

1969 Assembly Bill 859

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CHAPTER 252, LAWS OF 1969

AN ACT to renumber 885.34 and 943.30; to renumber and amend 139.34 (1) and 139.37 (1); to amend 165.25 (1), 165.70, 176.90 (1), 943.01 (2) (b), 944.30 (1) and (2), 945.02 (intro.) and (3), 945.03 (intro.), (1), (2) and (5), 945.05 (1) (intro.) and (b) and (2), 946.61 (1) (intro.) and 946.64; and to create 139.34 (1) (b) to (e), 139.37 (1) (b), (c), (d) and (e), 151.18, 161.29, 176.052, 176.053, 176.91, 255.10 (8), 885.34 (2), 940.206, 943.01 (2) (c), 943.27, 943.28, 943.30 (2) and (3), 945.01 (5), (6) and (7), 945.03 (6) and (7), 945.05 (3), 945.06 and 946.65 of the statutes, relating to the suppression of organized crime, and providing penalties.

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

SECTION 1. 139.34 (1) of the statutes, as affected by chapter 276,

laws of 1969, is renumbered 139.34 (1) (a) and amended to read:

139.34 (1) (a) It is unlawful for any person to manufacture cigarettes in this state or sell cigarettes in this state as a distributor, jobber, vending machine operator or multiple retailer and no person shall operate a warehouse in this state for the storage of cigarettes for another person without first obtaining the proper permit to perform such operations from the ~~secretary~~ department of justice. The application for a permit and the permit shall be in the form prescribed by the ~~secretary~~ department and the application form shall require such information as is necessary to administer this section.

SECTION 4. 139.34 (1) (b) to (e) of the statutes are created to read:

139.34 (1) (b) No permit shall be granted to any person not of good moral character. This section shall apply to all officers, directors, agents and stockholders holding 5% or more of the stock of any corporation applying for a permit hereunder.

(c) Within the meaning of this section, a person may be regarded as or found to be a person not of good moral character when he:

1. Has been convicted of a misdemeanor, not involving the motor vehicle code, at least 3 times;
2. Has been convicted of a felony, unless pardoned;
3. Has been convicted of violating s. 947.03 or a substantially similar municipal or county ordinance on 3 occasions;
4. Is a narcotic or drug addict;
5. Has income which comes principally from gambling, or who has been convicted of 2 or more gambling offenses;
6. Has been guilty of crimes relating to prostitution; or
7. Has been guilty of crimes relating to loaning money or anything of value to persons holding licenses or permits pursuant to s. 66.054 or ch. 176.

(d) Upon denial of a permit the department of justice shall immediately notify such person in writing of the denial and the reasons therefor.

(e) A denial of a permit by the department of justice shall be subject to judicial review under ch. 227.

SECTION 4m. 139.37 (1) of the statutes is renumbered 139.37 (1) (a) and amended to read:

139.37 (1) (a) No person shall sell or take orders for cigarettes for resale in this state for any manufacturer or permittee without first ~~being registered with the department by his employer obtaining a salesman's permit from the department of justice.~~ No manufacturer or permittee shall authorize any person to sell or take orders for cigarettes in this state without first ~~registering having such person with the department as a salesman secure a salesman's permit.~~ The fee for such ~~registration permit~~ is \$2. Each application for ~~registration a permit~~ shall disclose the name and address of the employer and such ~~registration permit~~ shall remain effective only while the ~~registrant salesman~~ represents such named employer. If such salesman is thereafter employed by another manufacturer or permittee he shall ~~be registered by his new employer obtain a new salesman's permit.~~ Each manufacturer and permittee shall notify the department within 10 days after the resignation or dismissal of any such ~~registered~~ salesman holding a permit.

SECTION 4n. 139.37 (1) (b), (c), (d) and (e) of the statutes are created to read:

139.37 (1) (b) No permit shall be granted to any person not of good moral character.

(c) Within the meaning of this section, a person may be regarded as or found to be a person not of good moral character when he:

1. Has been convicted of a misdemeanor not involving the motor vehicle code, at least 3 times;
2. Has been convicted of a felony, unless pardoned;
3. Has been convicted of violating s. 947.03 or a substantially similar municipal or county ordinance on 3 occasions;
4. Is a narcotic or drug addict;
5. Has income which comes principally from gambling, or who has been convicted of 2 or more gambling offenses;
6. Has been guilty of crimes relating to prostitution; or
7. Has been guilty of crimes relating to loaning money or anything of value to persons holding licenses or permits pursuant to s. 66.054 or ch. 176.

