



State of Wisconsin
2019 - 2020 LEGISLATURE

LRBa0854/1
MLJ:kjf

**ASSEMBLY AMENDMENT 2,
TO ASSEMBLY BILL 480**

January 9, 2020 - Offered by Representative MCGUIRE.

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

2 **1.** Page 7, line 6: after that line insert:

3 **“SECTION 20j.** 911.01 (4) (c) of the statutes is amended to read:

4 911.01 (4) (c) *Miscellaneous proceedings.* Proceedings for extradition or
5 rendition; sentencing, granting or revoking probation, modification of a bifurcated
6 sentence under s. 302.113 (9g), or adjustment of a bifurcated sentence under s.
7 973.195 (1r) or 973.198; hearings for the freezing of assets of a person charged with
8 financial exploitation of an elder person under s. 971.109; issuance of subpoenas or
9 warrants under s. 968.375, arrest warrants, criminal summonses, and search
10 warrants; hearings under s. 980.09 (2); proceedings under s. 971.14 (1r) (c);
11 proceedings with respect to pretrial release under ch. 969 except where habeas
12 corpus is utilized with respect to release on bail or as otherwise provided in ch. 969;

1 or proceedings under s. 165.76 (6) to compel provision of a biological specimen for
2 deoxyribonucleic acid analysis.”.

3 **2.** Page 11, line 16: after that line insert:

4 “**SECTION 31j.** 968.20 (title) of the statutes is amended to read:

5 **968.20** (title) **Return of property frozen or seized.**

6 **SECTION 31m.** 968.20 (1) of the statutes is amended to read:

7 968.20 (1) Any person claiming the right to possession of property frozen or
8 seized under s. 971.109 or seized pursuant to a search warrant or seized without a
9 search warrant, except for an animal taken into custody under s. 173.13 (1) or
10 withheld from its owner under s. 173.21 (1) (a), may apply for its return to the circuit
11 court for the county in which the property was frozen or seized or where the search
12 warrant was returned, except that a court may commence a hearing, on its own
13 initiative, to return property seized under s. 968.26. If an initial appearance under
14 s. 970.01 is scheduled, the application for the return of the property shall be filed
15 within 120 days of the initial appearance.

16 **SECTION 31w.** 968.20 (1h) of the statutes is amended to read:

17 968.20 (1h) If a court orders property returned under sub. (1g), the court shall
18 order the person not to sell, transfer, assign, or otherwise encumber the property
19 until the court orders the property either returned under s. 961.55 (3) or 973.075 (5)
20 ~~or~~, forfeited under s. 961.555 or 973.076, or subject to restitution under s. 973.20. If
21 the person is subsequently convicted of or found to have committed the offense, the
22 court shall order the person to surrender the returned property for proceedings
23 under s. 961.555 or 973.076, whichever is appropriate, or for restitution under s.
24 973.20.”.

1 **3.** Page 13, line 3: delete the material beginning with “if necessary” and ending
2 with “victim.” on line 4 and substitute “. The rules of evidence do not apply in a
3 hearing under this paragraph.”.

4 **4.** Page 13, line 5: delete “If there is a showing of probable cause in the
5 hearing,” and substitute “In the hearing under par. (a), if there is a showing of
6 probable cause that the defendant used, was using, is about to use, or is intending
7 to use any funds, assets, or property in a way that constitutes or would constitute
8 financial exploitation.”.

9 **5.** Page 13, line 11: after “court.” insert “The court’s order shall be binding upon
10 a financial institution, as defined in s. 943.80 (2), and any 3rd party that is in
11 possession of the funds, assets, or property.”.

12 **6.** Page 13, line 12: delete “(a)”.

13 **7.** Page 13, line 16: after “filed.” insert “The procedure under s. 968.20 applies
14 to a petition under this subsection.”.

15 **8.** Page 13, line 17: delete lines 17 to 23.

16 **9.** Page 14, line 3: after that line insert:

17 “(5) CONVICTION. If the prosecution of a charge of financial exploitation results
18 in a conviction, the court may order that the funds, assets, or property that were
19 frozen or seized under sub. (2) (b) be released only for the purpose of paying
20 restitution ordered under s. 973.20 (2).”.

21 (END)