

2003 DRAFTING REQUEST

Bill

Received: 09/10/2003

Received By: mdsida

Wanted: As time permits

Identical to LRB:

For: Robert Welch (608) 266-0751

By/Representing: Amy

This file may be shown to any legislator: NO

Drafter: chanaman

May Contact:

Addl. Drafters: mdsida

Subject: Criminal Law - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Sen.Welch@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Unauthorized use of a recreational attraction

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>
/?	mdsida 11/10/2003			_____			S&L
/1	chanaman 11/19/2003	kfollett 11/19/2003	pgreensl 11/20/2003	_____	lemery 11/20/2003	lemery 01/27/2004	

FE Sent For:

<END>

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<END>



State Senator
Robert T. Welch

MEMORANDUM

TO: Legislative Reference Bureau, Drafting
FROM: Senator Bob Welch
DATE: September 8, 2003
RE: Drafting request for legislation on the theft/use of ski lift tickets

Recently, a constituent who owns a ski resort in my district brought to my attention a situation that occurred at his ski resort. Apparently, an individual obtained a ski lift ticket without purchasing one from the resort. It is not clear how the ski lift ticket was obtained, but it appears that another individual may have given this individual the ticket. The district attorney in this county attempted to prosecute this individual using Wisconsin State Statute section 943.20(1)(d), but the complaint was dismissed for failure to set forth the facts as required by the statute.

The ski resort is able to deny access to the ski slopes to an individual if it believes the lift ticket was obtained illegally; however, the statutes do not appear to provide for criminal prosecution.

I would like to address this issue in the statutes, but it is not clear where that should happen. Perhaps in WI State Statute 943.21?

It might be helpful if I facilitate a conversation between the drafting attorney and my constituents to give the drafting attorney more information. I look forward to working with you.

- Mtg w/ Amy Fein
+ Chet Gerlach

Theft

- Movie theater/concert

Plc to ~~Rick Gregorio~~

Rick Gregorio - Cascade Mtn

Trespass

Person stole ticket off of another's jacket

Cable TV

How broad?

943.21 - add^{to} (1)(a)

entertainment

"recreational attraction" -

Include - ski hills, water parks,
Wis Dells
Movie theaters



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-3255
CMH&MGD:...

Friday

RMR

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

1 AN ACT ...; relating to: failure to pay for tickets at recreational attractions and
2 providing penalties.

pen cat

Analysis by the Legislative Reference Bureau

Current law prohibits a person from intentionally leaving without paying for taxicab service or without paying for beverage, food, lodging, or other service or accommodation that the person obtained at a hotel, motel, campground, boarding or lodging house, or restaurant. If a person is convicted of violating this prohibition and the value of the goods or services was \$2,500 or less, he or she is guilty of a misdemeanor and may be fined not more than \$10,000 or imprisoned in the county jail for not more than nine months or both. If the value of the goods or services exceeds \$2,500, the person is guilty of a felony and the maximum term of imprisonment (consisting of a term of confinement in state prison and a term of extended supervision) increases to three and one-half years. 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.

X
X

This bill prohibits a person from intentionally leaving without paying for a ticket that he or she ~~used~~^{obtained} at a recreational attraction, which the bill defines as including chair lifts or ski resorts, water parks, theaters, entertainment venues, racetracks, swimming pools, trails, golf courses, carnivals, and amusement parks. If a person is convicted of violating this prohibition, the penalties are the same as the penalties described ~~in current law~~^{above}. The bill also extends the special civil action that

above

covers crimes for leaving without paying for services or accommodations to cover offenses ^{that involve} involving leaving without paying for a ticket.

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. 943.21[✓] (title) of the statutes, as affected by 2003 Wisconsin Act
2 (Assembly Bill 232), is amended to read:

3 **943.21** (title) **Fraud on hotel or restaurant keeper, recreational**
4 **attraction, taxicab operator, or gas station.**

5 SECTION 2. 943.21^x (1) (intro.), (a), (b) and (c) of the statutes are renumbered
6 943.21 (1m) (intro.), (a), (b) and (c), and 943.21 (1m) (a), as renumbered, is amended
7 to read:

8 943.21 (1m) (a) Having obtained any beverage, food, lodging, ticket or other
9 means of admission, or other service or accommodation at any campground, hotel,
10 motel, boarding or lodging house, ~~or~~ restaurant, or recreational attraction,
11 intentionally absconds without paying for it.

History: 1977 c. 173; 1979 c. 239, 242; 1991 a. 39, 65, 189; 1995 a. 160; 2001 a. 16, 109.

12 SECTION 3. 943.21 (1) (d) of the statutes, as created by 2003 Wisconsin Act
13 (Assembly Bill 232), is renumbered 943.21 (1m) (d).

14 SECTION 4. 943.21 (1c)[✓] of the statutes is created to read:

15 943.21 (1c) In this section, "recreational attraction" means a public
16 accommodation designed for amusement and includes chair lifts or ski resorts, water
17 parks, theaters, entertainment venues, racetracks, swimming pools, trails, golf
18 courses, carnivals, and amusement parks.

19 SECTION 5. 943.21 (2g)[✓] of the statutes is created to read:

*If
If a person has*

1
2

943.21 (2g) ~~Having~~ obtained a ticket, another means of admission, or accommodation or service provided by the recreational attraction, ~~the~~ ^{his or her} failure or refusal to pay a recreational attraction the established charge for the ticket, other means of admission, or accommodation or service provided by the recreational attraction constitutes prima facie evidence of an intent to abscond without payment.

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SECTION 6. 943.212 (title) of the statutes, as affected by 2003 Wisconsin Act ... (Assembly Bill 232), is amended to read:

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943.212 (title) Fraud on hotel or restaurant keeper, recreational attraction, taxicab operator, or gas station; civil liability.

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SECTION 7. 943.212 (1) (a) of the statutes, as affected by 2003 Wisconsin Act ... (Assembly Bill 232), is amended to read:

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943.212 (1) (a) The retail value of the beverage, food, lodging, accommodation, ticket or other means of admission, 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, ticket or other means of admission, gasoline or diesel fuel, transportation, or service.

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SECTION 8. 943.212 (4) (a) of the statutes, as affected by 2003 Wisconsin Act ... (Assembly Bill 232), is amended to read:

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943.212 (4) (a) At least 20 days prior to commencing an action, as specified in s. 801.02, under this section, the plaintiff shall notify the defendant, by mail, of his or her intent to bring the action and of the acts constituting the basis for the violation of s. 943.21. The plaintiff shall send the notice by regular mail supported by an affidavit of service of mailing or by a certificate of mailing obtained from the U.S. post office from which the mailing was made. The plaintiff shall mail the notice to the

SECTION 8

1 defendant's last-known address or to the address provided on the check or order. If
2 the defendant pays the amount due for the beverage, food, lodging, accommodation,
3 ticket or other means of admission, transportation, or service prior to the
4 commencement of the action, he or she is not liable under this section.

History: 1991 a. 65; 1995 a. 160.

5

(END)

Emery, Lynn

From: Sieg, Tricia
Sent: Tuesday, January 27, 2004 2:07 PM
To: LRB.Legal
Subject: Draft review: LRB 03-3255/1 Topic: Unauthorized use of a recreational attraction

It has been requested by <Sieg, Tricia> that the following draft be jacketed for the SENATE:

Draft review: LRB 03-3255/1 Topic: Unauthorized use of a recreational attraction