

2013 Senate Bill 226 (LRB -2600)

An Act to repeal 973.075 (1) (bj); to amend 973.075 (1) (bg) and 973.075 (2) (d); and to create 973.075 (1) (b) 1m. h. of the statutes; relating to: seizure of property used in the crime of child enticement.

2013

07-09.	S.	Introduced by Senator <b>Olsen</b> ; cosponsored by Representatives <b>Swearingen, Kleefisch, Born, Mursau, Brooks, Ballweg, A. Ott, Bernier, Czaja, Schraa, Tittl and Jacque.</b>	316
07-09.	S.	Read first time and referred to Committee on Transportation, Public Safety, and Veterans and Military Affairs	316
09-05.	S.	Public hearing held	
09-26.	S.	Executive action taken	
09-26.	S.	Report passage recommended by Committee on Transportation, Public Safety, and Veterans and Military Affairs, Ayes 5, Noes 0	379
09-26.	S.	Available for scheduling	

2014

03-07.	S.	Placed on calendar 3-11-2014 pursuant to Senate Rule 18(1)	743
03-11.	S.	Senate Amendment 1 offered by Senator Grothman ( <b>LRB a2087</b> )	750
03-11.	S.	Read a second time	753
03-11.	S.	<b>Senate Amendment 1 adopted</b>	753
03-11.	S.	Ordered to a third reading	753
03-11.	S.	Rules suspended	753
03-11.	S.	Read a third time and <b>passed</b> , Ayes 33, Noes 0	753
03-11.	S.	Ordered immediately messaged	754
03-12.	A.	Received from Senate	737
03-18.	A.	Read first time and referred to committee on Rules	750
03-18.	A.	Made a special order of business at 10:24 AM on 3-20-2014 pursuant to Assembly Resolution 28	767
03-20.	A.	Read a second time	
03-20.	A.	Ordered to a third reading	
03-20.	A.	Rules suspended	
03-20.	A.	Read a third time and <b>concurred in</b>	
03-20.	A.	Ordered immediately messaged	
03-21.	S.	Received from Assembly concurred in	

2013

ENROLLED BILL

13en S B- 226

ADOPTED DOCUMENTS:

Orig     Engr         SubAmdt     

13-260011

Amendments to above (if none, write "NONE"): SA1 — a 2087/1

Corrections - show date (if none, write "NONE"): None

Topic Rel

3-26-14  
Date

JR Miller  
Enrolling Drafter



## 2013 SENATE BILL 226

July 9, 2013 - Introduced by Senator OLSEN, cosponsored by Representatives SWEARINGEN, KLEEFISCH, BORN, MURSAU, BROOKS, BALLWEG, A. OTT, BERNIER, CZAJA, SCHRAA, TITTL and JACQUE. Referred to Committee on Transportation, Public Safety, and Veterans and Military Affairs.

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

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### *Analysis by the Legislative Reference Bureau*

Under current law, certain property involved in the commission of a crime is subject to seizure and forfeiture. 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) a vehicle used to transport property used or received in committing a felony; 2) a vehicle used in committing a crime relating to prostitution; and 3) property used in committing a stalking offense or a criminal violation of a domestic abuse, child abuse, or harassment restraining order or injunction.

This bill applies the forfeiture law to a vehicle used in the crime of child enticement and any property used or to be used in the commission of the crime of child enticement. Under this bill, if a law enforcement officer has probable cause to believe that the vehicle or other property was used in the commission of the crime of child enticement, he or she may seize the property without a court process.

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





**SENATE AMENDMENT 1,  
TO SENATE BILL 226**

March 11, 2014 - Offered by Senator GROTHMAN.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 19: after that line insert:

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

4 973.075 (5) (intro.) All forfeitures under ss. 973.075 to 973.077 shall be made  
5 with due provision for the rights of innocent persons under sub. (1) (b) 2m., (bg), (bm),  
6 (d) and (e). Except as provided in sub. (5m), any property seized but not forfeited  
7 shall be returned to its rightful owner. Any person claiming the right to possession  
8 of property seized may apply for its return to the circuit court for the county in which  
9 the property was seized. The court shall order such notice as it deems adequate to  
10 be given the district attorney and all persons who have or may have an interest in  
11 the property and shall hold a hearing to hear all claims to its true ownership. If the

SA 1

1 right to possession is proved to the court's satisfaction, it shall order the property  
2 returned as soon as practically possible if?

3 (END)