(d) The department of justice shall immediately notify any person who is denied a permit in writing of the denial and the reasons therefor.

(e) A denial of a permit by the department of justice is subject to judicial review under ch. 227.

SECTION 5. 151.18 of the statutes is created to read:

151.18 FORFEITURE OF VEHICLE OR AIRCRAFT. Any vehicle as defined under s. 939.22 (44) or aircraft, used or employed to aid in or to facilitate the unlawful sale or transportation of a dangerous drug when the possession or use of such a drug is punishable as a felony pursuant to s. 151.07 (12) (a) or the transportation of any person wrongfully in possession of a dangerous drug when the possession or use of such a drug is punishable as a felony pursuant to s. 151.07 (12) (a) in or about this state or into or out of this state, may be seized by any peace officer and shall be forfeited to the state in an action brought by the attorney general or the district attorney of the county where the vehicle or aircraft is subject to forfeiture and such action shall be in the name of and on behalf of the state in accordance with ch. 288. Lienholders and owners shall have the same rights as provided in s. 139.40.

SECTION 6. 161.29 of the statutes is created to read:

161.29 FORFEITURE OF VEHICLE OR AIRCRAFT. Any vehicle as defined under s. 939.22 (44) or aircraft, used or employed to aid in or to facilitate the unlawful sale or transportation of narcotics or the transportation of any person wrongfully in possession of narcotics in or about this state or into or out of this state, may be seized by any peace officer and shall be forfeited to the state in an action brought by the attorney general or the district attorney of the county where the vehicle or aircraft is subject to forfeiture and such action shall be in the name of and on behalf of the state in accordance with ch. 288. Lienholders and owners shall have the same rights as provided in s. 139.40.

SECTION 7. 165.25 (1) of the statutes, as affected by chapter 276, laws of 1969, is amended to read:

165.25 (1) Appear for the state and prosecute or defend all actions and proceedings, civil or criminal, in the supreme court, in which the state is interested or a party, and attend to and prosecute or defend all civil cases sent or remanded by the supreme court to any circuit court in which the state is a party; and, when requested by the governor or either branch of the legislature, appear for the state and prosecute or defend in any court or before any officer, any cause or matter, civil or criminal, in which the state or the people thereof may be in anywise interested. *All expenses of such proceedings shall be charged to the sum sufficient case account of the department of justice under s. 20.455 (1) (d).*

SECTION 8. 165.70 of the statutes, as affected by chapter 276, laws of 1969, is amended to read:

165.70 INVESTIGATION OF STATE-WIDE CRIME. (1) The division of criminal investigation shall ~~investigate~~:

(a) Investigate crime which is statewide in nature, importance or influence;

(b) Enforce chs. 161, 164 and 945 and ss. 138.065, 138.066, 151.07, 940.206, 943.01 (2) (c), 943.30, 944.30, 944.31, 944.32, 944.33, 944.34, 946.65, 947.02 (3) and (4) and 947.05;

(c) Enforce s. 66.054 and chs. 139 and 176, and with the secretary of revenue administer, ss. 66.054 (5) (c), (8) (a), (8a), (18), 139.09, 139.34, 139.37, 176.05 (5), (8) (a), (13), (14), (21), (23), 176.052 and 176.38;

(d) Enforce and administer ss. 200.03 (11) and 200.19 to 200.25.

(2) ~~An assistant attorney general shall be assigned to initiating and supervising the investigations referred to in sub. (1).~~ (3) The attorney general shall appoint, under the classified service, ~~not to exceed 5 investigators to assist in the investigations referred to investigative personnel to achieve the purposes set out in sub. (1).~~ (4) ~~The officers referred to in subs (2) and (3) who, with the exception of investigators enforcing ss. 200.19 to 200.25, shall have the same general police powers as are conferred upon peace officers of a peace officer. It is the intention of this section to give the attorney general responsibility for devising programs to control crime state-wide in nature, importance or influence, drugs and narcotic abuse, commercial gambling and prostitution, liquor control and licensing, and arson. Nothing herein shall deprive or relieve local peace officers of the power and duty to enforce those provisions enumerated in sub. (1).~~ (5)

(3) Local district attorneys, sheriffs and chiefs of police are directed to cooperate and assist the personnel of the division in the ~~detection of the crimes~~ performance of the duties enumerated herein.

