

**943.20 Theft.**

- (1) ACTS. Whoever does any of the following may be penalized as provided in sub. (3):
- (a) Intentionally takes and carries away, uses, transfers, conceals, or retains possession of movable property of another without the other's consent and with intent to deprive the owner permanently of possession of such property.
  - (b) By virtue of his or her office, business or employment, or as trustee or bailee, having possession or custody of money or of a negotiable security, instrument, paper or other negotiable writing of another, intentionally uses, transfers, conceals, or retains possession of such money, security, instrument, paper or writing without the owner's consent, contrary to his or her authority, and with intent to convert to his or her own use or to the use of any other person except the owner. A refusal to deliver any money or a negotiable security, instrument, paper or other negotiable writing, which is in his or her possession or custody by virtue of his or her office, business or employment, or as trustee or bailee, upon demand of the person entitled to receive it, or as required by law, is prima facie evidence of an intent to convert to his or her own use within the meaning of this paragraph.
  - (c) Having a legal interest in movable property, intentionally and without consent, takes such property out of the possession of a pledgee or other person having a superior right of possession, with intent thereby to deprive the pledgee or other person permanently of the possession of such property.
  - (d) Obtains title to property of another person by intentionally deceiving the person with a false representation which is known to be false, made with intent to defraud, and which does defraud the person to whom it is made. "False representation" includes a promise made with intent not to perform it if it is a part of a false and fraudulent scheme.
  - (e) Intentionally fails to return any personal property which is in his or her possession or under his or her control by virtue of a written lease or written rental agreement after the lease or rental agreement has expired. This paragraph does not apply to a person who returns personal property, except a motor vehicle, which is in his or her possession or under his or her control by virtue of a written lease or written rental agreement, within 10 days after the lease or rental agreement expires.
- (2) DEFINITIONS. In this section:
- (ac) "Adult at risk" has the meaning given in s. [55.01 \(1e\)](#).
  - (ad) "Elder adult at risk" has the meaning given in s. [46.90 \(1\) \(br\)](#).
  - (ae) "Individual at risk" means an elder adult at risk or an adult at risk.
  - (ag) "Movable property" is 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.
  - (am) "Patient" has the meaning given in s. [940.295 \(1\) \(L\)](#).
  - (b) "Property" means all forms of tangible property, whether real or personal, without limitation including electricity, gas and documents which represent or embody a chose in action or other intangible rights.
  - (c) "Property of another" includes property in which the actor is a co-owner and property of a partnership of which the actor is a member, unless the actor and the victim are husband and wife.
  - (cm) "Resident" has the meaning given in s. [940.295 \(1\) \(p\)](#).
  - (d) Except as otherwise provided in this paragraph, "value" means the market value at the time of the theft or the cost to the victim of replacing the property within a reasonable time after the theft, whichever is less. If the property stolen is a document evidencing a chose in action or other intangible right, "value" means either the market value of the chose in action or other right or the intrinsic value of the document, whichever is greater. If the property stolen is scrap metal, as defined in s. [134.405 \(1\) \(f\)](#), or "plastic bulk merchandise container" as defined in s. [134.405 \(1\) \(em\)](#), "value" also includes any costs that would be incurred in repairing or replacing any property damaged in the theft or removal of the scrap metal or plastic bulk merchandise container. If the thief

gave consideration for, or had a legal interest in, the stolen property, the amount of such consideration or value of such interest shall be deducted from the total value of the property.

