



## Legislation Details (With Text)

**File #:** 23023      **Version:** 1      **Name:** 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-11-00108  
**Title:** Creating Section 23.58 of the Madison General Ordinances to prohibit theft and amending Sec. 1.08 (3)(a) to establish a bail deposit for a violation thereof.  
**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 \$75,000 to \$200,000 annually derived from fines, assuming the issuance of 150 to 200 citations per year.

### Title

Creating Section 23.58 of the Madison General Ordinances to prohibit theft and amending Sec. 1.08(3)(a) to establish a bail deposit for a violation thereof.

### Body

DRAFTER'S ANALYSIS: This ordinance creates a violation of theft. The ordinance is similar to state statute and prohibits anyone from taking movable property of another and establishes bail deposits for this new ordinance.

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

1. Section 23.58 entitled "Theft" of the Madison General Ordinances is created to read as follows:  
**"23.58 THEFT.**

(1) Definitions.

"Intentionally" means that the actor either has a purpose to do the thing or cause the result specified, or is aware that his or her conduct is practically certain to cause that result.

"Movable property" means property whose physical location can be changed, without limitation including electricity and gas, documents which represent or embody intangible rights and things growing on, affixed to or found in land.

"With intent" means that the actor either has a purpose to do the thing or cause the result specified, or is aware that his or her conduct is practically certain to cause that result.

(2) It shall be unlawful to intentionally take and carry away, use, transfer, conceal or retain possession of movable property of another without the other's consent and with intent to deprive the owner permanently of possession of such property.

(3) In an action or proceeding for a violation of this section, a party may use duly identified and

authenticated photographs of property which was the subject of the violation in lieu of producing the property.

- (4) Any person convicted of a violation of this section shall be subject to a penalty of not less than two hundred dollars (\$200) nor more than one thousand dollars (\$1000)."

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>
Theft	23.58(2)	\$500, 1 <sup>st</sup> \$750, 2 <sup>nd</sup> \$1000, 3 <sup>rd</sup> & sub."

EDITOR'S NOTE: New bail deposits must be approved by the Municipal Judge prior to adoption. This deposit has been so approved.