

**Committee Name:**  
**Senate Committee –**  
**Judiciary, Corrections and Privacy**  
**(SC–JCP)**

**Appointments**

03hr\_SC–JCP\_Appt\_pt00

**Committee Hearings**

03hr\_SC–JCP\_CH\_pt00

**Committee Reports**

03hr\_SC–JCP\_CR\_pt00

**Clearinghouse Rules**

03hr\_SC–JCP\_CRule\_03–

**Executive Sessions**

03hr\_SC–JCP\_ES\_pt00

# Hearing Records

03hr\_ab0000

## 03hr\_sb0403

**Misc.**

03hr\_SC–JCP\_Misc\_pt00

**Record of Committee Proceedings**

03hr\_SC–JCP\_RCP\_pt00

SB-403

Vote Record  
Committee on Judiciary, Corrections and Privacy

Date: 2-10-04

Moved by: Stepp Fitz Seconded by: Stepp

AB \_\_\_\_\_ SB 403 Clearinghouse Rule \_\_\_\_\_  
AJR \_\_\_\_\_ SJR \_\_\_\_\_ Appointment \_\_\_\_\_  
AR \_\_\_\_\_ SR \_\_\_\_\_ Other \_\_\_\_\_

A/S Amdt \_\_\_\_\_  
A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_  
A/S Sub Amdt \_\_\_\_\_  
A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_  
A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_

Be recommended for:  
 Passage     Adoption     Confirmation     Concurrence     Indefinite Postponement  
 Introduction     Rejection     Tabling     Nonconcurrency

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Senator David Zien, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Scott Fitzgerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Cathy Stepp	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Tim Carpenter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator G. Spencer Coggs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Totals:</b>	_____	_____	_____	_____

Motion Carried       Motion Failed



# Joe Leibham

State Senator  
9th State Senate District

## Senator Joe Leibham

*Senate Bill 403 Testimony  
February 10, 2004*

Thank you Mr. Chairman for allowing me the opportunity to testify before your Committee today. I appreciate your willingness to hear public testimony on this important legislation, Senate Bill (SB) 403.

I am pleased to testify before you today in support of a bill that will strengthen Wisconsin's provisions against computer crimes and allow law enforcement the flexibility to donate computers used in crimes to charitable organizations or donate proceeds from the sale of the computers to the school fund.

I introduced SB 403 at the urging of Detective Mark Kolosovsky of the Sheboygan Police Department. Detective Kolosovsky brought the proposal forward so that law enforcement agencies throughout the state can have access to the most appropriate tools available to ensure that computer equipment used in the commission of a crime, like child pornography or identify fraud, gambling or investment schemes, are not returned to the convicted criminal for reuse.

Under current law, the state or a local law enforcement agency may acquire certain property involved in the commission of crime through a forfeiture proceeding, which is generally initiated after the end of the criminal case to which it relates. The forfeiture law applies to all property directly or indirectly derived from the commission of a crime. It also covers certain other property related to the commission of a crime, including: 1) an illegal controlled substance and equipment used in committing a crime relating to a controlled substance; 2) a vehicle used to transport property used or received in committing a felony; 3) a vehicle used in committing a crime relating to prostitution; 4) property used in committing a stalking offense or a criminal violation of a domestic abuse, child abuse, or harassment restraining order or injunction; and 5) pirated, bootlegged, and counterfeit recordings and any equipment used to make them. Current law also permits the state or a local law enforcement agency to retain contraband that it has seized, which includes machines or materials (including computers) that are used to create other contraband items.

Under Senate Bill 384, a computer that is used, with the knowledge and consent of its owner, in the commission of a crime is subject to forfeiture, regardless of whether it is contraband. If a computer is forfeited under the bill, the law enforcement agency that seized it may retain it for its own use, donate it to a nonprofit organization or another government agency, or sell it and retain 50% of the proceeds of the sale (with the remainder being deposited in the school fund).

While computers are becoming more a part of our every day life and have offered us enormous opportunities, unfortunately, they are also becoming more a part of criminal activity as well. SB 403 can turn hundreds of negative situations into positive ones by ensuring that the computers used in crimes to harm an individual and the public good are not returned to the criminal, and allows the high-tech expensive equipment to be donated by our law enforcement to benefit our entire society.

Thank you again Mr. Chairman and members for your time and for allowing me to testify here today before you in support of a bill that aids our law enforcement officers and strengthens key components of our communities.