

**2007 DRAFTING REQUEST**

**Assembly Substitute Amendment (ASA-AB503)**

Received: 02/14/2008

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Rich Zipperer (608) 266-5120

By/Representing:

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Addl. Drafters:

Subject: Criminal Law - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Rep.Zipperer@legis.wisconsin.gov

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Theft of Services

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/1			rschluet 02/14/2008	_____	cduerst 02/14/2008	cduerst 02/14/2008	

FE Sent For:

<END>

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phurley

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2/14/08  
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<END>

FE Sent For:

## Hurley, Peggy

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**From:** Reader, Chris  
**Sent:** Thursday, February 14, 2008 12:50 PM  
**To:** Hurley, Peggy  
**Subject:** ab503

Peggy, I'm not sure if Rep. Staskunas' office has made this request yet. They were supposed to quite a while ago and I have yet to receive a draft form them, so I'm asking that you draft it as an amendment for Rep. Zipperer.

Rich would like this as soon as possible. Please call with any questions.

### **Changes to Staskunas LRBs0170/2**

#### **Page 1 line 5 and page 2 line 19:**

Replace 'spakeeper' with 'service provider'

#### **Replace page 1 lines 8-9 with:**

943.21(1m)(e) Having obtained a service from a service provider, intentionally fails or refuses to pay for the service.

#### **Replace page 1 line 11 – page 2 line 15 with:**

943.21(2t) The failure or refusal to pay a service provider the stated price for a service provided by the service provider and without the service provider's consent constitutes prima facie evidence of an intent to deprive the service provider permanently of the full price of the service.

#### **Definitions**

**Create 943.21(1d)** In this section, 'service provider' means a merchant who provides a service to retail customers without a written contract with the expectation that the service will be paid for by the customer upon completion of the service.

**Chris Reader**  
Office of Rep. Zipperer  
Wisconsin State Assembly  
(608) 266-5120

50274/1  
stays

ASSEMBLY SUBSTITUTE AMENDMENT,  
TO 2007 ASSEMBLY BILL 503

soon  
2-14-08

Regen

1 AN ACT *to amend* 943.21 (title), 943.21 (3) (am) (intro.) and 943.212 (title); and  
2 *to create* 943.21 (1m) (e) and 943.21 (2t) of the statutes; **relating to:** fraud on  
3 certain merchants and service providers and providing a penalty.

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

Insert A ✓

4 SECTION 1. 943.21 (title) <sup>x</sup> of the statutes is amended to read: (B) → service provider

5 943.21 (title) **Fraud on hotel or restaurant keeper, ~~spakeeper~~ <sup>SCORE</sup>**  
6 **recreational attraction, taxicab operator, or gas station.**

7 SECTION 2. 943.21 (1m) (e) <sup>x</sup> of the statutes is created to read: ✓ service provider

8 943.21 (1m) (e) Having obtained any service from a ~~spakeeper~~ <sup>service provider</sup>, intentionally  
9 ~~absconds without paying for that service.~~ <sup>fails or refuses to pay</sup>

10 SECTION 3. 943.21 (2t) of the statutes is created to read:

11 943.21 (2t) Under this section, prima facie evidence of an intent to defraud is  
12 shown by:

1 (a) The refusal of payment upon presentation when due, and the return unpaid  
 2 of any bank check or order for the payment of money, given by any client to any  
 3 spakeeper, in payment of any obligation arising out of the relationship as client.  
 4 Those facts also constitute prima facie evidence of an intent to abscond without  
 5 payment.

6 (b) The failure or refusal of any client of a spakeeper, to pay, upon written  
 7 demand, the established charge for any service actually rendered.

8 (c) The giving of false information on a registration form or the giving of false  
 9 information or presenting of false or fictitious credentials for the purpose of  
 10 obtaining any service.

11 (d) The drawing, endorsing, issuing, or delivering to any spakeeper, of any  
 12 check, draft, or order for payment of money upon any bank or other depository, in  
 13 payment of established charges service, knowing at the time that there is not  
 14 sufficient credit with the drawee bank or other depository for payment in full of the  
 15 instrument drawn.

16 SECTION 4. 943.21 (3) (am) (intro.) of the statutes is amended to read:

17 943.21 (3) (am) (intro.) Whoever violates sub. (1m) (a), (b), ~~or (c)~~, or (e):

18 SECTION 5. 943.212 (title) of the statutes is amended to read:

19 943.212 (title) **Fraud on hotel or restaurant keeper, ~~spakeeper,~~**  
 20 **recreational attraction, taxicab operator, or gas station; civil liability.**

21 *Insert B ✓*

(END)

*(B) → service provider*

SECTION #. 943.21 (1c); RN 943.21 (1c) (intro)  
INSERT JOY

INSERT A:

SECTION 1. 943.21 (1c) of the statutes is created to read:

943.21 (1c) In this section, "service provider" means a merchant who provides a service to a retail customer without a written contract with the expectation that the service will be paid for by the customer upon completion of the service.

INSERT B:

SECTION 2. 943.21 (2t) of the statutes is created to read:

943.21 (2t) The failure or refusal, without the service provider's consent, to pay a service provider the stated price for a service provided by the service provider constitutes prima facie evidence of an intent to deprive the service provider permanently of the full price of the service.

INSERT JOY

(intro.)

943.21 (1c)

⊕ (a) "Recreational"

(1c) In this section, "recreational attraction" means a public accommodation designed for amusement and includes chair lifts or ski resorts, water parks, theaters, entertainment venues, racetracks, swimming pools, trails, golf courses, carnivals, and amusement parks.

(end insert JOY)