

2003 DRAFTING REQUEST

Bill

Received: **01/17/2003**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Becky Weber (608) 266-2418**

By/Representing: **Sara Buschman**

This file may be shown to any legislator: **NO**

Drafter: **mdsida**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Weber@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Theft of gasoline or diesel fuel

Instructions:

2001AB522 + AA3

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>
/?	mdsida 02/06/2003	jdye 03/10/2003		_____			S&L
		jdye 03/10/2003		_____			
/1	lemery 03/10/2003		jfrantze 03/10/2003	_____	amentkow 03/10/2003	lemery 03/10/2003	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

mbarman
03/10/2003

FE Sent For:

<END>

↳ At
Intro

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*Changed
03-10-2003
per Rose
in Rep. Montgomery's
office
CMB*

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mbarman
03/10/2003

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<END>

Re-Submitted
to Rep. Weber
via e-mail
only

2003 DRAFTING REQUEST

Bill

Received: 01/17/2003

Received By: mdsida

Wanted: As time permits

Identical to LRB:

For: Phil Montgomery (608) 266-5840

By/Representing: Rose

This file may be shown to any legislator: NO

Drafter: mdsida

May Contact:

Addl. Drafters:

Subject: Criminal Law - miscellaneous

Extra Copies:

Submit via email: YES

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1?	mdsida	1/3/10 jld	7/3/10	8/12/10			

FE Sent For:

<END>

**ASSEMBLY AMENDMENT 3,
TO 2001 ASSEMBLY BILL 522**

October 30, 2001 - Offered by Representatives STASKUNAS and MONTGOMERY.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 4, line 9: after "(a)" insert "*Definitions.*".

3 **2.** Page 4, line 13: delete that line and substitute:

4 "(b) *Driver's license suspension; 2nd offense.* Subject to pars. (c) and (d), if a
5 person commits a repeat offense, the court, in".

6 **3.** Page 4, line 16: after "(c)" insert "*Driver's license suspension; 3rd offense.*".

7 **4.** Page 4, line 20: before "If" insert "*Driver's license suspension; 4th or*
8 *subsequent offense.*".

9 (END)

FPI 3/14

3

stays

2001 ASSEMBLY BILL 522

(concomitant of a term of confinement in state prison and a term of extended supervision)

September 28, 2001 - Introduced by Representatives MONTGOMERY, LADWIG, RYBA, KRAWCZYK, MEYERHOFER, GROTHMAN, GRONEMUS, STARZYK, SUDER, LA FAVE, DUFF, ALBERS, AINSWORTH, STONE, HUEBSCH, OWENS, M. LEHMAN, URBAN, HUNDERTMARK, VRAKAS, OTT, RHOADES, NASS, STASKUNAS and HAHN, cosponsored by Senators M. MEYER, ROESSLER, DARLING, PLACHE and BRESKE, Referred to Committee on Criminal Justice

and the value of the goods or services was \$2,500 or less

Regen

1 AN ACT to renumber 943.212 (4); to renumber and amend 943.21 (3); to

2 amend 343.10 (1) (a), 343.10 (2) (a) 1., 343.30 (5), 943.21 (title), 943.212 (title)

3 and 943.212 (1) (a); and to create 943.21 (1) (d), 943.21 (2r), 943.21 (3) (bm),

4 943.21 (3m) and 943.212 (4) (b) of the statutes; relating to: failure to pay for

5 gasoline or diesel fuel and suspension of operating privileges after conviction

6 for theft of gasoline or diesel fuel and providing penalties.

in the county jail

Analysis by the Legislative Reference Bureau

Current law prohibits a person from intentionally absconding without paying for taxicab service or without paying for beverage, food, lodging, or other service or accommodation at a hotel, motel, campground, boarding or lodging house, or restaurant. If a person is convicted of violating this prohibition, he or she may be fined not more than \$10,000 or imprisoned for not more than nine months or both, except that the maximum term of imprisonment increases to five years if the value of the service or accommodation exceeds \$1,000. In addition, current law provides for a special civil action for victims of this crime. Using this special civil action, a victim may recover the value of the service or accommodation involved in the crime, any other property damage resulting from the crime, and limited exemplary damages and attorney fees.

is guilty of a misdemeanor and

three and a half (one)

This bill prohibits a person from intentionally absconding from a service station, garage, or other place where gasoline or diesel fuel is offered for sale at retail

NO \$ IF the value of the goods or services exceeds \$2,500, the person is guilty of a felony and

ASSEMBLY BILL 522

driver's license ✓

without paying for the gasoline or diesel fuel. A person who violates this prohibition may be subject to a forfeiture (a civil monetary penalty) of not more than \$200. The bill also provides that in addition to the forfeiture: 1) for a ~~first or~~ second offense a court may suspend the person's ~~motor vehicle operating privileges~~ for not more than six months; 2) for a third offense the court must suspend the person's ~~operating privileges~~ for six months; and 3) for a fourth or subsequent offense, the court must suspend the person's ~~operating privileges~~ for one year. Finally, with certain modifications, the bill extends the special civil action that covers crimes for absconding for services or accommodations to cover offenses involving absconding without paying for gasoline or diesel fuel.

license

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:

SECTION 1. 343.10 (1) (a) [✓] of the statutes is amended to read:

343.10 (1) (a) If a person's license or operating privilege is revoked or suspended under this chapter or s. 767.303, 943.21 (3m) [✓], or 961.50 and if the person is engaged in an occupation, including homemaking or full-time or part-time study, or a trade making it essential that he or she operate a motor vehicle, the person, after payment of the fee provided in sub. (6), may file an application with the department setting forth in detail the need for operating a motor vehicle. No person may file more than one application with respect to each revocation or suspension of the person's license or operating privilege under this chapter or s. 767.303, 943.21 (3m) [✓], or 961.50, except that this limitation does not apply to an application to amend an occupational license restriction.

