



State of Wisconsin
2007 - 2008 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2007 ASSEMBLY BILL 503**

November 2, 2007 – Offered by Representative ZIPPERER.

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

Analysis by the Legislative Reference Bureau

Current law prohibits retail theft. A person who steals from a merchant is subject to penalties that vary according to the value of the merchandise that was stolen. Retail theft is a Class A misdemeanor if the value of the merchandise does not exceed \$2,500, a Class I felony if the value of the merchandise exceeds \$2,500 but does not exceed \$5,000, a Class H felony if the value of the merchandise exceeds \$5,000 but does not exceed \$10,000, and a Class G felony if the value of the merchandise exceeds \$10,000.

This substitute amendment defines “merchandise” to include a service provided by a “service provider.” A “service provider” is a merchant who provides service to a retail customer without a written contract with the expectation that the customer will pay for the service upon completion of the service.

Under this substitute amendment, a person who obtains a service and who intentionally fails or refuses to pay for the service is guilty of retail theft and subject to the same penalties as under current law.

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

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

2 **943.50** (title) **Retail theft; theft of certain services.**

3 **SECTION 2.** 943.50 (1) (a) of the statutes is renumbered 943.50 (1) (ag) and
4 amended to read:

5 943.50 (1) (ag) “Merchant” includes any “merchant” as defined in s. 402.104 (3)
6 or any salonkeeper, spakeeper, innkeeper, motelkeeper, or hotelkeeper.

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

8 943.50 (1) (ad) “Merchandise” includes a service provided by a service provider.

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

10 943.50 (1) (am) “Service provider” means a merchant who provides a service
11 to retail customers without a written contract with the expectation that the service
12 will be paid for by the customer upon completion of the service.

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

14 943.50 (1) (b) 3. For a service provided by a service provider, the service
15 provider’s stated price for the service.

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

17 943.50 (1r) Any person may be penalized as provided in sub. (4) if, having
18 obtained a service from a service provider, he or she, without the service provider’s
19 consent and with intent to deprive the service provider permanently of the full price
20 of the service, intentionally fails or refuses to pay for the service.

