



Legislation Details (With Text)

**File #:** 23022      **Version:** 1      **Name:** Retail theft  
**Type:** Ordinance      **Status:** Passed  
**File created:** 6/28/2011      **In control:** PUBLIC SAFETY REVIEW COMMITTEE  
**On agenda:** 8/2/2011      **Final action:** 8/2/2011  
**Enactment date:** 8/11/2011      **Enactment #:** ORD-11-00107  
**Title:** Creating Section 23.55 of the Madison General Ordinances to prohibit being party to a retail theft.  
**Sponsors:** Jill Johnson, Matthew J. Phair, Paul E. Skidmore

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
8/2/2011	1	COMMON COUNCIL	Adopt	Pass
7/12/2011	1	PUBLIC SAFETY REVIEW COMMITTEE	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	
7/5/2011	1	COMMON COUNCIL	Referred	
6/28/2011	1	Attorney's Office/Approval Group	Referred for Introduction	

**Fiscal Note**

There may be an increase in General Fund revenues of an estimated \$45,000 to \$60,000 annually derived from fines, assuming the issuance of 150 to 200 citations per year.

**Title**

Creating Section 23.55 of the Madison General Ordinances to prohibit being party to a retail theft.

**Body**

DRAFTER'S ANALYSIS: This section will prohibit being party to a retail theft. It covers those individuals who are involved in the commission of a retail theft, even if they are not the person who actually physically removes the merchandise from the retail establishment.

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The Common Council of the City of Madison do hereby ordain as follows:

1. Section 23.55 entitled "Party to a Retail Theft" of the Madison General Ordinances is created to read as follows:

**"23.55 PARTY TO A RETAIL THEFT.**

- (1) Retail theft is a violation found under Sec. 23.54, MGO. It shall be unlawful to be a party to a retail theft violation.
- (2) A person is considered a party to retail theft if the person:
  - (a) Intentionally aids and abets the commission of the retail theft; or
  - (b) Is a party to a conspiracy with another to commit the retail theft or advises, hires, counsels or otherwise procures another to commit the retail theft.
- (3) Pursuant to Wis. Stat. §§ 66.0107 and 943.50(3m)(a), in any action or proceeding for violation of this ordinance, duly identified and authenticated photographs of merchandise which was the subject of the violation may be used as evidence in lieu of producing the merchandise.
- (4) Penalties.
  - (a) Any person violating this section shall be subject to a forfeiture of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), exclusive of costs.

(b) Any person violating this ordinance may be subject to restitution as set forth in Wis. Stat. § 800.093.”

2. Subdivision (a) of Subsection (3) entitled “Schedule of Deposits” of Section 1.08 entitled “Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits” of the Madison General Ordinances is amended by creating therein the following:

<u>“Offense</u>	<u>Ord. No./ Adopted Statute No.</u>	<u>Deposit</u>
Party to Retail Theft.	23.55	\$300”

EDITOR’S NOTE: New bail deposits must be approved by the Municipal Judge prior to adoption. These deposits have been so approved.