



# ROB SWEARINGEN

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## Testimony for SB 226 September 5<sup>th</sup>, 2013

I would like to thank the Committee on Transportation, Public Safety, and Veterans and Military Affairs for accepting my testimony for Senate Bill 226. As you may know, I have authored the Assembly companion bill AB 212. This bill was drafted and introduced at the request of a Police chief in Eagle River WI. Senate Bill 226 allows for a vehicle to be seized if it is involved in a crime of child enticement. The crime of Child Enticement is described in Wisconsin Statutes as,

**“948.07 Child enticement.** *Whoever, with intent to commit any of the following acts, causes or attempts to cause any child who has not attained the age of 18 years to go into any vehicle, building, room or secluded place is guilty of a Class D felony:*

- (1) *Having sexual contact or sexual intercourse with the child in violation of s. 948.02, 948.085, or 948.095.*
- (2) *Causing the child to engage in prostitution.*
- (3) *Exposing a sex organ to the child or causing the child to expose a sex organ in violation of s. 948.10.*
- (4) *Recording the child engaging in sexually explicit conduct.*
- (5) *Causing bodily or mental harm to the child.*
- (6) *Giving or selling to the child a controlled substance or controlled substance analog in violation of ch. 961.”*

Currently, vehicles **may** be confiscated if they are involved with certain crimes. These crimes include transporting a weapon that was used in a felony, impersonating an enforcement officer, any crime involving prostitution, etc. In addition, a vehicle may be confiscated if it involves certain crimes against children including child abuse, violating a restraining order, harassment or stalking. This bill adds child enticement to the list of crimes that would give enforcement officers the power to confiscate a vehicle.

Within Senate Bill 226, we have included the verbiage **may** confiscate a vehicle associated in the crime of child enticement. The enforcement agency is not required to seize the vehicle, but may do so if they believe that it was involved in the crime of child enticement.

I would like to thank all co-sponsors on this piece of legislation; I hope that SB 226 receives the same unanimous support as AB 212 did in the Assembly Committee on Criminal Justice.



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**Luther S. Olsen**  
State Senator  
14th District

**Testimony in favor of Senate Bill 226**  
**September 5, 2013**

**Senate Committee on Transportation, Public Safety, and Veterans and Military Affairs**

Thank you Chairman Petrowski and committee members for holding a hearing on Senate Bill 226 which relates to the seizure of property involved in the crime of child enticement. It was my pleasure to co-author this bill with Representative Rob Swearingen. I greatly appreciate the opportunity to discuss this legislation, and the time the committee members are investing in the hearing.

Under current law, vehicles may be subject to seizure and forfeiture if they were involved in the commission of certain crimes. Examples of these crimes include transporting a weapon that aided in the commission of a felony, impersonating an enforcement officer, prostitution, and violating a restraining order or injunction. Vehicles may also be seized if they were involved in a stalking offense and instances of child abuse.

Senate Bill 226 adds the crime of child enticement to the list of those crimes where vehicles are subject to the forfeiture law. Child enticement is described in Wisconsin Statutes as, "whoever, with intent to commit any of the following acts, causes or attempts to cause any child who has not attained the age of 18 years to go into any vehicle, building, room, or secluded place is guilty of a Class D Felony: (1) having sexual contact or sexual intercourse with the child in violation of s. 948.02, 948.085, or 948.095; (2) causing the child to engage in prostitution; (3) exposing a sex organ to the child or causing the child to expose a sex organ in violation of s. 948.10; (4) recording the child engaging in sexually explicit conduct; (5) causing bodily or mental harm to the child; and (6) giving or selling to the child a controlled substance or controlled substance analog in violation of ch. 961". This addition will provide law enforcement officials the opportunity to confiscate vehicles if they have probable cause to believe the vehicle was involved in an instance of child enticement.

This change is needed to reflect the unfortunate fact that sexual predators employ many means to entice and manipulate children. Increasingly, many of these predators have been using the internet to find potential victims. Some are particularly aggressive as they will travel to the location of the child in order to establish harmful physical contact with that child. They also will often lure the child into a vehicle to transport them to secondary locations.

As Chair of the Senate Committee on Education and as a Father, I take the safety of all children very seriously. This legislation will provide law enforcement with an added tool with which to address cases of child enticement and help keep our children safe.

Finally, Senate Bill 226 received bipartisan support from the Assembly, and I look forward to voting yes on this legislation if the committee chooses to send it to the floor.