SECTION 9. 176.052 of the statutes is created to read:

176.052 COIN-OPERATED MACHINE DISTRIBUTORS. No person shall engage in the business of setting up coin-operated cigarette machines, juke boxes and amusement devices on premises licensed under this chapter or s. 66.054 without first having obtained from the department of justice a license to carry on such business. The department shall devise forms to be used by applicants under this section and the qualifications set out in s. 139.34 (1) (b) and (c) shall apply to such applicants. Violations under this section shall be punished as provided in s. 176.04. If any person licensed under this section uses force, violence or threats of force or violence to obtain locations for placing such coin-operated machines in premises licensed under this chapter, or if after licensing it appears that the licensee does not meet the qualifications of s. 139.34 (1) (b) and (c), the department may revoke the license after hearing. A denial of a license or an order of revocation, both of which shall be in writing giving the reasons therefor, shall be subject to judicial review by the circuit court for the county of residence under ch. 227. This section shall not apply to those persons holding cigarette vending machine operators permits pursuant to s. 139.34 (1).

SECTION 10. 176.053 of the statutes is created to read:

176.053 LOANS BY OPERATORS OF COIN-OPERATED MACHINES.

(1) No person licensed pursuant to s. 176.052 shall engage in the loan, use or forbearance of money, goods or things in action to any person licensed pursuant to s. 66.054 or 176.05.

(2) Any person who violates sub. (1) shall be fined not more than \$5,000 or imprisoned for not more than one year or both.

(3) Any license issued under s. 176.052 shall be automatically revoked if the holder is convicted for a violation of this section.

SECTION 11. 176.90 (1) of the statutes is amended to read:

176.90 (1) A license or permit issued under this chapter or s. 66.054 to any person who knowingly ~~suffers or~~ permits any slot machine, roulette wheel, other similar mechanical gambling device, or number jar or other device designed for like form of gambling, or any horse race betting or other *bookmaking as defined in s. 945.01, or B-girl operations under s. 176.91* to be set up, kept, managed, used or conducted upon the licensed premises or in connection therewith upon premises controlled directly or indirectly by such person, shall be revoked by the circuit courts by a special proceeding as hereinafter provided. When a license or permit has been revoked no other license or permit of any character provided for by ~~ch. 176~~ *this chapter* or s. 66.054 shall be issued to the person who held such license or permit, prior to the expiration of one year from the effective date of such revocation. If any appeal is taken from such revocation, any period during which the order is stayed shall be added to the one year.

SECTION 12. 176.91 of the statutes is created to read:

176.91 B-GIRL SOLICITATION PROHIBITED. Any licensee or bartender of a retail liquor establishment licensed under this chapter or retail fermented malt beverage establishment licensed under s. 66.054 who permits the solicitation by any entertainer or employe of a drink of intoxicating liquor, fermented malt beverage or other drink from any customer in his licensed premises, and any entertainer or employe who solicits said drinks from any customer, may be fined not more than \$1,000 or imprisoned for not more than 6 months, or both.

SECTION 13. 255.10 (8) of the statutes is created to read:

255.10 (8) INTERCOUNTY RACKETEERING AND CRIME. When a grand jury is convened pursuant to this section to investigate unlawful activity under s. 165.70, and such activity involves more than one county, including the county where the petition for such grand jury is filed, then if the attorney general approves, all expenses of such proceeding shall be charged to the sum sufficient case account of the department of justice under s. 20.455 (1) (d).

SECTION 14. 885.34 of the statutes is renumbered 885.34 (1).

SECTION 15. 885.34 (2) of the statutes is created to read:

885.34 (2) Whenever a witness attending in any court trial or appearing before any grand jury or John Doe investigation fails or refuses without just cause to comply with an order of the court under this section to give testimony in response to a question or with respect to any matter, the court, upon such failure or refusal, or when such failure or refusal is duly brought to its attention, may summarily order his confinement at a suitable place until such time as the witness is willing to give such testimony or until such trial, grand jury term or John Doe investigation is concluded but in no case exceeding one year. No person confined under this section shall be admitted to bail pending the determination of an appeal taken by him from the order of his confinement.

SECTION 16. 940.206 of the statutes is created to read:

940.206 BATTERY OF WITNESSES AND JURORS. Whoever causes bodily harm to a person who is or was a witness as defined in s. 943.30 (3) (b) or a grand or petit juror with intent to cause bodily harm to that person by reason of his having attended or testified as a witness or by reason of any verdict or indictment assented to by him, without consent of the person injured, may be fined not more than \$10,000 or imprisoned not more than 5 years or both.