**(3) PENALTIES.** Whoever violates sub. [\(1\)](#):

- (a)** If the value of the property does not exceed \$2,500, is guilty of a Class A misdemeanor.
- (bf)** If the value of the property exceeds \$2,500 but does not exceed \$5,000, is guilty of a Class I felony.
- (bm)** If the value of the property exceeds \$5,000 but does not exceed \$10,000, is guilty of a Class H felony.
- (c)** If the value of the property exceeds \$10,000 but does not exceed \$100,000, is guilty of a Class G felony.
- (cm)** If the value of the property exceeds \$100,000, is guilty of a Class F felony.
- (d)** If any of the following circumstances exists, is guilty of a Class H felony:
  - 1. The property is a domestic animal.
  - 3. The property is taken from a building which has been destroyed or left unoccupied because of physical disaster, riot, bombing or the proximity of battle.
  - 4. The property is taken after physical disaster, riot, bombing or the proximity of battle has necessitated its removal from a building.
  - 5. The property is a firearm.
  - 6. The property is taken from a patient or resident of a facility or program under s. [940.295 \(2\)](#) or from an individual at risk.
- (e)** If the property is taken from the person of another or from a corpse, is guilty of a Class G felony.

**(4) USE OF PHOTOGRAPHS AS EVIDENCE.** In any action or proceeding for a violation of sub. [\(1\)](#), a party may use duly identified and authenticated photographs of property which was the subject of the violation in lieu of producing the property.

**943.201 Unauthorized use of an individual's personal identifying information or documents.**

**(1)** In this section:

- (a)** "Personal identification document" means any of the following:
  - 1. A document containing personal identifying information.
  - 2. An individual's card or plate, if it can be used, alone or in conjunction with another access device, to obtain money, goods, services, or any other thing of value or benefit, or if it can be used to initiate a transfer of funds.
  - 3. Any other device that is unique to, assigned to, or belongs to an individual and that is intended to be used to access services, funds, or benefits of any kind to which the individual is entitled.
- (b)** "Personal identifying information" means any of the following information:
  - 1. An individual's name.
  - 2. An individual's address.
  - 3. An individual's telephone number.
  - 4. The unique identifying driver number assigned to the individual by the department of transportation under s. [343.17 \(3\) \(a\) 4.](#)
  - 5. An individual's social security number.
  - 6. An individual's employer or place of employment.
  - 7. An identification number assigned to an individual by his or her employer.
  - 8. The maiden name of an individual's mother.
  - 9. The identifying number of a depository account, as defined in s. [815.18 \(2\) \(e\)](#), of an individual.
  - 10. An individual's taxpayer identification number.

11. An individual's deoxyribonucleic acid profile, as defined in s. [939.74 \(2d\) \(a\)](#).
  12. Any of the following, if it can be used, alone or in conjunction with any access device, to obtain money, goods, services, or any other thing of value or benefit, or if it can be used to initiate a transfer of funds:
    - a. An individual's code or account number.
    - b. An individual's electronic serial number, mobile identification number, personal identification number, or other telecommunications service, equipment, or instrument identifier.
    - c. Any other means of account access.
  13. An individual's unique biometric data, including fingerprint, voice print, retina or iris image, or any other unique physical representation.
  14. Any other information or data that is unique to, assigned to, or belongs to an individual and that is intended to be used to access services, funds, or benefits of any kind to which the individual is entitled.
  15. Any other information that can be associated with a particular individual through one or more identifiers or other information or circumstances.
- (2) Whoever, for any of the following purposes, intentionally uses, attempts to use, or possesses with intent to use any personal identifying information or personal identification document of an individual, including a deceased individual, without the authorization or consent of the individual and by representing that he or she is the individual, that he or she is acting with the authorization or consent of the individual, or that the information or document belongs to him or her is guilty of a Class H felony:
- (a) To obtain credit, money, goods, services, employment, or any other thing of value or benefit.
  - (b) To avoid civil or criminal process or penalty.
  - (c) To harm the reputation, property, person, or estate of the individual.
- (3) It is an affirmative defense to a prosecution under this section that the defendant was authorized by law to engage in the conduct that is the subject of the prosecution. A defendant who raises this affirmative defense has the burden of proving the defense by a preponderance of the evidence.
- (4) If an individual reports to a law enforcement agency for the jurisdiction which is the individual's residence that personal identifying information or a personal identifying document belonging to the individual reasonably appears to be in the possession of another in violation of this section or that another has used or has attempted to use it in violation of this section, the agency shall prepare a report on the alleged violation. If the law enforcement agency concludes that it appears not to have jurisdiction to investigate the violation, it shall inform the individual which law enforcement agency may have jurisdiction. A copy of a report prepared under this subsection shall be furnished upon request to the individual who made the request, subject to payment of any reasonable fee for the copy.

