

2013 DRAFTING REQUEST

Bill

Received: 3/8/2013
Wanted: As time permits
For: Paul Farrow (608) 266-9174
May Contact:
Subject: Criminal Law - miscellaneous

Received By: chanaman
Same as LRB:
By/Representing: Gus
Drafter: chanaman
Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Sen.Farrow@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Theft of telecommunication or video services

Instructions:

See attached--2009 SB-443

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>
/?	chanaman 3/8/2013	csicilia 3/15/2013	jfrantze 3/15/2013	_____			
/1				_____	sbasford 3/15/2013	srose 3/15/2013	State S&L Crime

FE Sent For:

at
intro

<END>

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/?	chanaman	1 j5 3/15 13		Jb 3/15			

FE Sent For:

<END>

Bill Request Form

Legislative Reference Bureau
One East Main Street, Suite 200
Legal Section 266-3561

You may use this form or talk directly with the LRB attorney who will draft the bill.

Date 3/8/17

Legislator, agency, or other person requesting this draft Sen. Farrow

Person submitting request (name and phone number) _____

Persons to contact for questions about this draft (names and phone numbers) Bob
6-7194

Describe the problem, including any helpful examples. How do you want to solve the problem?

Please attach a copy of any correspondence or other material that may help us. If you know of any statute sections that might be affected, list them or provide a marked-up copy.

You may attach a marked-up copy of any LRB draft or provide its number (e.g., 2010 LRB-2345/1 or 2009 AB-67).

Requests are confidential unless stated otherwise. May we tell others that we are working on this for you? YES NO

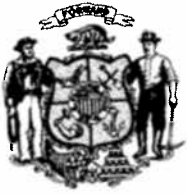
If yes: Anyone who asks? YES ~~NO~~
 Any legislator? YES ~~NO~~

Only the following persons _____

Do you consider this request urgent? YES NO

Should we give this request priority over any pending request of this legislator, agency, or person?

YES NO



State of Wisconsin
2009 - 2010 LEGISLATURE

-1854/1
LRB-3270/1
CMH:ph
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gjs

FRIDAY
(cont)

2009 BILL

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P.W.F.

1 AN ACT to amend 943.45 (3) (a), 943.46 (4) (a) and 943.48 (1m) of the statutes;
2 relating to: theft of communication and video services, civil damages resulting
3 from the theft of certain services, and providing penalties.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from obtaining without payment telecommunications service and from obtaining without payment video service. A person who violates either prohibition for the first time is subject to a Class C forfeiture. Under this bill, a person who violates either prohibition for the first time is guilty of a Class C misdemeanor.

Under current law if a person who incurs injury as a result of theft of telecommunications service, commercial mobile service, video service, or satellite cable programming prevails in a civil suit against the person who committed the theft, the court must grant the injured person actual damages, costs, and disbursements. The court is not permitted to grant attorney fees unless the person who committed the theft did it willfully and for commercial advantage or was previously convicted for the same violation. This bill permits the court to grant reasonable attorney fees for a first violation without regard to commercial advantage.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

or previous conviction

willfulness

BILL

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 SECTION 1. 943.45 (3) (a) of the statutes is amended to read:

2 943.45 (3) (a) Except as provided in pars. (b) to (d), any person who violates sub.

3 (1) is ~~subject to~~ ^{guilty of} a Class C forfeiture misdemeanor.

4 SECTION 2. 943.46 (4) (a) of the statutes is amended to read:

5 943.46 (4) (a) Except as provided in pars. (b) to (d), any person who violates sub.

6 (2) (a) to (f) is ~~subject to~~ ^{guilty of} a Class C forfeiture misdemeanor.

7 SECTION 3. 943.48 (1m) of the statutes is amended to read:

8 943.48 (1m) Except as provided in sub. (2), if the person who incurs the loss
9 prevails, the court shall grant the prevailing party actual damages, costs and
10 disbursements and may grant the prevailing party reasonable attorney fees.

11 SECTION 4. **Initial applicability.**

12 (1) This act first applies to acts committed on the effective date of this
13 subsection.

14 (END)

Rose, Stefanie

From: Gustafson, Andrew
Sent: Friday, March 15, 2013 9:33 AM
To: LRB.Legal
Subject: Draft Review: LRB -1854/1 Topic: Theft of telecommunication or video services

Please Jacket LRB -1854/1 for the SENATE.