SECTION 17. 943.01 (2) (b) of the statutes is amended to read:

943.01 (2) (b) The property damaged belongs to a public utility or common carrier and the damage is of a kind which is likely to impair the services of the public utility or common carrier; ; or

SECTION 18. 943.01 (2) (c) of the statutes is created to read:

943.01 (2) (c) The property damaged belongs to a person who is or was a witness as defined in s. 943.30 (3) (b) or a grand or petit juror and the damage was caused by reason of the owner's having attended or testified as a witness or by reason of any verdict or indictment assented to by him.

SECTION 18m. 943.27 of the statutes is created to read:

943.27 POSSESSION OF RECORDS OF CERTAIN USURIOUS LOANS. Except as otherwise authorized by law, any person who knowingly possesses any writing representing or constituting a record of a charge of, contract for, receipt of or demand for a rate of interest or consideration exceeding \$20 upon \$100 for one year computed upon the declining principal balance of the loan, use or forbearance of money, goods or things in action or upon the loan, use or sale of credit may be fined not more than \$5,000 or imprisoned not more than 2 years or both.

SECTION 18n. 943.28 of the statutes is created to read:

943.28 LOAN SHARKING PROHIBITED. (1) For the purposes of this section:

(a) To collect an extension of credit means to induce in any way any person to make repayment thereof.

(b) An extortionate extension of credit is any extension of credit with respect to which it is the understanding of the creditor and the debtor at the time it is made that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to the person, reputation or property of any person.

(c) An extortionate means is any means which involves the use, or an express or implicit threat of use, of violence or other criminal means to cause harm to the person, reputation or property of any person.

(2) Whoever makes any extortionate extension of credit, or conspires to do so, if one or more of the parties to the conspiracy does an act to effect its object, may be fined not more than \$10,000 or imprisoned not more than 20 years or both.

(3) Whoever advances money or property, whether as a gift, as a loan, as an investment, pursuant to a partnership or profit-sharing agreement, or otherwise, for the purpose of making extortionate extensions of credit, may be fined not more than \$10,000 or imprisoned not more than 20 years or both.

(4) Whoever knowingly participates in any way in the use of any extortionate means a) to collect or attempt to collect any extension of credit, or b) to punish any person for the nonrepayment thereof, may be fined not more than \$10,000 or imprisoned not more than 20 years or both.

SECTION 19. 943.30 of the statutes is renumbered 943.30 (1).

SECTION 20. 943.30 (2) and (3) of the statutes are created to read:

943.30 (2) Whoever violates sub. (1) by obstructing, delaying or affecting commerce or business or the movement of any article or commodity in commerce or business by threats or extortion or attempts or conspires so to do or commits or threatens physical violence to any person or property in furtherance of a plan or purpose to do anything in violation of sub. (1) may be fined not more than \$10,000 or imprisoned not more than 20 years or both.

(3) (a) Whoever by violating sub. (1) attempts to influence any witness in any matter, cause, action or proceeding before any court, officer or body mentioned in s. 946.31 (1), whether de facto or de jure, or any petit or grand juror, in the performance of his functions as such, or to deter any such witness from testifying, may be fined not more than \$10,000 or imprisoned not more than 10 years or both.

(b) In this subsection "witness" means any person who has been or is expected to be summoned to testify, or who by reason of having relevant information is subject to call or likely to be called as a witness, whether or not any action or proceeding has as yet been commenced.

SECTION 21. 944.30 (1) and (2) of the statutes are amended to read:

944.30 (1) Has or offers to have nonmarital sexual intercourse for ~~money~~ *any thing of value*; or

(2) Commits or offers to commit an act of sexual perversion for ~~money~~ *any thing of value*; or

SECTION 23. 945.01 (5) and (6) of the statutes are created to read:

945.01 (5) BOOKMAKING. "Bookmaking" means the receiving, recording or forwarding of a bet or offer to bet on any contest of skill, speed, strength or endurance of man or beast.

(6) WIRE COMMUNICATION FACILITY. "Wire communication facility" means any and all instrumentalities, personnel and services, and among other things the receipt, forwarding or delivery of communications used or useful in the transmission of writings, signs, pictures and sounds of all kinds by means of wire, cable, microwave or other like connection between the points of origin and reception of such transmission.

