

### 2001 DRAFTING REQUEST

#### Bill

Received: 10/24/2001

Received By: mdsida

Wanted: As time permits

Identical to LRB:

For: Marlin Schneider (608) 266-0215

By/Representing: Judy

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Addl. Drafters:

Subject: Trade Regulation - other

Extra Copies:

Submit via email: NO

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#### Pre Topic:

No specific pre topic given

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#### Topic:

Returning rented vidcotapes

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#### Instructions:

See Attached

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#### Drafting History:

Vers.	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mdsida 12/12/2001			_____			
/P1	rryan 01/03/2002	gilfokm 01/03/2002	pgreensl 01/08/2002	_____	lrb_docadmin 01/08/2002		S&L
/1	rryan 02/21/2002	gilfokm 02/21/2002	rschluet 02/21/2002	_____	lrb_docadmin 02/21/2002	lrb_docadmin 03/08/2002	lrb_docadmin 03/08/2002

FE Sent For: @intro

<END>

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#### Instructions:

See Attached

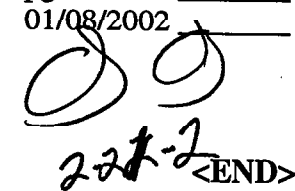
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/?	mdsida 12/12/2001			_____			
/P1	rryan 01/03/2002	gilfokm 01/03/2002	pgreensl 01/08/2002	_____	lrb_docadmin 01/08/2002		

FE Sent For:

1-2/21  
Kmg

  
228-2 <END>

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For: Marlin Schneider (608) 266-0215

By/Representing: Judy

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Drafter: mdsida ryan

May Contact:

Addl. Drafters:

Subject: Trade Regulation - other

Extra Copies: 4

Submit via email: NO

Pre Topic:

No specific pre topic given

Topic:

Returning rented videotapes

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1?	mdsida	11-13-02 kmj	1/8 P8	1/8 P9/Kjif			

FE Sent For:

<END>

## Dsida, Michael

---

**From:** Miller, Steve  
**Sent:** Tuesday, October 23, 2001 1:44 PM  
**To:** Dsida, Michael  
**Subject:** FW: Proposed Legislation

-----Original Message-----

**From:** Frydenlund, Judy  
**Sent:** Tuesday, October 23, 2001 1:40 PM  
**To:** Miller, Steve  
**Subject:** Proposed Legislation

Steve, I have a constituent request for a bill for Marlin. It would create a statute that would impose a Class D forfeiture for anyone who does not return a video rental within 5 days of the DUE date.

Thanks  
Judy  
6-0215



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-4108/P1

RLR:.....

King

In 1/3/02

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-Note

Gen. Act.  
the

1. AN ACT ...; relating to: late return of a rented videotape and providing a penalty.

*Analysis by the Legislative Reference Bureau*

This is a preliminary draft. An analysis will be provided in a later version.

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

2 SECTION 1. 943.615 of the statutes is created to read:

3 943.615 Late return of videotape. Whoever enters into an agreement to rent  
4 a videotape and fails to return the videotape to its owner within ~~five~~ <sup>5</sup> days after the  
5 rental agreement for the videotape expires is subject to a Class D forfeiture.

6 (END)

DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-4108/P1dn

RLR:.....  
*kmq*

Judy Frydenlund:

I made this a preliminary draft, because I have ~~two~~ <sup>2</sup> questions:

1. Under s. 943.20 (1) (e), stats., it is already a crime to fail to return rented property within 10 days of the due date. If the rented property is less than \$2,500 in value, the crime is a Class A misdemeanor, for which a person may be fined up to \$10,000 or ~~imprisoned~~ <sup>imprisoned</sup> for up to 9 months or both. Section 943.20 (1) (e), stats., requires that there be a written rental agreement. I assume that most videotape rental businesses enter into written agreements with their customers, so s. 943.20 (1) (e), stats., probably applies to most instances of late return of a rented videotape. In light of s. 943.20 (1) (e), stats., do you want to create the Class D forfeiture for returning a videotape ~~30~~ days late? ~~Also,~~ <sup>if so,</sup> should both the forfeiture and misdemeanor apply to a single instance of late return of a rented videotape?

