



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2011 Wisconsin Act 110
[2011 Senate Bill 85]

Theft of Retail Services

Current law prohibits retail theft. The penalty for a retail theft conviction is based on the value of the merchandise stolen. A merchant who has reasonable cause to believe that a person has committed the offense of retail theft in his or her presence may detain the person in a reasonable manner for a reasonable length of time to deliver the person to a peace officer, or to his or her parent or guardian in the case of a minor.

2011 Wisconsin Act 110 provides that “merchandise,” as defined for purposes of the retail theft offense, includes a service provided by a service provider. “Service provider” is defined as a merchant who provides a service to retail customers without a written contract with the expectation that the service will be paid for by the customer upon completion of the service.

Under the Act, a person may be penalized under the retail theft statute if he or she, having obtained a service from a service provider, absconds and intentionally fails or refuses to pay for the service without the service provider’s consent and with intent to deprive the service provider permanently of the full price of service. The penalty for violating this provision is based on the value of the service, which is the price that the service provider stated for the service before the service was provided. In addition, a person who steals a service may be held civilly liable to a service provider.

As under current law relating to retail theft, a service provider may detain a person if he or she has reasonable cause for believing that the person has violated the offense of theft of a service in his or her presence. However, the Act provides that a merchant or service provider may only detain a person within or at the merchant’s or service provider’s place of business where the suspected violation took place.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.state.wi.us/>.