SECTION 24. 945.02 (intro.) and (3) of the statutes are amended to read:

945.02 GAMBLING. Whoever does any of the following may be fined not more than \$500 or imprisoned not more than 6 months or both:

(3) Conducts a lottery, or with intent to conduct a lottery, possesses facilities to do so; or

SECTION 26. 945.03 (intro.), (1), (2) and (5) of the statutes are amended to read:

945.03 (intro.) Whoever intentionally does any of the following is engaged in commercial gambling and may be fined not more than \$5,000 or imprisoned not more than one year or both:

(1) Participates in the earnings of or for gain operates or permits the operation of a gambling place; or

(2) ~~Receives~~ For gain, receives, records, or forwards ~~bets a bet~~ or ~~offers~~ offer to bet or, with intent to receive, record, or forward ~~bets a bet~~ or ~~offers~~ offer to bet, possesses facilities to do so; or

(5) Sets up for use for the purpose of gambling or collects the proceeds of any gambling machine; or

SECTION 27. 945.03 (6) and (7) of the statutes are created to read:

945.03 (6) For gain, maintains in this state any record, paraphernalia, tickets, certificates, bills, slip, token, paper, writing, or other device used, or to be used, or adapted, devised, or designed for use in gambling; or

(7) For gain, uses a wire communication facility for the transmission or receipt of information assisting in the placing of a bet or offer to bet on any sporting event or contest, or for the transmission of a wire communication which entitled the recipient to receive money or credit as a result of a bet or offer to bet.

SECTION 29. 945.05 (1) (intro.) and (b) and (2) of the statutes are amended to read:

945.05 (1) (intro.) Whoever manufactures, transfers commercially or possesses with intent to transfer commercially either of the following may be fined not more than \$5,000 or imprisoned not more than one year or both:

(b) Any device which he knows is designed exclusively for gambling purposes or anything which he knows is designed exclusively as a subassembly or essential part of such device. This includes without limi-

tation gambling machines, numbers jars, punch boards and roulette wheels. *Playing cards, dice and permanently disabled gambling machines shall not be considered devices primarily for gambling purposes.*

(2) Proof of possession of any device designed exclusively for gambling purposes, which is not in a gambling place and is not set up for use, is prima facie evidence of possession with intent to transfer.

SECTION 30. 945.05 (3) of the statutes is created to read:

945.05 (3) Any motor vehicle or aircraft, used or employed to aid in or to facilitate the unlawful manufacture or commercial transfer of those gambling devices enumerated in sub. (1), may be seized by any peace officer and shall be forfeited to the state in an action brought by the attorney general or the district attorney of the county where the vehicle or aircraft is subject to forfeiture and such action shall be in the name of and on behalf of the state in accordance with ch. 288. Lienholders and owners shall have the same rights as provided in s. 139.40.

SECTION 31. 945.06 of the statutes is created to read:

945.06 PUBLIC UTILITIES TO CEASE SERVICE. When any public utility, common carrier, contract carrier, or railroad, subject to the jurisdiction of the public service commission of this state, is notified in writing by a federal, state or local law enforcement agency, acting within its jurisdiction, that any facility furnished by it is being used or will be used for the purpose of transmitting or receiving gambling information in violation of the laws of this state it shall discontinue or refuse the leasing, furnishing, or maintaining of such facility, after reasonable notice to the subscriber, but no damages, penalty or forfeiture, civil or criminal, shall be found against any such public utility, common carrier, contract carrier, or railroad, for any act done in compliance with any notice received from a law enforcement agency under this section. Nothing in this section shall be deemed to prejudice the right of any person affected thereby to secure an appropriate determination as otherwise provided by law in any court or tribunal or agency, that such facility should not be discontinued or removed, or should be restored.

SECTION 34. 946.61 (1) (intro.) of the statutes is amended to read:

946.61 (1) (intro.) Whoever does any of the following may be fined not more than ~~\$500~~ 10,000 or imprisoned not more than ~~one year~~ 5 years or both:

SECTION 35. 946.64 of the statutes is amended to read:

946.64 Whoever, with intent to influence any person, summoned or serving as a juror, in relation to any matter which is before him or which may be brought before him, communicates with him otherwise than in the regular course of proceedings in the trial or hearing of that matter may be fined not more than ~~\$200~~ \$1,000 or imprisoned not more than 6 months or both.

SECTION 36. 946.65 of the statutes is created to read:

946.65 OBSTRUCTING JUSTICE. (1) Whoever for a consideration knowingly gives false information to any officer of any court with intent to influence the said officer in the performance of his functions as such may be fined not more than \$5,000 or imprisoned not more than 2 years or both.

(2) "Officer of any court" includes the judge, reporter, bailiff and district attorney.

SECTION 37. RECONCILIATION WITH 1969 SENATE BILL 355. If 1969 Senate Bill 355 fails to be enacted into law, the text of section 165.70 of the statutes resulting from the present act shall supersede the text of section 14.526 of the statutes and be printed as such. [Was enacted; see SECTION 620, Chapter 276, Laws of 1969]

Approved November 24, 1969.