



## 2011 SENATE BILL 85

1     **AN ACT** *to renumber* 943.50 (1) (a); *to amend* 943.50 (title) and 943.50 (3); and  
2             *to create* 943.50 (1) (ad), 943.50 (1) (am), 943.50 (1) (b) 3., 943.50 (1r) and  
3             943.51 (1) (am) of the statutes; **relating to:** theft of certain services and  
4             providing a penalty.

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*Analysis by the Legislative Reference Bureau*

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

- 5             **SECTION 1.** 943.50 (title) of the statutes is amended to read:  
6             **943.50 (title) Retail theft; theft of services.**
- 7             **SECTION 2.** 943.50 (1) (a) of the statutes is renumbered 943.50 (1) (ag).
- 8             **SECTION 3.** 943.50 (1) (ad) of the statutes is created to read:  
9             943.50 (1) (ad) “Merchandise” includes a service provided by a service provider.
- 10            **SECTION 4.** 943.50 (1) (am) of the statutes is created to read:

**SENATE BILL 85****SECTION 4**

1           943.50 (1) (am) “Service provider” means a merchant who provides a service  
2 to retail customers without a written contract with the expectation that the service  
3 will be paid for by the customer upon completion of the service.

4           **SECTION 5.** 943.50 (1) (b) 3. of the statutes is created to read:

5           943.50 (1) (b) 3. For a service provided by a service provider, the price that the  
6 service provider stated for the service before the service was provided.

7           **SECTION 6.** 943.50 (1r) of the statutes is created to read:

8           943.50 (1r) Any person may be penalized as provided in sub. (4) if, having  
9 obtained a service from a service provider, he or she, without the service provider’s  
10 consent and with intent to deprive the service provider permanently of the full price  
11 of the service, absconds and intentionally fails or refuses to pay for the service.

12           **SECTION 7.** 943.50 (3) of the statutes is amended to read:

13           943.50 (3) A merchant or service provider, a merchant’s or service provider’s  
14 adult employee or a merchant’s or service provider’s security agent who has  
15 reasonable cause for believing that a person has violated this section in his or her  
16 presence may detain, within or at the merchant’s or service provider’s place of  
17 business where the suspected violation took place, the person in a reasonable  
18 manner for a reasonable length of time to deliver the person to a peace officer, or to  
19 his or her parent or guardian in the case of a minor. The detained person must be  
20 promptly informed of the purpose for the detention and be permitted to make phone  
21 calls, but he or she shall not be interrogated or searched against his or her will before  
22 the arrival of a peace officer who may conduct a lawful interrogation of the accused  
23 person. The merchant or service provider, merchant’s or service provider’s adult  
24 employee or merchant’s or service provider’s security agent may release the detained  
25 person before the arrival of a peace officer or parent or guardian. Any merchant or

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1 service provider, merchant's or service provider's adult employee or merchant's or  
2 service provider's security agent who acts in good faith in any act authorized under  
3 this section is immune from civil or criminal liability for those acts.

4 **SECTION 8.** 943.51 (1) (am) of the statutes is created to read:

5 943.51 (1) (am) The retail value of the service provided by a service provider,  
6 as defined in s. 943.50 (1) (am). A person may recover under this paragraph only if  
7 he or she exercises due diligence in demanding payment for the service.

8 (END)