

2011 DRAFTING REQUEST

Bill

Received: 04/26/2011

Received By: phurley

Wanted: As time permits

Companion to LRB:

For: Paul Farrow (608) 266-5120

By/Representing:

May Contact:

Drafter: phurley

Subject: Criminal Law - miscellaneous

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Farrow@legis.wi.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Theft of services

Instructions:

companion to 11-1731

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>
/?	phurley 04/26/2011	jdyer 04/26/2011		_____			Crime
/1			jfrantze 04/26/2011	_____	ggodwin 04/26/2011	ggodwin 04/26/2011	

FE Sent For: none

<END>

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/?	phurley	1 4/26 jcd	5/6	4/26			

FE Sent For:

<END>

Hurley, Peggy

From: Basford, Sarah
Sent: Thursday, April 21, 2011 8:53 AM
To: Hurley, Peggy
Subject: FW: DRAFT: Co-Sponsorship of LRB 1731, Theft of Services

-----Original Message-----

From: Loe, Emily
Sent: Thursday, April 21, 2011 8:21 AM
To: Basford, Sarah
Subject: RE: DRAFT: Co-Sponsorship of LRB 1731, Theft of Services

One note- the Assembly coauthors are Rep Kleefisch and Rep Farrow.

Thank you!

Emily Loe
Office of Rep. Paul Farrow
98th Assembly District
105 West, State Capitol
608-266-5120

-----Original Message-----

From: Basford, Sarah
Sent: Thu 4/21/2011 7:44 AM
To: Loe, Emily
Subject: RE: DRAFT: Co-Sponsorship of LRB 1731, Theft of Services

I have forwarded this request to the drafter of -1731, Peggy Hurley. If you have any questions, let me know.

Sarah Basford
Senior Program Assistant
Legislative Reference Bureau
1 East Main St., Suite 200
Madison, WI 53703
(608) 266-3561

From: Loe, Emily
Sent: Wednesday, April 20, 2011 5:14 PM
To: LRB.Legal
Subject: FW: DRAFT: Co-Sponsorship of LRB 1731, Theft of Services

Rep. Farrow's office will be drafting the companion to LRB 1731, by Sen. Rich Zipperer.

Thank you-

Emily Loe
Legislative Assistant

Office of State Representative Paul Farrow
98th Assembly District
105 West, State Capitol
608-266-5120

From: Reader, Chris
Sent: Wednesday, April 20, 2011 4:17 PM
To: Loe, Emily; Schoenfeldt, Eileen
Subject: DRAFT: Co-Sponsorship of LRB 1731, Theft of Services

Hey, on theft of service:

Does this look ok to you both?

Do you want your office phone numbers on it?

Do you have a companion LRB #?

Thanks!

Chris Reader

Chief of Staff

Senator Rich Zipperer

State Capitol Room 323 South

(608) 266-9174

To: All Legislators
From: Senator Rich Zipperer, Reps. Joel Kleefisch and Paul Farrow
Re: LRB 1731 - Theft of Services
Deadline: COB on April 27th, 2011

LRB 1731 would make theft of services in Wisconsin a crime to the same extent that theft of products is a crime.

This issue came to light several years ago when an Illinois man received several hundred dollars worth of spa treatments from a spa in Brookfield, and left without paying the bill. Under current law, in order to prosecute for theft, the theft has to be of moveable property. The man was later arrested in Illinois for similar thefts, and charged under

Illinois' theft of service law. He made similar thefts at spas in Milwaukee, Greenfield, Racine, and Kenosha.

LRB 1731 amends sec.943.50 (retail theft) to also include theft of services. The penalties provided in the bill are the same as the current penalties for retail theft.

To cosponsor this bill please call Senator Zipperer's office at 6-9174 by close of business on Wednesday, April 27th.

