

State of Wisconsin



2011 Senate Bill 85

Date of enactment: **December 7, 2011**
Date of publication*: **December 20, 2011**

2011 WISCONSIN ACT 110

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

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

SECTION 1. 943.50 (title) of the statutes is amended to read:

943.50 (title) **Retail theft; theft of services.**

SECTION 2. 943.50 (1) (a) of the statutes is renumbered 943.50 (1) (ag).

SECTION 3. 943.50 (1) (ad) of the statutes is created to read:

943.50 (1) (ad) "Merchandise" includes a service provided by a service provider.

SECTION 4. 943.50 (1) (am) of the statutes is created to read:

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

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

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

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

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

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

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

* Section 991.11, WISCONSIN STATUTES 2009-10: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

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of a peace officer or parent or guardian. Any merchant or service provider, merchant's or service provider's adult employee or merchant's or service provider's security agent who acts in good faith in any act authorized under this section is immune from civil or criminal liability for those acts.

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

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

