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State of Misconsin 2003 - 2004 LEGISLATURE

ASSEMBLY SUBSTITUTE AMENDMENT 1, TO 2003 ASSEMBLY BILL 280

June 19, 2003 – Offered by COMMITTEE ON TRANSPORTATION.

1 AN ACT to create 341.607 of the statutes; relating to: displaying, possessing,

selling, or offering to sell a stolen registration plate or other evidence of

registration and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, no person may display on a motor vehicle a registration plate, insert tag, decal, or other evidence of registration not issued for that motor vehicle. Any person who does so may be required to forfeit not more than \$500. Also under current law, subject to one exception, no person may transfer to another person or offer for sale a registration plate issued by the Department of Transportation. Any person who does so is guilty of a Class H felony and may be fined not more than \$10,000 or imprisoned for not more than six years or both.

This bill creates specific prohibitions against displaying a stolen registration plate, insert tag, decal, or other evidence of registration on a motor vehicle or possessing, selling, or offering to sell a stolen registration plate, insert tag, decal, or other evidence of registration. Under the bill, violators may be fined not more than \$10,000 or imprisoned for not more than nine months or both.

The bill provides that a person charged with displaying a stolen registration plate, insert tag, decal, or other evidence of registration or possessing, selling, or offering to sell a stolen registration plate, insert tag, decal, or other evidence of registration may raise the affirmative defense that he or she did not know and could not, by reasonable effort, have known that the item was stolen. Any person who raises this affirmative defense must prove it by clear, satisfactory, and convincing evidence.

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

SECTION 1. 341.607 of the statutes is created to read:

2 341.607 Display, possession, or sale of a stolen registration plate or

other evidence of registration. (1) Notwithstanding s. 341.605, any person who
displays a stolen registration plate, insert tag, decal, or other evidence of registration
on a motor vehicle or possesses, sells, or offers for sale a stolen registration plate,
insert tag, decal, or other evidence of registration may be fined not more than \$10,000
or imprisoned for not more than 9 months or both. Each violation of this subsection
constitutes a separate offense.

9 (2) It is an affirmative defense to a prosecution for a violation of sub. (1) if the 10 defendant did not know, and in the exercise of reasonable care could not have known, 11 that the registration plate, insert tag, decal, or other evidence of registration was 12 stolen. A defendant who raises this affirmative defense has the burden of proving 13 this defense by clear, satisfactory, and convincing evidence.

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(END)