2. Do you want to cover DVDs as well as videotapes?

Robin Ryan  
Legislative Attorney  
Phone: (608) 261-6927  
E-mail: robin.ryan@legis.state.wi.us

(5)



**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-4108/P1dn  
RLR:kmg:pg

January 8, 2002

Judy Frydenlund:

I made this a preliminary draft, because I have 2 questions:

1. Under s. 943.20 (1) (e), stats., it is already a crime to fail to return rented property within 10 days of the due date. If the rented property is less than \$2,500 in value, the crime is a Class A misdemeanor, for which a person may be fined up to \$10,000 or imprisoned for up to 9 months or both. Section 943.20 (1) (e), stats., requires that there be a written rental agreement. I assume that most videotape rental businesses enter into written agreements with their customers, so s. 943.20 (1) (e), stats., probably applies to most instances of late return of a rented videotape. In light of s. 943.20 (1) (e), stats., do you want to create the Class D forfeiture for returning a videotape 5 days late?
2. Do you want to cover DVDs as well as videotapes?

Robin Ryan  
Legislative Attorney  
Phone: (608) 261-6927  
E-mail: robin.ryan@legis.state.wi.us

Judy Frydenlund

2/8/02

4108/P1

amend 943.20 (1)(e) to make theft occur  
after 5 days instead of 10

So shouldn't just apply to video tape  
rentals

leave 0 days for rental cars  
as provided in Act 16



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-4108/PZ  
RLR:kmg:pg

In 2/21/02

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

RMR

1 AN ACT <sup>to create</sup> 943.615 of the statutes; ~~relating to~~ the late return of a rented  
2 ~~videotape~~ <sup>personal property</sup> and providing a penalty.

*Analysis by the Legislative Reference Bureau*

~~This is a preliminary draft. An analysis will be provided in a later version.~~

INSERT ANALYSIS

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

3 SECTION 1. 943.615 of the statutes is created to read:  
4 943.615 Late return of videotape. Whoever enters into an agreement to rent  
5 a videotape and fails to return the videotape to its owner within 5 days after the  
6 rental agreement for the videotape expires is subject to a Class D forfeiture.

INS 1-6

(END)

**Insert Analysis:** ✓

Under current law, a person commits theft if the person intentionally fails to return rented personal property for which the person signed a written rental agreement within 10 days after the expiration of the ~~lease~~ agreement. The penalty for theft is a fine not to exceed \$10,000 or confinement in jail for not more than nine months or both if the value of the property stolen is less than \$2,500. If the value of property stolen is ~~greater~~ <sup>more</sup> than \$2,500, the penalty is a fine not to exceed \$10,000 or imprisonment (consisting of a period of confinement in prison followed by a period of supervised release) for not more than 15 years or both. rental or less

This bill reduces from ten to five the number of days after expiration of a rental agreement that intentional failure to return rented personal property constitutes theft.

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

**Insert 1-6:** ✓

**SECTION 1.** 943.20 (1) (e) of the statutes, as affected by 2001 Wisconsin Act 16, is amended to read:

943.20 (1) (e) Intentionally fails to return any personal property other than a motor vehicle, which is in his or her possession or under his or her control by virtue of a written lease or written rental agreement, by the date that is 5 days after the lease or rental agreement has expired ~~expires~~. ~~This paragraph does not apply to a person who returns personal property, except~~

(f) Intentionally fails to return a motor vehicle, which is in his or her possession or under his or her control by virtue of a written lease or written rental agreement, within 10 days after on or before the date on which the lease or rental agreement expires.

History: 1977 c. 173, 255, 447; 1983 a. 189; 1987 a. 266; 1991 a. 39; 1993 a. 213, 445, 486; 2001 a. 16.

**SECTION 2. Initial applicability.**

1           (1) This act first applies to rental agreements entered into on the effective date  
2 of this subsection.



# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
5TH FLOOR  
MADISON, WI 53701-2037

STEPHEN R. MILLER  
CHIEF

LEGAL SECTION: (608) 266-3561  
LEGAL FAX: (608) 264-6948

February 21, 2002

### MEMORANDUM

To: Representative Schneider

From: Robin L. Ryan, Legislative Attorney

Re: LRB-4108/1 Returning rented videotapes

RECEIVED

FEB 06 2002

Legislative Fiscal Bureau

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY     JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 261-6927 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266 3561 if you have any questions regarding this memorandum.