

State of Misconsin 2007 - 2008 LEGISLATURE

2007 ASSEMBLY BILL 874

February 25, 2008 – Introduced by Representatives Albers and Kleefisch. Referred to Committee on Criminal Justice.

1 AN ACT to amend 943.34 (1) (intro.) and 943.50 (4) (c); and to create 943.345 of

the statutes; relating to: the sale of stolen property on the Internet and

providing a penalty.

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Analysis by the Legislative Reference Bureau

Under current law, a person who commits retail theft or who intentionally receives or conceals stolen property is penalized based on the value of the property or merchandise that was stolen. A person who commits retail theft or receives or conceals the stolen property or merchandise is guilty of a Class A misdemeanor if the value of the property or merchandise does not exceed \$2,500, a Class I felony if the value of the property or merchandise exceeds \$2,500 but does not exceed \$5,000, a Class H felony if the value of the property or merchandise exceeds \$5,000 but does not exceed \$10,000, and a Class G felony if the value of the property or merchandise exceeds \$10,000.

Under this bill, a person who commits retail theft with the intent to sell the stolen property on the Internet is guilty of a Class G felony, regardless of the value of the property. Under the bill, a person who purchases property he or she knows or believes to be stolen over the Internet is guilty of a Class G felony, regardless of the value of the property.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a

ASSEMBLY BILL 874

report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

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

1	SECTION 1. 943.34 (1) (intro.) of the statutes is amended to read:
2	943.34 (1) (intro.) Except as provided under s. <u>943.345 and</u> 948.62, whoever
3	intentionally receives or conceals stolen property is guilty of:
4	SECTION 2. 943.345 of the statutes is created to read:
5	943.345 Purchasing stolen property on the Internet. Any person who
6	uses the Internet to purchase property that the person knows or believes was
7	obtained by the seller in violation of s. 943.50 is guilty of a Class G felony.
8	SECTION 3. 943.50 (4) (c) of the statutes is amended to read:
9	943.50 (4) (c) A Class G felony, if the value of the merchandise exceeds $10,000$
10	or if the person violated this section with the intent to sell the merchandise on the
11	Internet. It is prima facie evidence that the person intends to sell the merchandise
12	on the Internet if, within 90 days preceding the violation, the person sold the same
13	or similar kind of merchandise on the Internet.
14	(END)