SECTION 2. 343.10 (2) (a) 1. [✓] of the statutes is amended to read:

343.10 (2) (a) 1. Except for a revocation or suspension that arose out of the same incident or occurrence for which the person's license or operating privilege is currently revoked or suspended, the person's license or operating privilege was not

Page

ASSEMBLY BILL 522

1 revoked or suspended previously under this chapter or ch. 344 or s. [✓]943.21 (3m) or
2 961.50 within the one-year period immediately preceding the present revocation or
3 suspension, except as provided in s. 344.40.

4 SECTION 3. 343.30 (5) of the statutes is amended to read:

5 343.30 (5) No court may suspend or revoke an operating privilege except as
6 authorized by this chapter or ch. 345, 351 or 938 or s. 767.303, 800.09 (1) (c), 800.095
7 (4) (b) 4., [✓]943.21 (3m), or 961.50. When a court revokes, suspends or restricts a
8 juvenile's operating privilege under ch. 938, the department of transportation shall
9 not disclose information concerning or relating to the revocation, suspension or
10 restriction to any person other than a court, district attorney, county corporation
11 counsel, city, village or town attorney, law enforcement agency, or the minor whose
12 operating privilege is revoked, suspended or restricted, or his or her parent or
13 guardian. Persons entitled to receive this information shall not disclose the
14 information to other persons or agencies.

15 SECTION 4. 943.21 (title) [✓]of the statutes is amended to read:

16 943.21 (title) **Fraud on hotel or restaurant keeper or, [✓]taxicab operator,**
17 **or gas station.**

18 SECTION 5. 943.21 (1) (d) [✓]of the statutes is created to read:

19 943.21 (1) (d) Having obtained gasoline or diesel fuel from a service station,
20 garage, or other place where gasoline or diesel fuel is sold at retail or offered for sale
21 at retail, intentionally absconds without paying for the gasoline or diesel fuel. [✓]

22 SECTION 6. 943.21 (2r) [✓]of the statutes is created to read:

23 943.21 (2r) The failure or refusal to pay a service station, garage, or other place
24 where gasoline or diesel fuel is sold at retail or offered for sale at retail the
25 established charge for gasoline or diesel fuel provided by the service station, garage,

Rw/F

ASSEMBLY BILL 522

1 or other place constitutes prima facie evidence of an intent to abscond without
2 payment.

as affected by 2001 Wisconsin Act 109

3 SECTION 7. 943.21 (3) of the statutes is renumbered 943.21 (3) (am), and 943.21

4 (3) (am) (intro.), as renumbered, is amended to read:

5 943.21 (3) (am) (intro.) Whoever violates this section sub. (1) (a), (b), or (c):

6 SECTION 8. 943.21 (3) (bm) of the statutes is created to read:

7 943.21 (3) (bm) Whoever violates sub. (1) (d) is subject to a Class D forfeiture.

8 SECTION 9. 943.21 (3m) of the statutes is created to read:

9 943.21 (3m) (a) In this subsection:

10 1. "Operating privilege" has the meaning given in s. 340.01 (40).

11 2. "Repeat offense" means a violation of sub. (1) (d) that occurs after a person
12 has been found by a court to have violated sub. (1) (d).

commits a repeat offense

13 (b) *2nd offense.* Subject to pars. (c) and (d), if a person violates sub. (1) (d) the court, in
14 addition to imposing any penalty under sub. (3) (bm), may suspend the person's
15 operating privilege for not more than 6 months.

16 (c) *3rd offense.* Subject to par. (d), if a person violates sub. (1) (d) after having been found
17 by a court to have committed an offense that constitutes a repeat offense, the court,
18 in addition to imposing any penalty under sub. (3) (bm), shall suspend the person's
19 operating privilege for not more than 6 months.

20 (d) *4th or subsequent offense.* If a person violates sub. (1) (d) after having his or her operating privilege
21 suspended under par. (c), the court, in addition to imposing any penalty under sub.
22 (3) (bm), shall suspend the person's operating privilege for one year.

23 SECTION 10. 943.212 (title) of the statutes is amended to read:

24 943.212 (title) **Fraud on hotel or restaurant keeper or taxicab operator**

25 **or gas station; civil liability.**

Page

Each Driver's license suspension;

Page

ASSEMBLY BILL 522

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SECTION 11. 943.212 (1) (a)^X of the statutes is amended to read:

943.212 (1) (a) The retail value of the beverage, food, lodging, accommodation, gasoline or diesel fuel,[✓] transportation or service involved in the violation. A person may recover under this paragraph only if he or she exercises due diligence in demanding payment for the beverage, food, lodging, accommodation, gasoline or diesel fuel,[✓] transportation or service.

SECTION 12. 943.212 (4)^X of the statutes is renumbered 943.212 (4) (a).

SECTION 13. 943.212 (4) (b)^X of the statutes is created to read:

943.212 (4) (b) This subsection[✓] does not apply to an action based on acts that constitute a violation of s. 943.21 (1) (d).[✓]

(END)

Emery, Lynn

From: Buschman, Sara
Sent: Monday, March 10, 2003 3:08 PM
To: LRB.Legal
Subject: Draft review: LRB 03-1582/1 Topic: Theft of gasoline or diesel fuel

It has been requested by <Buschman, Sara> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 03-1582/1 Topic: Theft of gasoline or diesel fuel