

2019 - 2020 LEGISLATURE

2019 ASSEMBLY BILL 734

January 9, 2020 - Introduced by Representatives HUTTON, ALLEN, DUCHOW, EDMING, FIELDS, GUNDRUM, JAGLER, KATZMA, KNODL, KUGLITSCH, KULP, MURPHY, PETERSEN, PRONSHINSKE, SANFELIPPO, SKOWRONSKI, STEFFEN, TRANEL and TUSLER, cosponsored by Senators CRAIG, DARLING, MARKLEIN, NASS, OLSEN, STROEBEL and WANGGAARD. Referred to Committee on Consumer Protection.

1 **AN ACT to amend** 971.36 (3) (intro.), 971.36 (3) (a) and 971.36 (3) (b); and **to**
2 **create** 943.204 and 971.36 (3) (d) of the statutes; **relating to:** mail theft and
3 providing a penalty.

Analysis by the Legislative Reference Bureau

This bill creates the crime of theft of mail, which is taking a letter, postcard, or package from a residence or other building. Under the bill, a person is guilty of a Class A misdemeanor if he or she takes fewer than ten pieces of mail, a Class I felony if he or she takes at least ten but fewer than 30 pieces of mail, and a Class H felony if he or she takes 30 or more pieces of mail or if the mail belongs to an adult at risk or an elder adult at risk.

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 report.

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

4 **SECTION 1.** 943.204 of the statutes is created to read:

5 **943.204 Theft of mail. (1) DEFINITIONS.** In this section:

6 (a) "Adult at risk" has the meaning given in s. 55.01 (1e).

1 (b) "Course of conduct" has the meaning given in s. 947.013 (1) (a).

2 (c) "Elder adult at risk" has the meaning given in s. 46.90 (1) (br).

3 (d) "Mail" means a letter, flat, postcard, package, bag, or other sealed article
4 that is delivered by the U.S. postal service, a common carrier, or a delivery service
5 and is not yet received by the addressee or that has been left to be collected for
6 delivery by the U.S. postal service, a common carrier, or a delivery service.

7 **(2) ACTS.** Whoever intentionally takes or receives the mail of another from a
8 residence or other building or the curtilage of a residence or other building without
9 the other's consent and with intent to deprive the other permanently of possession
10 of such mail may be penalized as provided in sub. (3).

11 **(3) PENALTIES.** Whoever violates sub. (2) is guilty of the following:

12 (a) If fewer than 10 pieces of mail are taken or received from one or more
13 individuals in a course of conduct, a Class A misdemeanor.

14 (b) If at least 10 but fewer than 30 pieces of mail are taken or received from one
15 or more individuals in a course of conduct, a Class I felony.

16 (c) If 30 or more pieces of mail are taken or received from one or more
17 individuals in a course of conduct, a Class H felony.

18 (d) If the mail that is taken or received is addressed to an adult at risk or an
19 elder adult at risk, a Class H felony.

20 **SECTION 2 .** 971.36 (3) (intro.) of the statutes is amended to read:

21 971.36 **(3)** (intro.) In any case of theft involving more than one theft, all thefts
22 may be prosecuted as a single crime if one of the following applies:

23 **SECTION 3 .** 971.36 (3) (a) of the statutes is amended to read:

1 971.36 **(3)** (a) The property belonged to the same owner and the thefts were
2 committed pursuant to a single intent and design or in execution of a single deceptive
3 scheme;.

4 **SECTION 4 .** 971.36 (3) (b) of the statutes is amended to read:

5 971.36 **(3)** (b) The property belonged to the same owner and was stolen by a
6 person in possession of it; ~~or~~.

7 **SECTION 5 .** 971.36 (3) (d) of the statutes is created to read:

8 971.36 **(3)** (d) If the property is mail, as defined in s. 943.204 (1) (d), the property
9 was stolen from one or more owners during a course of conduct, as defined in s.
10 947.013 (1) (a).

11 **(END)**