



1997 SENATE BILL 179

April 23, 1997 - Introduced by Senators HUELSMAN, WIRCH, FITZGERALD, PANZER and FARROW, cosponsored by Representatives VRAKAS, NOTESTEIN, M. LEHMAN, KREIBICH, ZIEGELBAUER, DOBYNS, OTT, HANSON, URBAN, SCHAFER, STASKUNAS, F. LASEE, POWERS, LADWIG, GROTHMAN, GOETSCH, SYKORA, KAUFERT, ALBERS, KELSO, DUFF, GREEN, NASS, GUNDERSON and SERATTI. Referred to Committee on Judiciary, Campaign Finance Reform and Consumer Affairs.

1 **AN ACT to amend** 346.65 (6) (c) of the statutes; **relating to:** seizure and forfeiture
2 of motor vehicles.

Analysis by the Legislative Reference Bureau

Under current law, if a vehicle is seized under a court order because a person committed a 3rd or 4th offense related to the operation of a motor vehicle while under the influence of an intoxicant, the district attorney of the county where the motor vehicle was seized commences the action to forfeit the motor vehicle. Under this bill, the district attorney of the county in which the court that ordered the motor vehicle seized is located commences the action to forfeit the motor vehicle.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

3 **SECTION 1.** 346.65 (6) (c) of the statutes is amended to read:
4 346.65 (6) (c) The district attorney of the county where the motor vehicle was
5 seized seizure is ordered shall commence an action to forfeit the motor vehicle within
6 30 days after the motor vehicle is seized. The action shall name the owner of the

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1 motor vehicle and all lienholders of record as parties. The forfeiture action shall be
2 commenced by filing a summons, complaint and affidavit of the law enforcement
3 agency with the clerk of circuit court. Upon service of an answer, the action shall be
4 set for hearing within 60 days after the service of the answer. If no answer is served
5 or no issue of law or fact joined and the time for that service or joining of issues has
6 expired, the court may render a default judgment as provided in s. 806.02.

7 **SECTION 2. Initial applicability.**

8 (1) This act first applies to vehicles seized on the effective date of this
9 subsection.

10 (END)