**943.203 Unauthorized use of an entity's identifying information or documents.**

- (1) In this section:
- (a) "Entity" means a person other than an individual.
  - (b) "Identification document" means any of the following:
    1. A document containing identifying information.
    2. An entity's card or plate, if it can be used, alone or in conjunction with another access device, to obtain money, goods, services, or any other thing of value or benefit, or if it can be used to initiate a transfer of funds.
    3. Any other device that is unique to, assigned to, or belongs to an entity and that is intended to be used to access services, funds, or benefits of any kind to which the entity is entitled.
  - (c) "Identifying information" means any of the following information:
    1. An entity's name.

2. An entity's address.
  3. An entity's telephone number.
  4. An entity's employer identification number.
  5. The identifying number of an entity's depository account, as defined in s. [815.18 \(2\) \(e\)](#).
  6. Any of the following, if it can be used, alone or in conjunction with any access device, to obtain money, goods, services, or any other thing of value or benefit, or if it can be used to initiate a transfer of funds:
    - a. An entity's code or account number.
    - b. An entity's electronic serial number, mobile identification number, entity identification number, or other telecommunications service, equipment, or instrument identifier.
    - c. Any other means of account access.
  7. Any other information or data that is unique to, assigned to, or belongs to an entity and that is intended to be used to access services, funds, or benefits of any kind to which the entity is entitled.
  8. Any other information that can be associated with a particular entity through one or more identifiers or other information or circumstances.
- (2) Whoever, for any of the following purposes, intentionally uses, attempts to use, or possesses with intent to use any identifying information or identification document of an entity without the authorization or consent of the entity and by representing that the person is the entity or is acting with the authorization or consent of the entity is guilty of a Class H felony:
- (a) To obtain credit, money, goods, services, or anything else of value or benefit.
  - (b) To harm the reputation or property of the entity.
- (3) It is an affirmative defense to a prosecution under this section that the defendant was authorized by law to engage in the conduct that is the subject of the prosecution. A defendant who raises this affirmative defense has the burden of proving the defense by a preponderance of the evidence.
- (4) If an entity reports to a law enforcement agency for the jurisdiction in which the entity is located that identifying information or an identification document belonging to the entity reasonably appears to be in the possession of another in violation of this section or that another has used or has attempted to use it in violation of this section, the agency shall prepare a report on the alleged violation. If the law enforcement agency concludes that it appears not to have jurisdiction to investigate the violation, it shall inform the entity which law enforcement agency may have jurisdiction. A copy of a report prepared under this subsection shall be furnished upon request to the entity that made the request, subject to payment of any reasonable fee for the copy.

**943.39 Fraudulent writings.** Whoever, with intent to injure or defraud, does any of the following is guilty of a Class H felony:

- (1) Being a director, officer, manager, agent or employee of any corporation or limited liability company falsifies any record, account or other document belonging to that corporation or limited liability company by alteration, false entry or omission, or makes, circulates or publishes any written statement regarding the corporation or limited liability company which he or she knows is false; or
- (2) By means of deceit obtains a signature to a writing which is the subject of forgery under s. [943.38 \(1\)](#); or
- (3) Makes a false written statement with knowledge that it is false and with intent that it shall ultimately appear to have been signed under oath.

**943.41 Financial transaction card crimes.**

(1) DEFINITIONS. In this section:

- (a) "Alter" means add information to, change information on or delete information from.

