

State of Wisconsin



2013 Senate Bill 226

Date of enactment: April 8, 2014
Date of publication*: April 9, 2014

2013 WISCONSIN ACT 262

AN ACT to repeal 973.075 (1) (bj); to amend 973.075 (1) (bg), 973.075 (2) (d) and 973.075 (5) (intro.); and to create 973.075 (1) (b) 1m. h. of the statutes; relating to: seizure of property used in the crime of child enticement.

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

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

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

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

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

SECTION 3. 973.075 (1) (bj) of the statutes is repealed.

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

973.075 (2) (d) The officer has probable cause to believe that the property was derived from or realized through a crime, or was used in a crime under s. 948.07, or that the property is a vehicle which was used to trans-

port any property or weapon used or to be used or received in the commission of any felony, which was used in the commission of a crime relating to a submerged cultural resource in violation of s. 44.47, which was used in the commission of a crime under s. 948.07, or which was used to cause more than \$2,500 worth of criminal damage to cemetery property in violation of s. 943.01 (2) (d) or 943.012.

SECTION 4h. 973.075 (5) (intro.) of the statutes is amended to read:

973.075 (5) (intro.) All forfeitures under ss. 973.075 to 973.077 shall be made with due provision for the rights of innocent persons under sub. (1) (b) 2m., (bg), (bm), (d) and (e). Except as provided in sub. (5m), any property seized but not forfeited shall be returned to its rightful owner. Any person claiming the right to possession of property seized may apply for its return to the circuit court for the county in which the property was seized. The court shall order such notice as it deems adequate to be given the district attorney and all persons who have or may have an interest in the property and shall hold a hearing to hear all claims to its true ownership. If the right to possession is proved to the court's satisfaction, it shall order the property returned as soon as practically possible if:

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

SECTION 5. Initial applicability.

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