LRB-1974/1 RPN:mfd:hmh

1997 ASSEMBLY BILL 956

March 26, 1998 - Introduced by Representatives Grothman, Ladwig and Owens, cosponsored by Senators Farrow, Drzewiecki and Roessler. Referred to Committee on Judiciary.

AN ACT to amend 346.65 (6) (e) (intro.); and to create 346.65 (6) (gm) of the statutes; relating to: the collection of the costs of seized, forfeited and sold motor vehicles.

Analysis by the Legislative Reference Bureau

Currently, if a person is convicted of operating a motor vehicle while under the influence of an intoxicant (OWI), the court may, if the person has committed 2 or more OWI-related offenses within the last 10 years, order that a motor vehicle owned by the person be seized. Under current law, the district attorney shall bring an action to have any seized motor vehicle forfeited and sold. Currently, 50% of the proceeds of the sale, after the payment to any lienholder, is used to pay for costs related to the seizure, sale and conviction, including law enforcement costs, district attorney costs and court costs. Under this bill, all of the proceeds of the sale, after the payment to any lienholder are used to pay the costs related to the seizure, sale and conviction. If any proceeds of the sale remain, current law requires that they be paid to any person with an interest in the motor vehicle to the extent of that person's interest, with any remainder paid to the school fund. Under the bill, if there is insufficient money to pay the law enforcement agency's costs of the seizure, storage and sale of the motor vehicle, after making any payment to a lienholder, the person convicted is required to pay any balance remaining of those costs to this state or the political subdivision that employs the officers of the law enforcement agency that seized the motor vehicle.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 346.65 (6) (e) (intro.) of the statutes is amended to read:

346.65 **(6)** (e) (intro.) If, upon default or after a hearing, the court determines that the motor vehicle is forfeited to the state, the law enforcement agency that seized the motor vehicle shall dispose of the motor vehicle by sealed bid or auction sale following the procedure under s. 342.40 (3) (c), except as provided in par. (em). The law enforcement agency that seized the motor vehicle shall distribute 50% of the proceeds of the sale in the following order:

Section 2. 346.65 (6) (gm) of the statutes is created to read:

346.65 (6) (gm) If the money received as a result of the sale of a motor vehicle under par. (e) is not sufficient to pay the law enforcement agency's costs under par. (e) 1., the person from whom the motor vehicle was seized is liable for the difference between the costs under par. (e) 1. and the money available from the sale of the motor vehicle to pay those costs. The person liable shall pay the amount due under this paragraph to this state or a political subdivision of this state that employs the officers of the law enforcement agency that seized the motor vehicle.

SECTION 3. Initial applicability.

(1) This act first applies to violations occurring on the effective date of this subsection.

19 (END)