
Wisconsin Legislative Council

AMENDMENT MEMO



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2025 Assembly Bill 89

Assembly Amendment 1

2025 ASSEMBLY BILL 89

Under current law, the penalties for violating the general prohibition against theft and the prohibition against retail theft depend on the value of the property stolen. The penalties for violating the general theft statute range from a Class A misdemeanor, if the value of the property does not exceed \$2,500, to a Class F felony, if the value of the property exceeds \$100,000. Similarly, the penalties for violating prohibition against retail theft vary from a Class A misdemeanor, if the value of the merchandise does not exceed \$500, to a Class G felony, if the value of the merchandise exceeds \$10,000.

While the penalties for theft and retail theft depend on the value of property stolen, s. 971.36, Stats., permits multiple acts of theft to be prosecuted as a single crime under certain circumstances, such as where the property belonged to the same owner and the thefts were committed pursuant to a single intent and design or in execution of a single deceptive scheme. When multiple acts of theft are prosecuted as a single crime, the value of the property stolen may be aggregated for the purposes of determining the penalty.

The bill amends the theft and retail theft statutes to state that for purposes of charging and penalty determinations, the value of property from multiple violations committed by the same person in a six-month period may be aggregated. It also provides that where two or more acts are aggregated under these provisions, the trial may be in any county in which any of such acts occurred, and the prosecutor shall have exclusive jurisdiction over the violations.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 removes the authority to aggregate multiple violations across different counties. Instead, the value of property from multiple violations of theft or retail theft committed by the same person in a six-month period in the same prosecutorial unit may be aggregated.

The amendment also adds an increased penalty for repeated violations of the crimes of theft and retail theft. A person who is charged with a misdemeanor violation of theft or retail theft may be charged with and convicted of a Class I felony if the person has one or more prior convictions for a violation of theft or retail theft. A person who is charged with a felony violation of theft or retail theft may be charged with and convicted of a felony that is one classification higher than the felony classification that would otherwise apply.

BILL HISTORY

Representative Penterman offered Assembly Amendment 1 on March 10, 2025. On March 11, 2025, the Assembly Committee on Criminal Justice and Public Safety voted to recommend adoption of the

amendment on a vote of Ayes, 13; Noes, 2; and voted to recommend passage of the bill, as amended, on a vote of Ayes, 14; Noes, 1.

For a full history of the bill, visit the Legislature's [bill history page](#).

TK:jal