

2009 DRAFTING REQUEST

Bill

Received: 12/04/2008

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Rich Zipperer (608) 266-5120

By/Representing:

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Addl. Drafters:

Subject: Criminal Law - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Rep.Zipperer@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Retail theft

Instructions:

AB 503 (07-3077) as amended

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>
/?	phurley 12/04/2008	bkraft 12/17/2008		_____			S&L Crime
/1	btradewe 05/14/2009		phenry 12/18/2008	_____	sbasford 12/18/2008	sbasford 05/21/2009	

FE Sent For:

at wtr
6/19/09

<END>

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/?	phurley	1 bjk 12/17					
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FE Sent For:

<END>

DJH

Parisi, Lori

From: Reader, Chris
Sent: Thursday, December 04, 2008 11:13 AM
To: LRB.Legal
Subject: Rep. Zipperer drafting requests

Rep. Zipperer would like to make the following drafting requests of proposals from this past session for January:

- ~~JK~~ AB 67 as amended and approved by the Assembly.
- ~~SK~~ AB 223 as amended and approved by the committee on energy and utilities. 3077
- ~~PJH~~ AB 503 as amended and approved by the Assembly.
- ~~RA~~ AB 739 as amended and approved by the Assembly.
- ~~RA~~ AB 862 as approved by the Assembly.
- ~~SK~~ AB 959 as introduced.

Please call with any questions.

Chris Reader
Office of Rep. Zipperer
Wisconsin State Assembly
(608) 266-5120

1922

**ASSEMBLY AMENDMENT 1,
TO ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO 2007 ASSEMBLY BILL 503**

February 26, 2008 – Offered by Representatives ZIPPERER and STASKUNAS.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 2, line 9: after “service” insert “with intent to deprive the service
3 provider permanently of the full price of the service”.

4 (END)

History of Assembly Bill 503

ASSEMBLY BILL 503

LC Amendment Memo

An Act to renumber and amend 943.50 (1) (a); to amend 943.50 (title), 943.50 (1) (b) 1. and 943.51 (1) (a); and to create 943.50 (1) (ad) and 943.50 (1m) (i) of the statutes; relating to: theft of services and providing a penalty.

2007

- 09-13. A. Introduced by Representative Zipperer.
- 09-13. A. Read first time and referred to committee on Judiciary and Ethics 273
- 10-11. A. Assembly amendment 1 offered by Representative Zipperer 297
- 10-18. A. Public hearing held.
- 11-02. A. Assembly substitute amendment 1 offered by Representative Zipperer 343
- 11-06. A. Executive action taken.
- 11-09. A. Report Assembly Substitute Amendment 1 adoption recommended by committee on Judiciary and Ethics, Ayes 6, Noes 4 355
- 11-09. A. Report passage as amended recommended by committee on Judiciary and Ethics, Ayes 6, Noes 4 355
- 11-09. A. Referred to committee on Rules 355

2008


- 02-19. A. Assembly substitute amendment 2 offered by Representatives Zipperer and Staskunas 513
- 02-21. A. Placed on calendar 2-26-2008 by committee on Rules.
- 02-26. A. Read a second time 549
- 02-26. A. Assembly amendment 1 to Assembly substitute amendment 2 offered by Representatives Zipperer and Staskunas 549
- 02-26. A. Assembly amendment 1 to Assembly substitute amendment 2 **adopted** 549
- ~~02-26. A. Assembly substitute amendment 2 **adopted** 549~~
- 02-26. A. Ordered to a third reading 549
- 02-26. A. Rules suspended 549
- 02-26. A. Read a third time and passed 549
- 02-26. A. Ordered immediately messaged 549
- 02-27. S. Received from Assembly 626
- 02-28. S. Read first time and referred to committee on Judiciary, Corrections, and Housing 631
- 03-06. S. Public hearing held.
- 03-10. S. Senator Taylor added as a cosponsor 680
- 03-11. S. Executive action taken.
- 03-11. S. Report concurrence recommended by committee on Judiciary, Corrections, and Housing, Ayes 5, Noes 0 683
- 03-11. S. Available for scheduling.
- 03-21. S. Failed to concur in pursuant to Senate Joint Resolution 1 735

9/10/08

amd 1 to SA2

Search for another history

Legislation Back to Legislation Page

 Back to Legislature Home Page

ljk

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SAV
X-REFV

PWF
Insert

12-9-07

1 AN ACT ...; relating to: committing fraud on certain service providers and
2 providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a person may not fraudulently obtain lodging, food or beverage, gasoline, taxicab service, or admission to a recreational or entertainment venue. Current law defines fraud as an intentional refusal to pay for the item, service, or admission when the bill is due, giving false information to the provider of the item, service, or admission in order to gain admission or avoid payment, or issuing a worthless check to pay for the item, service, or admission.

