

State of Wisconsin



2005 Assembly Bill 40

Date of enactment: **January 4, 2006**
Date of publication*: **January 19, 2006**

2005 WISCONSIN ACT 91

AN ACT *to amend* 961.55 (5) (intro.), 961.55 (5) (a), 961.55 (5) (b) and 961.55 (5) (c); and *to create* 961.55 (5) (e) 1. and 961.55 (5) (e) 2. of the statutes; **relating to:** forfeiture of money derived from a drug crime.

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

SECTION 1. 961.55 (5) (intro.) of the statutes is amended to read:

961.55 (5) (intro.) When property is forfeited under this chapter, the agency whose officer or employee seized the property ~~may shall do one of the following:~~

SECTION 2. 961.55 (5) (a) of the statutes is amended to read:

961.55 (5) (a) Retain it for official use;

SECTION 3. 961.55 (5) (b) of the statutes is amended to read:

961.55 (5) (b) Sell that which is not required to be destroyed by law and which is not harmful to the public. The agency may use ~~50%~~ 50 percent of the amount received for payment of ~~all proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising and court costs and the costs of investigation and prosecution reasonably incurred.~~ The remainder shall be deposited in the school fund as proceeds of the forfeiture. In this paragraph, "forfeiture expenses" include all proper expenses

~~of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, and court costs and the costs of investigation and prosecution reasonably incurred.~~

(e) If the property forfeited is money, all the money shall be deposited retain the sum of all of the following for payment of forfeiture expenses, as defined in par. (b), and deposit the remainder in the school fund;

SECTION 4. 961.55 (5) (c) of the statutes is amended to read:

961.55 (5) (c) Require the sheriff of the county in which the property was seized to take custody of the property and remove it for disposition in accordance with law; ~~or.~~

SECTION 5. 961.55 (5) (e) 1. of the statutes is created to read:

961.55 (5) (e) 1. If the amount of money does not exceed \$2,000, 70 percent of that amount.

SECTION 6. 961.55 (5) (e) 2. of the statutes is created to read:

961.55 (5) (e) 2. Fifty percent of any amount seized in excess of \$2,000.

* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].