

Committee Name:
Senate Committee –
Judiciary, Corrections and Privacy
(SC–JCP)

Appointments

03hr_SC–JCP_Appt_pt00

Committee Hearings

03hr_SC–JCP_CH_pt00

Committee Reports

03hr_SC–JCP_CR_pt00

Clearinghouse Rules

03hr_SC–JCP_CRule_03–

Executive Sessions

03hr_SC–JCP_ES_pt00

Hearing Records

03hr_ab0570

03hr_sb0000

Misc.

03hr_SC–JCP_Misc_pt00

Record of Committee Proceedings

03hr_SC–JCP_RCP_pt00

Vote Record
Committee on Judiciary, Corrections and Privacy

Date: _____

Moved by: Stepp

Seconded by: Fitz

AB 570 SB _____ Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt _____
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt _____
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:
 Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Senator David Zien, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Scott Fitzgerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Cathy Stepp	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Tim Carpenter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator G. Spencer Coggs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: _____

Motion Carried

Motion Failed



REPRESENTATIVE CURTIS GIELOW

State of Wisconsin, Twenty-Third Assembly District

Testimony to the Senate Committee on Judiciary, Corrections and Privacy on Assembly Bill 570

February 10, 2004

Mr. Chairman and Members:

Assembly Bill 570 would increase the penalties for the theft of shopping carts. Currently, the penalty for theft of a shopping cart is described in Section 943.55 of the Wisconsin Statutes; that penalty is a forfeiture of not more than \$50. Assembly Bill 570 as introduced removes the \$50 penalty and assigns theft of a shopping cart to the same sort of crime as retail theft of merchandise with a value under \$1,000, which is a Class A Misdemeanor.

As you know, AB 570 was recommended for passage by the Assembly Committee on Criminal Justice on a vote of 16-0. The Assembly passed the bill 96-0.

The current fine of \$50 doesn't cover the actual cost of a shopping cart, and it's not a disincentive to theft of the carts. Shopping carts cost retailer between \$50 apiece for a refurbished cart to as much as \$250 apiece for a new cart.

Losses to a merchant from shopping cart theft mean higher prices for the rest of us – and an unneeded hassle for the merchant. Just because shopping carts aren't merchandise and usually aren't for sale, is no good reason for the theft of carts to be condoned.

Theft of carts seems to be at its worst in urban areas. Some retailers in the Milwaukee area have spent upwards of \$50,000 per year replacing stolen shopping carts. I am told that one City of Milwaukee retailer lost approximately \$250,000 in carts over four years.

More . . .

(continued)

I said earlier that the current fine of \$50 doesn't cover the cost of the cart itself. AB 570 as introduced would increase the fine by making theft of carts a Class A Misdemeanor. Class A Misdemeanors are punishable by as much as a \$10,000 fine and up to ninety days in jail.

This penalty structure was put into the bill at the request of the Wisconsin Grocers Association, who asked me and Senator Zien for assistance with this bill. They point out that Class A Misdemeanors under current law include retail theft of any item, whether it is a candy bar or a fur coat. Why, they ask, should theft of a store fixture such as a cart bring such a lesser penalty?

AB 570 as introduced would have allowed the penalty for theft of a cart to be set by the judge involved in each case, and the penalties could of course be lower than the allowable maximums. Still, there has been some unease with the severity of the penalties.

For this reason, at the request of the Grocers Association, the Assembly Committee and I amended the bill. AB 570 as amended would now set the penalty for theft of a shopping cart at \$500 per cart stolen. It would not designate such a theft as a Class A Misdemeanor. It would simply leave intact the current-law structure of the penalty while merely raising the amount of the fine to an amount more appropriate to the value of carts.

Representatives of the Grocers Association will be testifying after me this morning and will be able to answer your questions. However, should anyone have any questions for me I would be happy to answer them.

In closing, I urge the Committee to support AB 570.

Thank you.