



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-3669/1
MDK:jld

2015 SENATE BILL 485

December 29, 2015 - Introduced by Senators WANGGAARD, HARRIS DODD, LASSA, MOULTON, NASS, OLSEN, RINGHAND and WIRCH, cosponsored by Representatives VANDERMEER, BERNIER, E. BROOKS, HORLACHER, T. LARSON, MACCO, A. OTT, PETRYK, ROHRKASTE, SINICKI, WEATHERSTON and BALLWEG. Referred to Committee on Judiciary and Public Safety.

1 **AN ACT to amend** 100.264 (2) (intro.) and 100.264 (3) of the statutes; **relating**
2 **to:** supplemental forfeitures for trade and consumer protection violations
3 perpetrated against the elderly and disabled and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill allows a court to impose a supplemental forfeiture against a person who perpetrates against the elderly or disabled a violation of certain laws for which the Department of Agriculture, Trade and Consumer Protection (DATCP) has rule-making, investigation, or enforcement authority. Current law specifies the conditions under which a court may impose such a supplemental forfeiture for some laws for which DATCP has such authority, but not including laws relating to the following: future service plans, rental vehicles, self-service storage facilities, time shares, foreclosure consultants, prize notices, mail-order sales, unfair billing, vehicle protection product warranties, video subscriber rights, solicitations of public record fees, contract solicitations using checks or money orders, telephone solicitations, telephone records, consumer loan information, tax preparer client information, and residential contractors. Under certain conditions, the bill allows a court to impose a supplement forfeiture for violations of the foregoing that are perpetrated against the elderly or disabled.

SENATE BILL 485

For further information see the *state* 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:

1 **SECTION 1.** 100.264 (2) (intro.) of the statutes is amended to read:

2 100.264 (2) SUPPLEMENTAL FORFEITURE. (intro.) If a fine or a forfeiture is
3 imposed on a person for a violation under ch. 136 or 707 or s. 100.16, 100.17, 100.171,
4 100.174, 100.18, 100.182, 100.183, 100.195, 100.20, 100.203, 100.205, 100.207,
5 100.209, 100.21, 100.30 (3), 100.313, 100.315, 100.35, 100.44 or, 100.46, 100.52,
6 100.525, 100.55, 100.57, 100.65, 134.71, 134.72, 134.73, 134.87, 344.574, 344.576 (1),
7 (2), or (3) (a) or (b), 344.577, or 344.578, or a provision of ch. 704 or 846 for which the
8 department has rule-making, investigation, or enforcement authority, or a rule
9 promulgated under one of those sections, chapters, or provisions, the person shall be
10 subject to a supplemental forfeiture not to exceed \$10,000 for that violation if the
11 conduct by the defendant, for which the violation was imposed, was perpetrated
12 against an elderly person or disabled person and if the court finds that any of the
13 following factors is present:

14 **SECTION 2.** 100.264 (3) of the statutes is amended to read:

15 100.264 (3) PRIORITY FOR RESTITUTION. If the court orders restitution under s.
16 100.171 (8), 100.173 (4) (a), 100.174 (7), 100.175 (7), 100.177 (15), 100.18 (11) (d),
17 100.182 (5) (a), 100.20 (6), 100.205 (7), 100.207 (6) (b) 1. or, 100.44 (5), or 134.87 (6)
18 for a pecuniary or monetary loss suffered by a person, the court shall require that the
19 restitution be paid by the defendant before the defendant pays any forfeiture
20 imposed under this section.

21 **SECTION 3. Initial applicability.**