Chris Reader

Chief of Staff

Senator Rich Zipperer

State Capitol Room 323 South

(608) 266-9174



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1731/1
PJH:jld:ph

keep

1983/1

rmr

2011 BILL

4-26-11

Regen

4

1 AN ACT to renumber 943.50 (1) (a); to amend 943.50 (title) and 943.50 (3); and
2 to create 943.50 (1) (ad), 943.50 (1) (am), 943.50 (1) (b) 3., 943.50 (1r) and
3 943.51 (1) (am) of the statutes; relating to: theft of certain services and
4 providing a penalty. ✓

Analysis by the Legislative Reference Bureau

Current law prohibits retail theft. A person who steals from a merchant is subject to penalties that vary according to the value of the merchandise that was stolen. Retail theft is a Class A misdemeanor if the value of the merchandise does not exceed \$2,500, a Class I felony if the value of the merchandise exceeds \$2,500 but does not exceed \$5,000, a Class H felony if the value of the merchandise exceeds \$5,000 but does not exceed \$10,000, and a Class G felony if the value of the merchandise exceeds \$10,000.

This bill defines "merchandise" to include a service provided by a "service provider." A "service provider" is a merchant who provides service to a retail customer without a written contract with the expectation that the customer will pay for the service upon completion of the service.

Under the bill, a person who obtains a service and who intentionally fails or refuses to pay for the service is guilty of retail theft and subject to the same penalties as under current law.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a

BILL

report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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

1 **SECTION 1.** 943.50 (title) of the statutes is amended to read:

2 **943.50** (title) **Retail theft; theft of services.**

3 **SECTION 2.** 943.50 (1) (a) of the statutes is renumbered 943.50 (1) (ag).

4 **SECTION 3.** 943.50 (1) (ad) of the statutes is created to read:

5 943.50 (1) (ad) “Merchandise” includes a service provided by a service provider.

6 **SECTION 4.** 943.50 (1) (am) of the statutes is created to read:

7 943.50 (1) (am) “Service provider” means a merchant who provides a service
8 to retail customers without a written contract with the expectation that the service
9 will be paid for by the customer upon completion of the service.

10 **SECTION 5.** 943.50 (1) (b) 3. of the statutes is created to read:

11 943.50 (1) (b) 3. For a service provided by a service provider, the service
12 provider’s stated price for the service.

13 **SECTION 6.** 943.50 (1r) of the statutes is created to read:

14 943.50 (1r) Any person may be penalized as provided in sub. (4) if, having
15 obtained a service from a service provider, he or she, without the service provider’s
16 consent and with intent to deprive the service provider permanently of the full price
17 of the service, intentionally fails or refuses to pay for the service.

18 **SECTION 7.** 943.50 (3) of the statutes is amended to read:

19 943.50 (3) A merchant or service provider, a merchant’s or service provider’s
20 adult employee or a merchant’s or service provider’s security agent who has
21 reasonable cause for believing that a person has violated this section in his or her

BILL

1 presence may detain the person in a reasonable manner for a reasonable length of
2 time to deliver the person to a peace officer, or to his or her parent or guardian in the
3 case of a minor. The detained person must be promptly informed of the purpose for
4 the detention and be permitted to make phone calls, but he or she shall not be
5 interrogated or searched against his or her will before the arrival of a peace officer
6 who may conduct a lawful interrogation of the accused person. The merchant or
7 service provider, merchant's or service provider's adult employee or merchant's or
8 service provider's security agent may release the detained person before the arrival
9 of a peace officer or parent or guardian. Any merchant or service provider,
10 merchant's or service provider's adult employee or merchant's or service provider's
11 security agent who acts in good faith in any act authorized under this section is
12 immune from civil or criminal liability for those acts.

13 **SECTION 8.** 943.51 (1) (am) of the statutes is created to read:

14 943.51 (1) (am) The retail value of the service provided by a service provider,
15 as defined in s. 943.50 (1) (am). A person may recover under this paragraph only if
16 he or she exercises due diligence in demanding payment for the service.

17 (END)

Godwin, Gigi

From: Loe, Emily
Sent: Tuesday, April 26, 2011 11:32 AM
To: LRB.Legal
Subject: Draft Review: LRB 11-1983/1 Topic: Theft of services

Please Jacket LRB 11-1983/1 for the ASSEMBLY.

Thank you-

Emily Loe
Office of Rep Farrow
6-5120