**1989 Assembly Bill 790**

# 1989  WISCONSIN  ACT  263

AN ACT *to amend* 973.075 (1) (b) (intro.), 1 and 3 and 973.075 (2) (intro.) of the statutes, **relating to:** the forfeiture of vehicles used for prostitution or prostitution–related crimes.

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

SECTION 1.  973.075 (1) (b) (intro.), 1 and 3 of the statutes are amended to read:

973.075 **(1)** (b) (intro.)  All vehicles, as defined in s. 939.22 (44), which are used to transport any property or weapon used or to be used or received in the commission of any felony, which are used in the commission of a crime in violation of s. 944.30, 944.31, 944.32, 944.33 or 944.34 or which are used to cause more than $1,000 worth of criminal damage to cemetery property in violation of s. 943.01 (2) (d) or 943.012, but:

1.  No vehicle used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under ss. 973.075 to 973.077 unless it appears that the owner or other person in charge of the vehicle had knowledge of or consented to the commission of the felony crime;

3.  If forfeiture of a vehicle encumbered by a bona fide perfected security interest occurs, the holder of the security interest shall be paid from the proceeds of the forfeiture if the security interest was perfected prior to the date of the commission of the felony crime which forms the basis for the forfeiture and he or she neither had knowledge of nor consented to the act or omission.

SECTION 2.  973.075 (2) (intro.) of the statutes is amended to read:

973.075 **(2)** (intro.)  A law enforcement officer may seize property subject to this section upon process issued by any court of record having jurisdiction over the property.  Seizure Except for vehicles used in the commission of a crime in violation of s. 944.30, 944.31, 944.32, 944.33 or 944.34, seizure without process may be made under any of the following circumstances: