



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2011 Assembly Bill 56

Assembly Amendment 1

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Current Law

An individual who commits retail theft is subject to varying penalties depending upon the value of the merchandise at issue. Under current law, a person who commits retail theft of merchandise valued at \$2,500 or less is guilty of a Class A misdemeanor. A person who commits retail theft of merchandise whose value is more than \$2,500 but does not exceed \$5,000 is guilty of a Class I felony.

Assembly Bill 56

Assembly Bill 56 lowers the felony threshold for retail theft from \$2,500 to \$1,500. Under the bill, a person who commits retail theft of merchandise valued at \$1,500 or less is guilty of a Class A misdemeanor, and a person who commits retail theft of merchandise whose value is more than \$1,500 but does not exceed \$5,000 is guilty of a Class I felony.

Assembly Bill 56 also increases the penalty for certain retail theft of merchandise worth \$1,500 or less if the perpetrator acts in coordination with others to sell the stolen merchandise on the Internet. Under the bill, a person who takes specified actions with intent to deprive the merchant permanently of possession or the full purchase price of the merchandise or property is guilty of a Class I felony if: (a) the person agrees or combines with another to commit the violation; (b) the person intends to sell the merchandise by means of the Internet; and (c) the value of the merchandise does not exceed \$1,500.

Assembly Amendment 1

Assembly Amendment 1 lowers the felony threshold for retail theft to \$500. Under the amendment, a person who commits retail theft of merchandise valued at \$500 or less is guilty of a Class A misdemeanor, and a person who commits retail theft of merchandise whose *value is more than \$500* but does not exceed \$5,000 is guilty of a Class I felony.

Assembly Amendment 1 also lowers the threshold at which a perpetrator faces an increased penalty for certain retail theft when he or she acts in coordination with others to sell the stolen merchandise on the Internet. Under the amendment, a person who takes specified actions with intent to deprive the merchant permanently of possession or the full purchase price of the merchandise or property is guilty of a Class I felony if: (a) the person agrees or combines with another to commit the violation; (b) the person intends to sell the merchandise by means of the Internet; and (c) the *value of the merchandise does not exceed \$500*.

Legislative History

Assembly Amendment 1 was offered by Representative Kleefisch on July 27, 2011. On September 8, 2011, the Assembly Committee on Criminal Justice and Corrections recommended adoption of the amendment on a vote of Ayes, 6; Noes, 3. The committee then recommended passage of the bill, as amended, on a vote of Ayes, 6; Noes, 3.

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