



# NANCY VANDERMEER

STATE REPRESENTATIVE • 70<sup>TH</sup> ASSEMBLY DISTRICT

TO: Honorable Members of the Senate Committee on Judiciary and Public Safety

FROM: State Representative Nancy VanderMeer

DATE: January 13, 2016

SUBJECT: Testimony in Support of SB 485

Thank you Chairman Wanggard and fellow members of the Senate Committee on Judiciary and Public Safety for holding a hearing on Senate Bill 485 today. As the author of this legislation, along with Chairman Wanggaard, I am pleased to testify before you and to take any questions that committee members may have.

Senate Bill 485 would allow courts to impose a more fitting penalty for crimes against the elderly or disabled. At the request the Wisconsin Department of Agriculture, Trade and Consumer Protection, this legislation will add specific crimes to the already existing list of conditions under which a court may impose such a supplemental forfeiture.

Current law allows penalty enhancers for some crimes perpetrated against the elderly or disabled already, 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 will allow a court to impose a supplement forfeiture for violations of the foregoing that are perpetrated against the elderly or disabled. This will help protect and shield Wisconsin's most vulnerable citizens.

In closing, I ask that you join Chairman Wanggaard and myself in support of this legislation. Thank you for the opportunity to testify here today, I would be happy to answer any questions you may have at this time.



State of Wisconsin  
Governor Scott Walker

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**Department of Agriculture, Trade and Consumer Protection**  
Ben Brancel, Secretary

**Senate Committee on Judiciary and Public Safety**  
**2015 SB 485**  
**Frank Frassetto, Administrator**  
**Division of Trade and Consumer Protection**  
**January 13, 2016**

I am testifying in support of SB 485 -- relating to: supplemental forfeitures for trade and consumer protection violations perpetrated against the elderly and disabled and providing a penalty.

### **Current Situation**

- While DATCP does not track the age of complainants, the Federal Trade Commission reports fraud complaints from individuals 60 and older rose at least 47 percent between 2012 and 2014.
- Criminals often target seniors and vulnerable individuals, believing them to be easy targets.
- As the general population ages, this trend is expected to continue.

### **AB 610 expands the types of offenses that are eligible for penalty enhancers**

- This bill adds timeshares, future service plans, marketing; trade practices, rental cars, self-service storage facilities and foreclosure consultants to the list of laws for which the court may impose a supplemental forfeiture.
- This bill includes the consumer protection complaint statutes where the elderly and disabled are most at risk.
- A person who violates the prohibitions in the bill is subject to a supplemental forfeiture not to exceed \$10,000 for that violation.
- There is no federal counterpart to this bill.

### **Impact on DATCP**

- Since the bill does not create any new areas of enforcement, the actual workload for DATCP staff would not change.
- The State defines these fines and forfeitures in statute; therefore, additional rulemaking will not be required.

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