



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-3077/2
PJH:bjk&wlj:nwn

2007 ASSEMBLY BILL 503

September 13, 2007 - Introduced by Representative ZIPPERER. Referred to
Committee on Judiciary and Ethics.

1 **AN ACT to renumber and amend** 943.50 (1) (a); **to amend** 943.50 (title), 943.50
2 (1) (b) 1. and 943.51 (1) (a); and **to create** 943.50 (1) (ad) and 943.50 (1m) (i) of
3 the statutes; **relating to:** theft of services and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits retail theft. A person who steals from a merchant is subject to penalties that vary according to the value of the merchandise that was stolen. Retail theft is a Class A misdemeanor if the value of the merchandise does not exceed \$2,500, a Class I felony if the value of the merchandise exceeds \$2,500 but does not exceed \$5,000, a Class H felony if the value of the merchandise exceeds \$5,000 but does not exceed \$10,000, and a Class G felony if the value of the merchandise exceeds \$10,000.

This bill defines "merchandise" to include a service, benefit, or privilege provided for a fee by a merchant. Under this bill, a person who obtains a service, benefit, or privilege and intentionally absconds without paying for the service, benefit, or privilege is guilty of retail theft and subject to the same penalties as under current law.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a

ASSEMBLY BILL 503

report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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

1 **SECTION 1.** 943.50 (title) of the statutes is amended to read:

2 **943.50 (title) Retail theft; theft of services.**

3 **SECTION 2.** 943.50 (1) (a) of the statutes is renumbered 943.50 (1) (ag) and
4 amended to read:

5 943.50 (1) (ag) “Merchant” includes any “merchant” as defined in s. 402.104 (3)
6 or any salonkeeper, spakeeper, innkeeper, motelkeeper, or hotelkeeper.

7 **SECTION 3.** 943.50 (1) (ad) of the statutes is created to read:

8 943.50 (1) (ad) “Merchandise” includes a service, benefit, or privilege provided
9 for a fee by a merchant.

10 **SECTION 4.** 943.50 (1) (b) 1. of the statutes is amended to read:

11 943.50 (1) (b) 1. For property of the merchant or a service, benefit, or privilege
12 provided by the merchant, the value of the property or service, benefit, or privilege;
13 or

14 **SECTION 5.** 943.50 (1m) (i) of the statutes is created to read:

15 943.50 (1m) (i) Having obtained a service, benefit, or privilege from a
16 merchant, intentionally absconds without paying for the service, benefit, or
17 privilege.

18 **SECTION 6.** 943.51 (1) (a) of the statutes is amended to read:

19 943.51 (1) (a) The retail value of the merchandise, as defined in s. 943.50 (1)
20 (ad), unless it is returned undamaged and unused. A person may recover under this
21 paragraph only if he or she exercises due diligence in demanding payment for or the

ASSEMBLY BILL 503

1 return of the merchandise immediately after he or she discovers the loss and the
2 identity of the person who has the merchandise.

3 (END)