

State of Wisconsin



2011 Assembly Bill 56

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2011 WISCONSIN ACT 174

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

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

SECTION 1. 134.715 of the statutes is created to read:
134.715 Flea markets; proof of ownership, receipts, returns. (1) DEFINITIONS. In this section:

(a) "Cosmetic" means an article intended to be applied to the human body for cleansing, beautifying, or altering appearance, but does not include soap.

(b) "Device" has the meaning given in s. 450.01 (6).

(c) "Drug" has the meaning given in s. 450.01 (10).

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

(e) "Proof of ownership" means all of the following information:

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

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

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

(2) PROOF REQUIRED. (a) A person engaged in the sale of used or new goods at a flea market or at a similar facil-

ity may not sell any of the following merchandise, unless the person has proof of ownership of the merchandise:

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

2. Cosmetics.

3. Devices.

4. Drugs.

5. Infant formula.

6. Batteries.

7. Razor blades.

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

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

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

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

* Section 991.11, WISCONSIN STATUTES 2009-10: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

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

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

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

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

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

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

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

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

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

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

946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961 (1) in effect as of April 27, 1982, or the attempt, conspiracy to commit, or commission of any of the felonies specified in: chs. 945 and 961, subch. V of ch. 551, and ss. 49.49, 134.05, 139.44 (1), 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625, 221.0636, 221.0637, 221.1004, 553.41 (3) and (4), 553.52 (2), 940.01, 940.19 (4) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.302 (2), 940.305, 940.31, 941.20 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 942.09, 943.01 (2), (2d), or (2g), 943.011, 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (bf) to (e), 943.201, 943.203, 943.23 (1g), (2) and (3), 943.24 (2), 943.27, 943.28, 943.30, 943.32, 943.34 (1) (bf), (bm), and (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and (c), 943.50 (4) (bf), (bm), and (c) and (4m), 943.60, 943.70, 943.76, 943.81, 943.82, 943.83, 943.84, 943.85, 943.86, 943.87, 943.88, 943.89, 943.90, 944.21 (5) (c) and (e), 944.32, 944.33 (2), 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11, 946.12, 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76, 946.79, 947.015, 948.05, 948.051, 948.08, 948.12, and 948.30.