

1993 Assembly Bill 71

Date of enactment: **April 13, 1994**
Date of publication*: **April 27, 1994**

1993 WISCONSIN ACT 280

AN ACT *to amend* 946.82 (4) and 946.87 (3) of the statutes, **relating to:** felony obscenity violations establishing a pattern of racketeering activity and civil remedies under the Wisconsin organized crime control act.

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

SECTION 1. 946.82 (4) of the statutes is amended to read:

946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961 (1) in effect as of April 27, 1982 or the attempt, conspiracy to commit, or commission of any of the felonies specified in: chs. 161 and 945 and ss. 49.49, 134.05, 139.44 (1), 180.0129, 181.69, 184.09 (2), 185.825, 215.12, 221.17, 221.31, 221.39, 221.40, 551.41, 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01, 940.19 (2) and (3), 940.20, 940.21, 940.30, 940.305, 940.31, 941.20 (2), 941.26, 941.28, 941.298, 941.31, 941.32, 943.01 (2), 943.012, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (b) to (d), 943.23 (2) and (3), 943.24 (2), 943.25, 943.27, 943.28, 943.30, 943.32, 943.34 (1) (b) and (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and (c), 943.50 (4) (b) and (c), 943.60, 943.70, 944.21 (5) (c) and (e), 944.32, 944.33 (2), 944.34, 945.03, 945.04, 945.05, 945.08, 946.10, 946.11, 946.12, 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76, 947.015, 948.05, 948.08, 948.12 and 948.30.

SECTION 2. 946.87 (3) of the statutes is amended to read:

946.87 (3) The attorney general or any district attorney may institute civil proceedings under this section. Notwithstanding s. 59.456 (5), in counties having a population of 500,000 or more, the district attorney or the corporation counsel may proceed under this section. A corporation counsel in a county having a population of 500,000 or more or a district attorney may institute proceedings under this section only with the prior written approval of the attorney general. In any action brought under this section, the circuit court shall proceed as soon as practicable to the hearing and determination. Pending final determination of any action under this section, the circuit court may at any time enter such injunctions, prohibitions or restraining orders or take such actions, including the acceptance of satisfactory performance bonds, as the court deems proper. At any time pending final determination of a forfeiture action under sub. (2), the circuit court may order the seizure of property subject to forfeiture and may make such orders as it deems necessary to preserve and protect the property.

SECTION 3. Initial applicability. The treatment of section 946.82 (4) of the statutes first applies to violations of section 944.21 (5) (c) or (e) of the statutes occurring on the effective date of this SECTION.