

Committee Name:
Senate Committee –
Judiciary, Corrections and Privacy
(SC–JCP)

Appointments

03hr_SC–JCP_Appt_pt00

Committee Hearings

03hr_SC–JCP_CH_pt00

Committee Reports

03hr_SC–JCP_CR_pt00

Clearinghouse Rules

03hr_SC–JCP_CRule_03–

Executive Sessions

03hr_SC–JCP_ES_pt00

Hearing Records

03hr_ab0000

03hr_sb0086

Misc.

03hr_SC–JCP_Misc_pt00

Record of Committee Proceedings

03hr_SC–JCP_RCP_pt00

Vote Record

Committee on Judiciary, Corrections and Privacy

Date: 10-2-3

Moved by: FITZ

Seconded by: ZC

AB _____

SB 86 _____

Clearinghouse Rule _____

AJR _____

SJR _____

Appointment _____

AR _____

SR _____

Other _____

A/S Amdt _____

A/S Amdt _____ to A/S Amdt _____

A/S Sub Amdt _____

A/S Amdt _____ to A/S Sub Amdt _____

A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:

- Passage Adoption Confirmation Concurrence Indefinite Postponement
Introduction Rejection Tabling Nonconcurrence

Table with 5 columns: Committee Member, Aye, No, Absent, Not Voting. Rows include Senator David Zien, Senator Scott Fitzgerald, Senator Cathy Stepp, Senator Gary George, and Senator Tim Carpenter.

Totals: _____



STATE SENATOR DAVE ZIEN

ASSISTANT MAJORITY LEADER

CHAIRPERSON
 COMMITTEE ON JUDICIARY, CORRECTIONS AND PRIVACY
 VICE CHAIRPERSON
 COMMITTEE ON HOMELAND SECURITY, VETERANS AND MILITARY AFFAIRS AND GOVERNMENT REFORM
 MEMBER
 COMMITTEE ON SENATE ORGANIZATION
 COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES
 COMMITTEE ON LABOR, SMALL BUSINESS DEVELOPMENT AND CONSUMER AFFAIRS
 SENTENCING COMMISSION
 COUNCIL ON TOURISM
 JUDICIAL COUNCIL

MEMORANDUM

TO: Senator Cathy Stepp, Member, Senate Committee on Judiciary, Corrections & Privacy

FR: Senator Dave Zien, Chair, Senate Committee on Judiciary, Corrections & Privacy

DT: October 2, 2003 (hand delivered 11:30am)

RE: Paper Ballot for SB49, SB223, SB86, AB232 (3 pages)

Please consider the following bills and vote on the motions below. **Return this ballot to Senator Dave Zien, Room 15 South, no later than 2:00pm (Today), October 2, 2003.** Committee members' ballots not received by the deadline will be marked as not voting.

Senate Bill 49

Relating to: evidence of lay and expert witnesses.

By Senators Welch, Stepp and Kanavas; cosponsored by Representatives Gundrum, Olsen, Hines, Albers, Townsend, McCormick, Krawczyk, Nass, Vukmir, Musser, Van Roy, Gunderson and Ladwig.

Please consider the following motion:

- Moved by Senator Zien, seconded by Senator Fitzgerald that SENATE BILL 49 be recommended for PASSAGE:

Aye No

Senate Bill 223

Relating to: the reduction and recovery of damages and admissibility of evidence in civil actions related to use or nonuse of protective headgear by operators and passengers of motorcycles, all-terrain vehicles, and snowmobiles.

By Senators Zien, A. Lasee, Welch, Stepp, Decker, Kanavas and Lazich; cosponsored by Representatives Vrakas, Gard, Suder, Kreibich, M. Lehman,





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 COMMITTEE ON LABOR, SMALL BUSINESS DEVELOPMENT AND CONSUMER AFFAIRS
 SENTENCING COMMISSION
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 JUDICIAL COUNCIL

MEMORANDUM

TO: Senator Gary George, Member, Senate Committee on Judiciary, Corrections & Privacy

FR: Senator Dave Zien, Chair, Senate Committee on Judiciary, Corrections & Privacy

DT: October 2, 2003 (hand delivered 11:30am)

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Senate Bill 49

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Please consider the following motion:

- Moved by Senator Zien, seconded by Senator Fitzgerald that SENATE BILL 49 be recommended for PASSAGE:

Aye _____ No X

Senate Bill 223

Relating to: the reduction and recovery of damages and admissibility of evidence in civil actions related to use or nonuse of protective headgear by operators and passengers of motorcycles, all-terrain vehicles, and snowmobiles.

By Senators Zien, A. Lasee, Welch, Stepp, Decker, Kanavas and Lazich; cosponsored by Representatives Vrakas, Gard, Suder, Kreibich, M. Lehman,



Hines, Gronemus, Musser, Weber, Albers, Pettis, Kerkman, Kestell, Ott, Petrowski, Vruwink and Gunderson.

- Moved by Senator Zien, seconded by Senator Fitzgerald that SENATE BILL 223 be recommended for PASSAGE:

Aye _____ No X

Senate Bill 86

Relating to: failure to pay for gasoline or diesel fuel and suspension of operating privileges after conviction for theft of gasoline or diesel fuel and providing penalties.

