. (2), the
3 city, village, town or county or other custodian may retain the dangerous weapon or
4 ammunition and authorize its use by a law enforcement agency, except that a
5 dangerous weapon used in the commission of a homicide or a handgun, as defined
6 in s. 175.35 (1) (b), may not be retained. If a dangerous weapon other than a firearm
7 is not so retained, the city, village, town or county or other custodian shall safely
8 dispose of the dangerous weapon or, if the dangerous weapon is a motor vehicle, as
9 defined in s. 340.01 (35), sell or donate the motor vehicle ~~following the procedure~~
10 under s. 973.075 (4). If a firearm or ammunition is not so retained, the city, village,
11 town or county or other custodian shall ship it to the state crime laboratories and it
12 is then the property of the laboratories. A person designated by the department of
13 justice may destroy any material for which the laboratories have no use or arrange
14 for the exchange of material with other public agencies. In lieu of destruction,
15 shoulder weapons for which the laboratory has no use shall be turned over to the
16 department of natural resources for sale and distribution of proceeds under s. 29.934
17 or for use under s. 29.938.

18 **SECTION 6.** 973.075 (4) of the statutes is amended to read:

19 973.075 (4) When property is forfeited under ss. 973.075 to 973.077, the agency
20 seizing the property may sell the property that is not required by law to be destroyed
21 or transferred to another agency. The agency may retain any vehicle for official use
22 ~~or~~, sell the vehicle, or donate the vehicle to a nonprofit organization. The agency
23 seizing the property may deduct 50% of the sale amount received for administrative
24 expenses of seizure, maintenance of custody, advertising and court costs and the
25 costs of investigation and prosecution reasonably incurred. The remainder shall be

BILL

1 deposited in the school fund as the proceeds of the forfeiture. If the property forfeited
2 under ss. 973.075 to 973.077 is money, all the money shall be deposited in the school
3 fund.

4

(END)

**2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0111/3ins
CMH:.....

1 Insert 2-1

2 **SECTION 1.** 45.095 of the statutes is created to read: ✓

3 **45.095 Donation of abandoned or seized vehicles.** A nonprofit
4 organization that provides financial assistance or other services to veterans and
5 their dependents that receives a vehicle donated under s. 342.40, 968.20, or 973.075 ✓ ✓ ✓
6 shall use at least 50 percent of the proceeds obtained through the donation to serve
7 the needs of active duty service members, veterans, or the families of veterans.

Barman, Mike

From: Barman, Mike
Sent: Thursday, March 26, 2015 8:22 AM
To: Sen.Harsdorf; Wuebke, Matt
Subject: LRB-0111/3

Good morning,

We have LRB-0111/3 ready to go for you. We need the "bill jacket" from the "/2" version returned to us before we can send you out the "/3". As soon as we receive the jacket back we will send you out the latest version. Please let me know if you have any questions.

Thank you,

Mike Barman (Lead Program Assistant)

State of Wisconsin - Legislative Reference Bureau - Legal Section - Front Office
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(608) 266-3561 / mike.barman@legis.wisconsin.gov