



1995 ASSEMBLY BILL 542

September 6, 1995 - Introduced by Representatives SCHNEIDER, MUSSER and R. YOUNG. Referred to Committee on Small Business and Economic Development.

- 1 **AN ACT to create** 103.08 of the statutes; **relating to:** convenience store, service
2 station and restaurant security.

Analysis by the Legislative Reference Bureau

This bill permits, and in some cases requires, counties, cities, villages and towns to enact local ordinances requiring convenience stores, service stations and restaurants that are regularly open for business at any time between 8 p.m. and 5 a.m. (at-risk businesses), other than at-risk businesses in which only the owner and his or her family members work during those hours, to do all of the following:

1. Have on duty at all times between 8 p.m. and 5 a.m. not less than 2 employes.
2. Place the cash register and transaction area and maintain window signs and tinting so as to provide a clear and unobstructed view of the cash register and transaction area from the street.
3. Illuminate the parking lot at an intensity of not less than 5 footcandles per square foot.
4. Be equipped with one or more security cameras with recording devices that are inaccessible to employes and an immovable drop safe that is inaccessible to employes.
5. Limit the amount of cash that is available to employes between 8 p.m. and 5 a.m. to \$50 or less.
6. Post a conspicuous sign at the entrance stating that employes have access to no more than \$50 between 8 p.m. and 5 a.m., that a security camera with an inaccessible recording device is in place on the premises and that an inaccessible safe is on the premises.
7. Require all employes who work at any time between 8 p.m. and 5 a.m. to attend a robbery prevention training program provided by the law enforcement agency of the county, city, village or town and approved by the attorney general.

Under the bill, a city, village or town must enact an at-risk business security ordinance as described above if death, great bodily harm or a sexual assault occurs

during the commission of a theft or robbery at a convenience store, service station or restaurant in the city, village or town. The city, village or town must enact the ordinance within 90 days after the theft or robbery, except that the city, village or town is not required to enact the ordinance if the county or counties within which the city, village or town is located have already enacted an at-risk business security ordinance that covers the city, village or town.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 103.08 of the statutes is created to read:

2 **103.08 Convenience store, service station and restaurant security**
3 **ordinances. (1) DEFINITIONS.** In this section:

4 (a) "Convenience store" means any place of business that is engaged in the
5 retail sale of groceries, including the sale of prepared foods.

6 (b) "Great bodily harm" has the meaning given in s. 939.22 (14).

7 (c) "Restaurant" has the meaning given in s. 254.61 (5).

8 (d) "Robbery" means conduct that is in violation of s. 943.32.

9 (e) "Service station" means any place of business that is engaged in the retail
10 sale of gasoline.

11 (f) "Sexual assault" means conduct that is in violation of s. 940.225.

12 (g) "Theft" means conduct that is in violation of s. 943.20.

13 **(2) LOCAL ORDINANCE.** (a) Subject to par. (b), a county, city, town or village may
14 enact an ordinance that is in strict conformity with subs. (3) and (4). An ordinance
15 enacted by a county under this paragraph is applicable in that part of any city or
16 village located in the county and in any town located in the county, unless the city,
17 village or town has enacted an ordinance under this paragraph or par. (b).

1 (b) If death, great bodily harm or a sexual assault occurs during the commission
2 of a theft or robbery at a convenience store, service station or restaurant, the city,
3 town or village in which that theft or robbery was committed shall, within 90 days
4 after that theft or robbery, enact an ordinance that is in strict conformity with subs.
5 (3) and (4), except that a city, town or village is not required to enact an ordinance
6 under this paragraph if the county or counties within which the city, town or village
7 is located have enacted or enact, within those 90 days, an ordinance that is in strict
8 conformity with subs. (3) and (4).

9 (c) If a city, town or village does not enact an ordinance as required under par.
10 (b), the attorney general shall notify that city, town or village of its obligation to do
11 so.

12 **(3) CONVENIENCE STORE, SERVICE STATION AND RESTAURANT SECURITY.** An
13 ordinance enacted under sub. (2) (a) or (b) shall require every convenience store,
14 service station and restaurant within the county, city, village or town enacting the
15 ordinance that is regularly open for business at any time between 8 p.m. and 5 a.m.,
16 other than a convenience store, service station or restaurant in which only the owner
17 and his or her family members work during those hours, to do all of the following:

18 (a) Have on duty at all times between 8 p.m. and 5 a.m. not less than 2 employes.

19 (b) Place the cash register and transaction area and maintain window signs
20 and tinting so as to provide a clear and unobstructed view of the cash register and
21 transaction area from the street.

22 (c) Illuminate the parking lot at an intensity of not less than 5 footcandles per
23 square foot with a uniformity ratio of not more than 5 to 1 at 18 inches above the
24 surface.

SECTION 1

1 (d) Be equipped with one or more security cameras of a type approved by the
2 law enforcement agency of the county, city, village or town with a recording device
3 that is inaccessible to employees and a drop safe that is inaccessible to employees and
4 that is either bolted to the floor, installed in the floor or weighs 500 pounds or more.

5 (e) Limit the amount of cash that is available to employees between 8 p.m. and
6 5 a.m. to \$50 or less.

7 (f) Post a conspicuous sign at the entrance that states all of the following:

8 1. That employees have access to no more than \$50 between 8 p.m. and 5 a.m.

9 2. That a security camera is in place on the premises and that the recording
10 device of the security camera is inaccessible to employees.

11 3. That a safe is on the premises and that the safe is inaccessible to employees.

12 (g) Require all employees who work at any time between 8 p.m. and 5 a.m. to
13 attend, by 90 days after enactment of the ordinance or within 90 days after beginning
14 their employment, whichever is later, a robbery prevention training program that
15 has been approved by the attorney general under sub. (5).

16 **(4) PENALTIES.** An ordinance enacted under sub. (2) (a) or (b) shall provide that
17 any person who violates the ordinance may be required to forfeit not more than
18 \$5,000 and that each day of continued violation constitutes a separate offense.

19 **(5) ROBBERY PREVENTION TRAINING.** The law enforcement agency of a county, city,
20 village or town that enacts an ordinance under sub. (2) (a) or (b) shall provide for
21 every person who is required to attend a robbery prevention training program under
22 sub. (3) (g) a robbery prevention training program that trains and familiarizes those
23 persons with the security practices required under sub. (3). The law enforcement
24 agency shall submit the proposed training program to the attorney general and the
25 attorney general shall review and approve or disapprove the proposed training

1 program within 60 days after its receipt. The attorney general and his or her
2 employes and agents shall not be liable for any claim for damages to person or
3 property arising out of the approval or disapproval of a training program under this
4 subsection. A county, city, village or town, any governmental subdivision or agency
5 thereof and any officer, official, agent or employe of those entities shall not be liable
6 for any claim for damages to person or property arising out of the implementation
7 of a training program approved under this subsection, if the training program is
8 actually provided.

9 **SECTION 2. Nonstatutory provisions.**

10 (1) REPORT ON SAFETY AND SECURITY REQUIREMENTS OF AT-RISK BUSINESSES. No
11 later than January 1, 1997, the department of justice shall submit a report to the
12 legislature, in the manner provided under section 13.172 (2) of the statutes, on the
13 safety and security requirements of businesses that have a high incidence of violent
14 crimes such as homicide and robbery, as determined under the uniform crime
15 reporting system of the Wisconsin office of justice assistance. The study shall include
16 the effects of multistaffing, bullet-resistant enclosures, security devices such as
17 cameras and alarm systems and other applicable crime prevention measures in
18 preventing violent crime at those businesses.

19 (END)