



1995 SENATE BILL 130

April 6, 1995 - Introduced by Senators FARROW and HUELSMAN, cosponsored by Representatives GREEN, KLUSMAN and RUTKOWSKI. Referred to Committee on Judiciary.

1 **AN ACT to amend** 814.04 (intro.) and 946.82 (4); and **to create** 895.79 and 943.01
2 (2g) of the statutes; **relating to:** damage to coin-operated machines and
3 providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, whoever intentionally causes property damage without the owner's consent is guilty of a Class A misdemeanor. Also, if the property damage occurs under certain circumstances, such as damage that reduces the value of the property by more than \$1,000, the person is guilty of a Class D felony. This bill provides that if the intentional damage is to a coin-operated machine, by a person acting with intent to steal from the machine and the damage is more than \$500 but not more than \$1,000, the person is guilty of a Class E felony.

The maximum penalties for persons convicted of the crime classifications mentioned are:

<i>Crime Classification</i>	<i>Maximum Imprisonment</i>	<i>Maximum Fine</i>
Class A misdemeanor	9 months	\$10,000
Class E felony	2 years	\$10,000
Class D felony	5 years	\$10,000

The bill also permits the owner of a coin-operated machine damaged by a person acting with the intent to steal to bring a civil action in which the owner, if successful, recovers treble damages, reasonable attorney fees and reasonable investigation and litigation costs.

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

1 **SECTION 1.** 814.04 (intro.) of the statutes is amended to read:

2 **814.04 Items of costs.** (intro.) Except as provided in ss. 93.20, 101.22 (6) (i)
3 and (6m) (a), 769.313, 814.025, 814.245, 895.035 (4), 895.75 (3), 895.77 (2), 895.79 (3),
4 943.212 (2) (b), 943.245 (2) (d) and 943.51 (2) (b), when allowed costs shall be as
5 follows:

6 **SECTION 2.** 895.79 of the statutes is created to read:

7 **895.79 DAMAGE TO COIN-OPERATED MACHINE. (1)** An owner of a coin-operated
8 machine that is damaged by a person acting with the intent to commit a theft from
9 that machine may bring an action against the person.

10 **(2)** The owner has the burden of proving his or her case under sub. (1) by a
11 preponderance of the credible evidence.

12 **(3)** If the owner prevails in a civil action under sub. (1), he or she shall recover
13 treble damages and costs, including all reasonable attorney fees and other costs of
14 the investigation and litigation that were reasonably incurred.

15 **(4)** An owner may bring a civil action under sub. (1) regardless of whether there
16 has been a criminal action related to the damage under sub. (1) and regardless of the
17 outcome of any such criminal action.

18 **SECTION 3.** 943.01 (2g) of the statutes is created to read:

19 **943.01 (2g)** Any person violating sub. (1) under all of the following
20 circumstances is guilty of a Class E felony:

21 (a) The property damaged is a coin-operated machine.

22 (b) The person acted with the intent to commit a theft from the machine.

23 (c) The total property damaged in violation of sub. (1) is reduced in value by
24 more than \$500 but not more than \$1,000. For purposes of this paragraph, property

1 is reduced in value by the amount that it would cost to repair or replace it, whichever
2 is less, plus other monetary losses associated with the damage.

3 **SECTION 4.** 946.82 (4) of the statutes is amended to read:

4 946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961
5 (1) in effect as of April 27, 1982 or the attempt, conspiracy to commit, or commission
6 of any of the felonies specified in: chs. 161 and 945 and ss. 49.49, 134.05, 139.44 (1),
7 180.0129, 181.69, 184.09 (2), 185.825, 215.12, 221.17, 221.31, 221.39, 221.40, 551.41,
8 551.42, 551.43, 551.44, 553.41 (3) and (4), 553.52 (2), 940.01, 940.19 (3) to (6), 940.20,
9 940.203, 940.21, 940.30, 940.305, 940.31, 941.20 (2) and (3), 941.26, 941.28, 941.298,
10 941.31, 941.32, 943.01 (2) or (2g), 943.012, 943.013, 943.02, 943.03, 943.04, 943.05,
11 943.06, 943.10, 943.20 (3) (b) to (d), 943.23 (1g), (1m), (1r), (2) and (3), 943.24 (2),
12 943.25, 943.27, 943.28, 943.30, 943.32, 943.34 (1) (b) and (c), 943.38, 943.39, 943.40,
13 943.41 (8) (b) and (c), 943.50 (4) (b) and (c), 943.60, 943.70, 944.21 (5) (c) and (e),
14 944.32, 944.33 (2), 944.34, 945.03, 945.04, 945.05, 945.08, 946.10, 946.11, 946.12,
15 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76,
16 947.015, 948.05, 948.08, 948.12 and 948.30.

17 **SECTION 5. Initial applicability.**

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

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(END)