



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2007 Assembly Bill 874

**Assembly
Amendment 1**

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Current law provides that whoever commits retail theft is subject to the following penalties:

- A Class A misdemeanor, if the value of the merchandise does not exceed \$2,500.
- A Class I felony, if the value of the merchandise exceeds \$2,500 but does not exceed \$5,000.
- A Class H felony, if the value of the merchandise exceeds \$5,000 but does not exceed \$10,000.
- A Class G felony, if the value of the merchandise exceeds \$10,000.

Assembly Bill 874 provides that any person who uses the Internet to purchase property that the person knows or believes was stolen from a merchant by the seller is guilty of a Class G felony. In addition, under the bill, a person is guilty of a Class G felony if the person committed retail theft with the intent to sell the merchandise on the Internet. Under the bill, it is *prima facie*, or sufficient, evidence that the person intends to sell the merchandise on the Internet if, within 90 days preceding the violation, the person sold the same or similar kind of merchandise on the Internet.

Assembly Amendment 1 decreases the penalty for using the Internet to purchase property that the person knows or believes was stolen from a merchant by the seller to a Class I felony. Also, the amendment provides that it is a Class I felony to commit retail theft if the value of the merchandise does not exceed \$2,500 and if the person committed retail theft with the intent to sell the merchandise on the Internet.

Legislative History

Representative Albers offered Assembly Amendment 1. The Assembly Committee on Criminal Justice recommended adoption of the amendment on a vote of Ayes, 8; Noes, 0; and recommended passage of the bill, as amended, on a vote of Ayes, 8; Noes, 0.

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