



## 2011 ASSEMBLY BILL 56

1     **AN ACT** *to amend* 943.50 (4) (a), 943.50 (4) (bf) and 946.82 (4); and *to create*  
2             134.715, 943.50 (3m) (am) and 943.50 (4m) of the statutes; **relating to:** retail  
3             theft, proof of ownership for flea market sales, and providing penalties.

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*Analysis by the Legislative Reference Bureau*

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

4             **SECTION 1.** 134.715 of the statutes is created to read:  
5             **134.715 Flea markets; proof of ownership, receipts, returns. (1)**  
6             DEFINITIONS. In this section:  
7             (a) “Cosmetic” means an article intended to be applied to the human body for  
8             cleansing, beautifying, or altering appearance, but does not include soap.  
9             (b) “Device” has the meaning given in s. 450.01 (6).  
10            (c) “Drug” has the meaning given in s. 450.01 (10).

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1 (d) “Infant formula” means a food that is intended for consumption by infants.

2 (e) “Proof of ownership” means all of the following information:

3 1. The name, address, and telephone number of the person that supplied the  
4 merchandise or a representative of the person that supplied the merchandise.

5 2. The name and address of the person that received the merchandise from the  
6 person who supplied the merchandise.

7 3. A description of the product, including the quantity of the product received  
8 from the person who supplied the merchandise.

9 **(2) PROOF REQUIRED.** (a) A person engaged in the sale of used or new goods at  
10 a flea market or at a similar facility may not sell any of the following merchandise,  
11 unless the person has proof of ownership of the merchandise:

12 1. Baby food of a type usually consumed by children under 3 years of age.

13 2. Cosmetics.

14 3. Devices.

15 4. Drugs.

16 5. Infant formula.

17 6. Batteries.

18 7. Razor blades.

19 (b) A person required to have proof of ownership under this section shall make  
20 proof of ownership available for inspection by a law enforcement officer at any  
21 reasonable time.

22 **(3) PENALTY.** A person who violates this section may be fined not more than  
23 \$500 or imprisoned for not more than 30 days or both.

24 **SECTION 2.** 943.50 (3m) (am) of the statutes is created to read:

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1           943.50 **(3m)** (am) For the purpose of sub. (4m), evidence that a person sold by  
2 means of the Internet merchandise that is similar to the merchandise that is the  
3 subject of a violation under sub. (1m) (a), (b), (c), (d), (e), or (f), within 90 days before  
4 the violation, is prima facie evidence of the person's intent to sell the merchandise  
5 by means of the Internet.

6           **SECTION 3.** 943.50 (4) (a) of the statutes is amended to read:

7           943.50 **(4)** (a) ~~A~~ Except as provided in sub. (4m), a Class A misdemeanor, if  
8 the value of the merchandise does not exceed ~~\$2,500~~ \$500.

9           **SECTION 4.** 943.50 (4) (bf) of the statutes is amended to read:

10          943.50 **(4)** (bf) A Class I felony, if the value of the merchandise exceeds ~~\$2,500~~  
11 \$500 but does not exceed \$5,000.

12          **SECTION 5.** 943.50 (4m) of the statutes is created to read:

13          943.50 **(4m)** Whoever violates sub. (1m) (a), (b), (c), (d), (e), or (f) is guilty of a  
14 Class I felony if all of the following apply:

15           (a) The value of the merchandise does not exceed \$500.

16           (b) The person agrees or combines with another to commit the violation.

17           (c) The person intends to sell the merchandise by means of the Internet.

18          **SECTION 6.** 946.82 (4) of the statutes is amended to read:

19          946.82 **(4)** "Racketeering activity" means any activity specified in 18 USC 1961  
20 (1) in effect as of April 27, 1982, or the attempt, conspiracy to commit, or commission  
21 of any of the felonies specified in: chs. 945 and 961, subch. V of ch. 551, and ss. 49.49,  
22 134.05, 139.44 (1), 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625,  
23 221.0636, 221.0637, 221.1004, 553.41 (3) and (4), 553.52 (2), 940.01, 940.19 (4) to (6),  
24 940.20, 940.201, 940.203, 940.21, 940.30, 940.302 (2), 940.305, 940.31, 941.20 (2) and  
25 (3), 941.26, 941.28, 941.298, 941.31, 941.32, 942.09, 943.01 (2), (2d), or (2g), 943.011,

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1 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (bf) to (e),  
2 943.201, 943.203, 943.23 (1g), (2) and (3), 943.24 (2), 943.27, 943.28, 943.30, 943.32,  
3 943.34 (1) (bf), (bm), and (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and (c), 943.50 (4)  
4 (bf), (bm), and (c) and (4m), 943.60, 943.70, 943.76, 943.81, 943.82, 943.83, 943.84,  
5 943.85, 943.86, 943.87, 943.88, 943.89, 943.90, 944.21 (5) (c) and (e), 944.32, 944.33  
6 (2), 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11, 946.12,  
7 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76,  
8 946.79, 947.015, 948.05, 948.051, 948.08, 948.12, and 948.30.

9 (END)