A person who fraudulently obtains an item, service, or admission that is worth \$2500 or less is guilty of a Class A misdemeanor and may be fined up to \$10,000, imprisoned for up to nine months, or both. If the value of the item, service, or admission is more than \$2500, the person is guilty of a Class I felony and may be fined > up to \$10,000, imprisoned for up to three years and six months, or both.

In addition, current law allows the victim of a person who fraudulently obtained lodging, food or beverage, gasoline, taxicab service, or admission to a recreational or amusement venue to seek a civil judgment against the person for the cost of the item, service, or admission, property damage and other costs, and attorney fees and exemplary damages of up to \$300.

This bill prohibits a person from fraudulently obtaining a service from a service provider. Under the bill, a service provider is a merchant who provides a service to a retail customer without a written contract and with the expectation that the customer will pay for the service upon completion of the service. The bill defines

**ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO 2007 ASSEMBLY BILL 503**

February 19, 2008 - Offered by Representatives ZIPPERER and STASKUNAS.

1 **AN ACT** *to renumber and amend* 943.21 (1c); *to amend* 943.21 (title), 943.21
2 (3) (am) (intro.) and 943.212 (title); and *to create* 943.21 (1c) (b), 943.21 (1m)
3 (e) and 943.21 (2t) of the statutes; **relating to:** fraud on certain merchants and
4 service providers and providing a penalty.

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

5 **SECTION 1.** 943.21 (title) of the statutes is amended to read:

6 **943.21 (title) Fraud on hotel or restaurant keeper, service provider,**
7 **recreational attraction, taxicab operator, or gas station.**

8 **SECTION 2.** 943.21 (1c) of the statutes is renumbered 943.21 (1c) (intro.) and
9 amended to read:

10 943.21 (1c) (intro.) In this section, "recreational:"

11 (a) "Recreational attraction" means a public accommodation designed for
12 amusement and includes chair lifts or ski resorts, water parks, theaters,

Insert A

1036/1

1 entertainment venues, racetracks, swimming pools, trails, golf courses, carnivals,
2 and amusement parks.

3 ^X
SECTION 3. 943.21 (1c) (b) of the statutes is created to read:

4 943.21 (1c) (b) "Service provider" means a merchant who provides a service to
5 a retail customer without a written contract with the expectation that the service will
6 be paid for by the customer upon completion of the service.

7 ^X
SECTION 4. 943.21 (1m) (e) of the statutes is created to read:

8 943.21 (1m) (e) Having obtained any service from a service provider,
9 intentionally fails or refuses to pay for the service.

10 ^X
SECTION 5. 943.21 (2t) of the statutes is created to read:

11 943.21 (2t) The failure or refusal, without the service provider's consent, to pay
12 a service provider the stated price for a service provided by the service provider
13 constitutes prima facie evidence of an intent to deprive the service provider
14 permanently of the full price of the service.

15 ^X
SECTION 6. 943.21 (3) (am) (intro.) of the statutes is amended to read:

16 943.21 (3) (am) (intro.) Whoever violates sub. (1m) (a), (b), ~~or~~ (c), or (e):

17 ^X
SECTION 7. 943.212 (title) of the statutes is amended to read:

18 **943.212 (title) Fraud on hotel or restaurant keeper, service provider,**
19 **recreational attraction, taxicab operator, or gas station; civil liability.**

20 (END)

Basford, Sarah

From: Reader, Chris
Sent: Thursday, May 21, 2009 12:30 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-1036/1 Topic: Retail theft

Please Jacket LRB 09-1036/1 for the ASSEMBLY.

Thanks,

Chris Reader
Office of Rep. Rich Zipperer