By Senators S. Fitzgerald, M. Meyer, Cowles, Breske, Welch, Roessler, Lazich, Kedzie, Leibham and Stepp; cosponsored by Representatives Weber, Vruwink, Montgomery, Huebsch, Gronemus, Vrakas, Freese, Ott, McCormick, J. Fitzgerald, Hahn, Nass, Townsend, Owens, Zepnick, Loeffelholz, Shilling, Towns, F. Lasee, Jeskewitz, Gunderson, Hines, Kestell, Ladwig, Suder and Lassa.

- Moved by Senator Fitzgerald, seconded by Senator Zien that SENATE BILL 86 be recommended for PASSAGE:

Aye X No _____

Assembly Bill 232

Relating to: failure to pay for gasoline or diesel fuel and suspension of operating privileges after conviction for theft of gasoline or diesel fuel and providing penalties.

By Representatives Weber, Vruwink, Montgomery, Huebsch, Gronemus, Vrakas, Freese, Ott, McCormick, J. Fitzgerald, Hahn, Nass, Townsend, Owens, Zepnick, Loeffelholz, Shilling, Towns, F. Lasee, Jeskewitz, Lassa, Gunderson, Hines, Kestell, Ladwig, Suder, Hundertmark, Ward, Van Roy, Bies, Stone, M. Lehman, Krawczyk, Grothman, Albers, Seratti and M. Williams; cosponsored by Senators S. Fitzgerald, M. Meyer, Cowles, Breske, Welch, Roessler, Lazich, Kedzie and Schultz.

- Moved by Senator Fitzgerald, seconded by Senator Zien that ASSEMBLY BILL 232 be recommended for CONCURRENCE:

Aye X No _____

Signature _____

Gary R. George

Senator Gary George



ROBERT L. COWLES

Wisconsin State Senator • 2nd Senate District

MEMBER:
Environmental Resources Committee
Health, Utilities, Veterans and
Military Affairs Committee
Joint Committee for Review of
Administrative Rules

TO: Members of the Senate Judiciary, Corrections and Privacy Committee

DATE: October 2, 2003

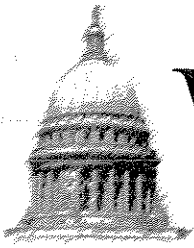
RE: Senate Bill 86/Assembly Bill 232, relating to failure to pay for gasoline or diesel fuel and suspension of operating privileges after conviction for theft of gasoline or diesel fuel.

I would like to register my strong support for Senate Bill 86 and Assembly Bill 232, introduced by Senator Fitzgerald and Representative Weber.

Senate Bill 86 and Assembly Bill 232, if passed, prohibits a person from intentionally absconding from a service station, garage, or other place where gasoline or diesel fuel is offered for sale without paying for the gasoline or diesel fuel. The bill provides for a monetary penalty of no more than \$200 for a person who violates this prohibition.

Both of these bills are strongly supported by the Wisconsin Merchants Federation, the Wisconsin Federation of Cooperatives, NFIB, Outdoor Advertising Association of Wisconsin, the Petroleum Marketers Association, and the Wisconsin Grocers Association.

Thank you in advance for your consideration of my request.



BECKY WEBER

WISCONSIN STATE REPRESENTATIVE

5TH ASSEMBLY DISTRICT

Testimony by Representative Becky Weber in support of AB 232/SB 86

Gas station owners in Wisconsin lose thousands of dollars every year due to gasoline theft. The current penalty for stealing gas in our state is a fine, so there is no real effective deterrent to prevent people from driving off without paying for their gasoline.

The current volatile market only exacerbates the situation. Gas drive offs occur across the state in both rural and urban settings and is no longer limited to teenagers taking a few dollars as a thrill; it includes grown adults taking as much as a tank full for their large SUVs. The impact this has on us all is huge; retailers must pass on these losses to all of their customers in the form of higher prices.

The National Association of Convenience Stores (NACS) 2001 State of the Industry report shows that gas thefts cost the industry \$272 million in 2000 (up from \$234 million in 1999), nearly \$3000 per each store selling gas. In the state of Florida, one year after passing similar legislation, retailers have seen their gas thefts cut in half.

A 2001 Wisconsin survey done by the trade association showed that 71 businesses covering 319 retail locations had an estimated 18,260 drive-offs occur over the course of one year. Losses from these drive offs totaled over \$330,000. This problem is statewide and not just limited to urban areas of the state.

Twenty-two states currently have laws in which *a judge has the discretion* to suspend the driver's license of someone convicted of gas theft. Many other states *require a judge* to suspend the driver's license of a person who is convicted of stealing gasoline.

AB 232 and SB 86 will do the following:

- Increase the penalty for gas drive offs to a forfeiture of not more than \$200.
- Give judges discretion in suspending licenses of repeat offenders.
- Adds gas stations to the list of retailers such as innkeepers and restaurants who may recover the value of the service that was not paid for in addition to any property damage resulting from the crime and attorney fees.

Some may say that gas stations should simply add surveillance cameras and require pre-pay or only accept credit card transactions at the pump if they want to eliminate gas drive offs. However, this unfairly penalizes retailers in two ways; people spend less when forced to pre-pay and credit card transactions take a 2-4% bite out of the retailer's pocket in credit card processing fees. Also, stations that do have outdoor cameras still have a tough time convicting people for driving off without paying.

I urge the Committee to support AB 232 and SB 86.