



1997 Assembly Bill 493

Date of enactment: **June 8, 1998**
Date of publication*: **June 22, 1998**

1997 WISCONSIN ACT 262

AN ACT *to repeal* 943.50 (2); *to renumber and amend* 943.50 (1m); and *to create* 943.50 (1) (ar), (as) and (at), 943.50 (1m) (a), 943.50 (1m) (b), 943.50 (1m) (c), 943.50 (1m) (d), 943.50 (1m) (e), 943.50 (1m) (f), 943.50 (1m) (g) and 943.50 (1m) (h) of the statutes; **relating to:** retail theft.

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

SECTION 1. 943.50 (1) (ar), (as) and (at) of the statutes are created to read:

943.50 (1) (ar) "Theft detection device" means any tag or other device that is used to prevent or detect theft and that is attached to merchandise held for resale by a merchant or to property of a merchant.

(as) "Theft detection device remover" means any tool or device used, designed for use or primarily intended for use in removing a theft detection device from merchandise held for resale by a merchant or property of a merchant.

(at) "Theft detection shielding device" means any laminated or coated bag or device designed to shield merchandise held for resale by a merchant or property of a merchant from being detected by an electronic or magnetic theft alarm sensor.

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

943.50 (1m) (intro.) ~~Whoever intentionally alters indicia of price or value of merchandise or who takes and carries away, transfers, conceals or retains possession of merchandise held for resale by a merchant or property of the merchant~~ A person may be penalized as provided in

sub. (4) if he or she does any of the following without his or her the merchant's consent and with intent to deprive the merchant permanently of possession, or the full purchase price, of the merchandise ~~may be penalized as provided in sub. (4).~~ or property:

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

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

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

943.50 (1m) (b) Intentionally takes and carries away merchandise held for resale by a merchant or property of a merchant.

SECTION 5. 943.50 (1m) (c) of the statutes is created to read:

943.50 (1m) (c) Intentionally transfers merchandise held for resale by a merchant or property of a merchant.

SECTION 6. 943.50 (1m) (d) of the statutes is created to read:

943.50 (1m) (d) Intentionally conceals merchandise held for resale by a merchant or property of a merchant.

SECTION 7. 943.50 (1m) (e) of the statutes is created to read:

* Section 991.11, WISCONSIN STATUTES 1995-96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

943.50 (1m) (e) Intentionally retains possession of merchandise held for resale by a merchant or property of a merchant.

SECTION 8. 943.50 (1m) (f) of the statutes is created to read:

943.50 (1m) (f) While anywhere in the merchant's store, intentionally removes a theft detection device from merchandise held for resale by a merchant or property of a merchant.

SECTION 9. 943.50 (1m) (g) of the statutes is created to read:

943.50 (1m) (g) Uses, or possesses with intent to use, a theft detection shielding device to shield merchandise

held for resale by a merchant or property of merchant from being detected by an electronic or magnetic theft alarm sensor.

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

943.50 (1m) (h) Uses, or possesses with intent to use, a theft detection device remover to remove a theft detection device from merchandise held for resale by a merchant or property of a merchant.

SECTION 11. 943.50 (2) of the statutes is repealed.

SECTION 12. Initial applicability.

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