



1997 ASSEMBLY BILL 493

September 2, 1997 - Introduced by Representatives STEINBRINK, PORTER, KREUSER, AINSWORTH, BOCK, BRANDEMUEHL, DOBYNS, DUFF, GREEN, GUNDERSON, JENSEN, JESKEWITZ, KREIBICH, LADWIG, J. LEHMAN, M. LEHMAN, MUSSER, OTT, OTTE, PLALE, PLOUFF, POWERS, SERATTI, SYKORA, UNDERHEIM, WALKER, ZIEGELBAUER and ZUKOWSKI, cosponsored by Senators WIRCH, C. POTTER, DRZEWIECKI, HUELSMAN, ROESSLER, SCHULTZ and WEEDEN. Referred to Committee on Criminal Justice and Corrections.

- 1 **AN ACT to renumber and amend** 943.50 (1m); **to amend** 943.50 (2); and **to**
2 **create** 943.50 (1m) (a), 943.50 (1m) (b) and 943.50 (1m) (c) of the statutes;
3 **relating to:** retail theft.

Analysis by the Legislative Reference Bureau

Under current law, a person is guilty of retail theft if, without the merchant's consent and with intent to deprive the merchant of the purchase price or the possession of retail merchandise or other property, the person does either of the following: 1) intentionally alters indicia of price or value of merchandise; or 2) intentionally takes and carries away, transfers, conceals or retains possession of the merchandise or other property. This bill provides that a person is also guilty of retail theft if, without the merchant's consent, with intent to deprive the merchant of the full purchase price or the possession of the merchandise or other property and while inside the merchant's store, the person intentionally removes any tag or other device that is used to prevent or detect theft and that is attached to the merchandise or other property.

In addition, current law provides that the intentional concealment of unpurchased merchandise which continues from one floor to another or beyond the last station for receiving payments in a merchant's store is evidence of intent to deprive the merchant of possession of that merchandise. This bill provides that the intentional concealment of unpurchased merchandise anywhere in a merchant's store is evidence of intent to deprive the merchant of possession of that merchandise.

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Thus, under the bill, the intentional concealment need not continue from one floor to another or go beyond the last station for receiving payments.

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

1 **SECTION 1.** 943.50 (1m) of the statutes is renumbered 943.50 (1m) (intro.) and
2 amended to read:

3 943.50 **(1m)** (intro.) ~~Whoever intentionally alters indicia of price or value of~~
4 ~~merchandise or who takes and carries away, transfers, conceals or retains possession~~
5 ~~of merchandise held for resale by a merchant or property of the merchant~~ A person
6 may be penalized as provided in sub. (4) if he or she does any of the following without
7 ~~his or her~~ the merchant's consent and with intent to deprive the merchant
8 permanently of possession, or the full purchase price, of the merchandise ~~may be~~
9 ~~penalized as provided in sub. (4).~~ or property:

10 **SECTION 2.** 943.50 (1m) (a) of the statutes is created to read:

11 943.50 **(1m)** (a) Intentionally alters indicia of price or value of merchandise
12 held for resale by a merchant or property of a merchant.

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

14 943.50 **(1m)** (b) Intentionally takes and carries away, transfers, conceals or
15 retains possession of merchandise held for resale by a merchant or property of a
16 merchant.

17 **SECTION 4.** 943.50 (1m) (c) of the statutes is created to read:

18 943.50 **(1m)** (c) While anywhere in the merchant's store, intentionally removes
19 any tag or other device that is used to prevent or detect theft and that is attached to
20 merchandise held for resale by a merchant or property of a merchant.

21 **SECTION 5.** 943.50 (2) of the statutes is amended to read:

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1 943.50 (2) The intentional concealment of unpurchased merchandise which
2 continues from one floor to another or beyond the last station for receiving payments
3 anywhere in a merchant's store is evidence of intent to deprive the merchant
4 permanently of possession of such merchandise without paying the purchase price
5 thereof of the merchandise. The discovery of unpurchased merchandise concealed
6 upon the person or among the belongings of such person or concealed by a person
7 upon the person or among the belongings of another is evidence of intentional
8 concealment on the part of the person so concealing such goods.

9 **SECTION 6. Initial applicability.**

10 (1) This act applies to offenses committed on or after the effective date of this
11 subsection.

12

(END)