



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2011 Wisconsin Act 174
[2011 Assembly Bill 56]

Retail Theft and Flea Market Sales

2011 Wisconsin Act 174 lowers the felony threshold for retail theft of merchandise, creates a new violation of the retail theft statute when a person coordinates with others to sell stolen items on the Internet, and requires a person who sells specific merchandise at a flea market to have proof of ownership for the items the individual offers for sale.

Felony Threshold for Retail Theft

Act 174 lowers the felony threshold for retail theft from \$2,500 to \$500. Under prior law, an individual who committed retail theft of merchandise valued at \$2,500 or less was guilty of a Class A misdemeanor, and a person who committed retail theft of merchandise valued between \$2,500 and \$5,000 was guilty of a Class I felony. *Act 174* provides that a person who commits retail theft of merchandise valued at \$500 or less is guilty of a Class A misdemeanor, and a person who commits retail theft of merchandise whose value is more than \$500 but does not exceed \$5,000 is guilty of a Class I felony.

Selling Stolen Items on the Internet

Act 174 creates a new provision of the retail theft law specifying that theft of goods valued at less than \$500 is a felony under certain circumstances involving intent to sell stolen items on the Internet. Though the retail theft of merchandise valued at less than \$500 is generally a Class A misdemeanor, the Act provides that such theft is a Class I felony when a person agrees or combines with another to commit the theft and intends to sell the merchandise on the Internet.

Proof of Ownership for Flea Market Sales

Act 174 requires a person selling specific merchandise at a flea market or similar facility to have proof of ownership. The requirement applies to the sale of baby food, cosmetics, medical devices, drugs, infant formula, batteries, and razor blades. A person who sells these items without proof of

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

ownership, or who fails to make proof of ownership available for inspection by law enforcement, is subject to a fine of \$500 or less, imprisonment of 30 days or less, or both.

Effective date: 2011 Wisconsin Act 174 takes effect on April 17, 2012.

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