



2013 SENATE BILL 226

1 **AN ACT** *to repeal* 973.075 (1) (bj); *to amend* 973.075 (1) (bg), 973.075 (2) (d) and
2 973.075 (5) (intro.); and *to create* 973.075 (1) (b) 1m. h. of the statutes; **relating**
3 **to:** seizure of property used in the crime of child enticement.

Analysis by the Legislative Reference Bureau

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

4 **SECTION 1.** 973.075 (1) (b) 1m. h. of the statutes is created to read:
5 973.075 (1) (b) 1m. h. In the commission of a crime under s. 948.07.
6 **SECTION 2.** 973.075 (1) (bg) of the statutes is amended to read:
7 973.075 (1) (bg) Any property used or to be used in the commission of a crime
8 under s. 943.74, 943.75 (2) or (2m), or 948.07, but if the property is encumbered by
9 a bona fide perfected security interest that was perfected before the date of the
10 commission of the current violation and the holder of the security interest neither

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1 had knowledge of nor consented to the commission of that violation, the holder of the
2 security interest shall be paid from the proceeds of the forfeiture.

3 **SECTION 3.** 973.075 (1) (bj) of the statutes is repealed.

4 **SECTION 4.** 973.075 (2) (d) of the statutes is amended to read:

5 973.075 (2) (d) The officer has probable cause to believe that the property was
6 derived from or realized through a crime, or was used in a crime under s. 948.07, or
7 that the property is a vehicle which was used to transport any property or weapon
8 used or to be used or received in the commission of any felony, which was used in the
9 commission of a crime relating to a submerged cultural resource in violation of s.
10 44.47, which was used in the commission of a crime under s. 948.07, or which was
11 used to cause more than \$2,500 worth of criminal damage to cemetery property in
12 violation of s. 943.01 (2) (d) or 943.012.

13 **SECTION 4h.** 973.075 (5) (intro.) of the statutes is amended to read:

14 973.075 (5) (intro.) All forfeitures under ss. 973.075 to 973.077 shall be made
15 with due provision for the rights of innocent persons under sub. (1) (b) 2m., (bg), (bm),
16 (d) and (e). Except as provided in sub. (5m), any property seized but not forfeited
17 shall be returned to its rightful owner. Any person claiming the right to possession
18 of property seized may apply for its return to the circuit court for the county in which
19 the property was seized. The court shall order such notice as it deems adequate to
20 be given the district attorney and all persons who have or may have an interest in
21 the property and shall hold a hearing to hear all claims to its true ownership. If the
22 right to possession is proved to the court's satisfaction, it shall order the property
23 returned as soon as practically possible if:

24 **SECTION 5. Initial applicability.**

