



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2013 Wisconsin Act 89
[2013 Assembly Bill 191]

**Theft of Communications or Video
Service**

Under **prior law**, it was a Class C forfeiture to commit theft of telecommunication service or theft of video service for the first time. The penalty for a Class C forfeiture, a civil offense, is a forfeiture not to exceed \$500. **Act 89** makes it a Class C misdemeanor to commit a violation of theft of telecommunication service or theft of video service committed for the first time. The penalty for a Class C misdemeanor, a criminal offense, is a fine not to exceed \$500 or imprisonment not to exceed 30 days, or both.

Also, a person who incurs an injury as a result of theft of telecommunication service, commercial mobile service, video service, or satellite cable programming may bring a civil action against the person who committed the violation. If the person who incurs the loss prevails in the civil action, the court must grant the prevailing party actual damages, costs, and disbursements. Under **prior law**, a court could include reasonable attorney fees in the amount awarded, but only if the violation were a second or subsequent offense or was committed willfully and committed for commercial advantage. **Act 89** allows a court to include reasonable attorney fees in the amount awarded in all cases, but in an amount not exceeding the amount of actual damages.

Effective date: December 15, 2013.

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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.wisconsin.gov>.