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## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

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**2005 Wisconsin Act 91**  
[2005 Assembly Bill 40]

**Forfeiture of Money Derived From  
a Drug Crime**

2005 Wisconsin Act 91 amends the law regarding the forfeiture of money derived from a drug crime.

Prior law provided that when property subject to seizure under the Uniform Controlled Substances Act (ch. 961, Stats.) was forfeited, the law enforcement agency that seized the property could:

- Retain the property for official use;
- Sell the property which was not required to be destroyed and which was not harmful to the public. The agency could use 50% of the amount received for payment for all proper expenses of forfeiture and sale proceedings. The remaining amount was required to be deposited into the common school fund as proceeds of the forfeiture. If the property forfeited was money, all the money was required to be deposited into the school fund;
- Require the county sheriff in which the seizure was made to take custody of the property and remove it for disposition in accordance with the law; or
- Forward the property for disposition.

Act 91 amends the law to allow law enforcement agencies, when the property forfeited from a drug crime is money, to retain for payment of forfeiture expenses 70% of any amount that does not exceed \$2,000 and 50% of any amount in excess of \$2,000. Forfeiture expenses include all property expenses of the forfeiture and sale proceedings, including expenses of seizure, maintenance of custody, advertising, and court costs and the costs of investigation and prosecution reasonably incurred.

**Effective Date:** The Act takes effect on January 20, 2006.

**Prepared by:** Rachel E. Letzing, Senior Staff Attorney

January 24, 2006

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.