



1997 ASSEMBLY BILL 956

March 26, 1998 - Introduced by Representatives GROTHMAN, LADWIG and OWENS, cosponsored by Senators FARROW, DRZEWIECKI and ROESSLER. Referred to Committee on Judiciary.

1 **AN ACT** *to amend* 346.65 (6) (e) (intro.); and *to create* 346.65 (6) (gm) of the
2 statutes; **relating to:** the collection of the costs of seized, forfeited and sold
3 motor vehicles.

Analysis by the Legislative Reference Bureau

Currently, if a person is convicted of operating a motor vehicle while under the influence of an intoxicant (OWI), the court may, if the person has committed 2 or more OWI-related offenses within the last 10 years, order that a motor vehicle owned by the person be seized. Under current law, the district attorney shall bring an action to have any seized motor vehicle forfeited and sold. Currently, 50% of the proceeds of the sale, after the payment to any lienholder, is used to pay for costs related to the seizure, sale and conviction, including law enforcement costs, district attorney costs and court costs. Under this bill, all of the proceeds of the sale, after the payment to any lienholder are used to pay the costs related to the seizure, sale and conviction. If any proceeds of the sale remain, current law requires that they be paid to any person with an interest in the motor vehicle to the extent of that person's interest, with any remainder paid to the school fund. Under the bill, if there is insufficient money to pay the law enforcement agency's costs of the seizure, storage and sale of the motor vehicle, after making any payment to a lienholder, the person convicted is required to pay any balance remaining of those costs to this state or the political subdivision that employs the officers of the law enforcement agency that seized the motor vehicle.

