

**2011 DRAFTING REQUEST**

**Bill**

Received: 03/22/2011

Received By: phurley

Wanted: As time permits

Companion to LRB:

For: Rich Zipperer (608) 266-9174

By/Representing: Chris Reader

May Contact:

Drafter: phurley

Subject: Criminal Law - miscellaneous

Add. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Sen.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:**

ASA1 to 07 AB 503, with change to page 2 noted in attached email

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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>
/?	phurley 03/22/2011	jdyer 03/29/2011		_____			Crime
/1			phenry 03/30/2011	_____	sbasford 03/30/2011	sbasford 04/28/2011	

FE Sent For:

*None*

<END>

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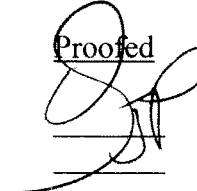
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/?	phurley	1/3/29 jld					

FE Sent For:

<END>

## Hurley, Peggy

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**From:** Reader, Chris  
**Sent:** Tuesday, March 22, 2011 10:28 AM  
**To:** Hurley, Peggy  
**Subject:** zipperer drafting request

Hi Peggy – could you work up a bill draft for Senator Zipperer, one that you worked on for us in past sessions?

I'm looking to redraft our theft of service bill. What I'd like is a redraft of 2007 assembly substitute amendment 1 to 2007 assembly bill 503, with a minor change. On page 2, I don't think we need the changes offered in line 6 (adding saloonkeeper and spakeeper to the list of defined merchants, since those would be captured later in the bill under the definition of 'service provider').

Thanks!

**Chris Reader**  
Chief of Staff  
Senator Rich Zipperer  
State Capitol Room 323 South  
(608) 266-9174

LPS - FROM 2007 LRBs 0168/1

2007 - 2008 LEGISLATURE

LRB 0168/1

PJH:epg

1731/1

rnr

jld

2011 BILL

**ASSEMBLY SUBSTITUTE AMENDMENT 1,**

**TO 2007 ASSEMBLY BILL 503**

LPS-  
PWF  
please

3-22-11

November 2, 2007 - Offered by Representative ZIPPERER.

Lx

Gen

1 **AN ACT to renumber and amend** 943.50 (1) (a); **to amend** 943.50 (title) and  
2 943.50 (3); and **to create** 943.50 (1) (ad), 943.50 (1) (am), 943.50 (1) (b) 3., 943.50  
3 (1r) and 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 (substitute amendment) 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. ✓

CRIME ✓

the bill ✓

Under this substitute amendment, 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.

*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 certain services.** ✓

3 Fix component → SECTION 2. 943.50 (1) (a) of the statutes is renumbered 943.50 (1) (ag) and ✓

4 amended to read:

5 943.50 (1) (ag) "Merchant" includes any "merchant" as defined in s. 402.104 (3)

6 or any salonkeeper, spakeeper, innkeeper, motelkeeper, or hotelkeeper.

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

8 943.50 (1) (ad) "Merchandise" includes a service provided by a service provider. ✓

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

10 943.50 (1) (am) "Service provider" means a merchant who provides a service  
11 to retail customers without a written contract with the expectation that the service  
12 will be paid for by the customer upon completion of the service. ✓

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

14 943.50 (1) (b) 3. For a service provided by a service provider, the service  
15 provider's stated price for the service.

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

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

1           **SECTION 7.** 943.50 (3)<sup>x</sup> of the statutes is amended to read:

2           943.50 (3) A merchant or service provider<sup>✓</sup>, a merchant's or service provider's<sup>✓</sup>  
3           adult employee or a merchant's or service provider's<sup>✓</sup> security agent who has  
4           reasonable cause for believing that a person has violated this section in his or her  
5           presence may detain the person in a reasonable manner for a reasonable length of  
6           time to deliver the person to a peace officer, or to his or her parent or guardian in the  
7           case of a minor. The detained person must be promptly informed of the purpose for  
8           the detention and be permitted to make phone calls, but he or she shall not be  
9           interrogated or searched against his or her will before the arrival of a peace officer  
10          who may conduct a lawful interrogation of the accused person. The merchant or  
11          service provider<sup>✓</sup>, merchant's or service provider's<sup>✓</sup> adult employee<sup>✓</sup> or merchant's or  
12          service provider's<sup>✓</sup> security agent may release the detained person before the arrival  
13          of a peace officer or parent or guardian. Any merchant or service provider<sup>✓</sup>,  
14          merchant's or service provider's<sup>✓</sup> adult employee or merchant's or service provider's<sup>✓</sup>  
15          security agent who acts in good faith in any act authorized under this section is  
16          immune from civil or criminal liability for those acts.

17          **SECTION 8.** 943.51 (1) (am)<sup>x</sup> of the statutes is created to read:

18          943.51 (1) (am) The retail value of the service<sup>✓</sup> provided by a service provider<sup>✓</sup>,  
19          as defined in s. 943.50 (1) (am).<sup>✓</sup> A person may recover under this<sup>✓</sup> paragraph only if  
20          he or she exercises due diligence in demanding payment for the service.<sup>✓</sup>

21

(END)

**Parisi, Lori**

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**From:** Reader, Chris

**Sent:** Thursday, April 28, 2011 1:02 PM

**To:** LRB.Legal

**Subject:** Draft Review: LRB 11-1731/1 Topic: Theft of services

Please Jacket LRB 11-1731/1 for the SENATE.

4/28/2011