



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2009 Assembly Bill 280

**Assembly Substitute
Amendment 1**

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Assembly Bill 280 subjects a computer used with the knowledge or consent of its owner in the commission of a crime to forfeiture under the civil proceedings in current ss. 961.55 and 973.075, Stats.

Assembly Substitute Amendment 1 makes the following general changes to the original bill:

1. Subjects a computer to forfeiture only if the computer is used in the commission of a felony (i.e., not a misdemeanor).
2. If the computer is owned by an entity, provides that all owners of the entity must have had knowledge of and consented to the use of the computer in the commission of the felony for the computer to be subject to forfeiture.
3. Before selling, donating, or retaining a forfeited computer, or before returning a seized computer to its owner, requires, rather than authorizes, the law enforcement agency to purge all programs that are maintained or designed primarily to facilitate the commission of a crime.
4. Before selling, donating, or retaining a forfeited computer and after purging all data required to be purged up to that point, requires the law enforcement agency to provide the owner of the computer an opportunity to retrieve from the computer any remaining data or programs and to then purge all other data or programs except the computer's operating system.
5. Includes the drafting corrections made by Assembly Amendment 1 to Assembly Bill 280 (with the exception of item 3 of the amendment, reflecting that only crimes that are a felony are now covered by the proposal).

Legislative History

Assembly Substitute Amendment 1 was offered by Representative Van Akkeren and was adopted by the Assembly on a voice vote. The proposal was then passed by the Assembly on a voice vote.

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