

1981 Assembly Bill 745

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CHAPTER 270 , Laws of 1981

AN ACT to renumber and amend 943.50 (1); to amend 939.49 (title) and 943.50 (title) and (3); and to create 943.50 (1) and (3m) of the statutes, relating to retail theft.

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

SECTION 1. 939.49 (title) of the statutes is amended to read:

939.49 (title) Defense of property and protection against retail theft.

SECTION 2. 943.50 (title) of the statutes is amended to read:

943.50 (title) Retail theft.

SECTION 3. 943.50 (1) of the statutes is renumbered 943.50 (1m) and amended to read:

943.50 (1m) Whoever intentionally alters indicia of price or value of merchandise or who takes and carries away, transfers, conceals or retains possession of merchandise held for resale by a merchant or property of the merchant without his or her consent and with intent to deprive the merchant permanently of possession, or the full purchase price, of such the merchandise may be penalized as provided in sub. (4).

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

943.50 (1) In this section:

(a) "Merchant" includes any "merchant" as defined in s. 402.104 (1) or any innkeeper, motelkeeper or hotelkeeper.

(b) "Value of merchandise" means:

1. For property of the merchant, the value of the property; or
2. For merchandise held for resale, the merchant's stated price of the merchandise or, in the event of altering, transferring or removing a price marking or causing a cash register or other sales device to reflect less than the merchant's stated price, the difference between the merchant's stated price of the merchandise and the altered price.

SECTION 5. 943.50 (3) of the statutes is amended to read:

943.50 (3) A merchant or merchant's adult employe who has probable cause for believing that a person has violated this section in his or her presence may detain ~~such~~ the person in a reasonable manner for a reasonable length of time to deliver ~~him~~ the person to a peace officer, or to his or her parent or guardian in the case of a minor. The detained person must be promptly informed of the purpose for the detention and be permitted to make phone calls, but he or she shall not be interrogated or searched against his or her will before the arrival of a peace officer who may conduct a lawful interrogation of the accused person. ~~Compliance with this subsection entitles the merchant or his employe effecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty. Any merchant or merchant's adult employe who acts in good faith in any act authorized under this section is immune from civil or criminal liability for those acts.~~

SECTION 6. 943.50 (3m) of the statutes is created to read:

943.50 (3m) (a) In any action or proceeding for violation of this section, duly identified and authenticated photographs of merchandise which was the subject of the violation may be used as evidence in lieu of producing the merchandise.

(b) A merchant or merchant's adult employe is privileged to defend property as prescribed in s. 939.49.