Sections of CH 943

- (am) "Automated financial service facility" means a machine activated by a financial transaction card, personal identification code or both.
  - (b) "Cardholder" means the person to whom or for whose benefit a financial transaction card is issued.
  - (c) "Counterfeit" means to manufacture, produce or create by any means a financial transaction card or purported financial transaction card without the issuer's consent or authorization.
  - (e) "Expired financial transaction card" means a financial transaction card which is no longer valid because the term shown thereon has elapsed.
  - (em) "Financial transaction card" means an instrument or device issued by an issuer for the use of the cardholder in any of the following:
    1. Obtaining anything on credit.
    2. Certifying or guaranteeing the availability of funds sufficient to honor a draft or check.
    3. Gaining access to an account.
  - (f) "Issuer" means the business organization or financial institution which issues a financial transaction card or its duly authorized agent.
  - (fm) "Personal identification code" means a numeric, alphabetic or alphanumeric code or other means of identification required by an issuer to permit a cardholder's authorized use of a financial transaction card.
  - (g) "Receives" or "receiving" means acquiring possession or control or accepting as security for a loan.
  - (h) "Revoked financial transaction card" means a financial transaction card which is no longer valid because permission to use it has been suspended or terminated by the issuer.
- (2) FALSE STATEMENTS. No person shall make or cause to be made, whether directly or indirectly, any false statements in writing, knowing it to be false and with intent that it be relied upon, respecting the person's identity or that of any other person or the person's financial condition or that of any other person or other entity for the purpose of procuring the issuance of a financial transaction card.
- (3) THEFT BY TAKING CARD.
- (a) No person shall acquire a financial transaction card from the person, possession, custody or control of another without the cardholder's consent or, with knowledge that it has been so acquired, receive the financial transaction card with intent to use it or sell it or to transfer it to a person other than the issuer. Acquiring a financial transaction card without consent includes obtaining it by conduct defined as statutory theft. If a person has in his or her possession or under his or her control financial transaction cards issued in the names of 2 or more other persons it is prima facie evidence that the person acquired them in violation of this subsection.
  - (b) No person shall receive a financial transaction card that the person knows to have been lost, mislaid, or delivered under a mistake as to the identity or address of the cardholder, and retain possession thereof with intent to sell it, or to transfer it to a person other than the issuer or the cardholder, or to use it. The possession of such a financial transaction card for more than 7 days by a person other than the issuer or the cardholder is prima facie evidence that such person intended to sell, transfer or use it in violation of this subsection.
  - (c) No person other than the issuer shall sell a financial transaction card. No person shall buy a financial transaction card from a person other than the issuer.
  - (d) No person shall, with intent to defraud the issuer, a person or organization providing money, goods, services or anything else of value, or any other person, obtain control over a financial transaction card as security for debt.
  - (e) No person other than the issuer may receive a financial transaction card issued in the name of another person which he or she has reason to know was taken or retained in violation of this subsection or sub. (2). Either of the following is prima facie evidence of a violation of this paragraph:

Sections of CH 943

1. Possession of 3 or more financial transaction cards with reason to know that the financial transaction cards were taken or retained in violation of this subsection or sub. [\(2\)](#).
2. Possession of a financial transaction card with knowledge that the financial transaction card was taken or retained in violation of this subsection or sub. [\(2\)](#).

**(4) FORGERY OF FINANCIAL TRANSACTION CARD.**

- (a)** No person shall, with intent to defraud a purported issuer, a person or organization providing money, goods, services or anything else of value or any other person, alter or counterfeit a financial transaction card or purported financial transaction card or possess a financial transaction card or purported financial transaction card with knowledge that it has been altered or counterfeited. The possession by a person other than the purported issuer of 2 or more financial transaction cards which have been altered or counterfeited is prima facie evidence that the person intended to defraud or that the person knew the financial transaction cards to have been so altered or counterfeited.
- (b)** No person other than the cardholder or a person authorized by the cardholder shall, with intent to defraud the issuer, a person or organization providing money, goods, services or anything else of value or any other person, sign a financial transaction card. Possession by a person other than the intended cardholder or one authorized by the intended cardholder of a financial transaction card signed by such person is prima facie evidence that such person intended to defraud in violation of this subsection.

**(5) FRAUDULENT USE.**

**(a)**

1. No person shall, with intent to defraud the issuer, a person or organization providing money, goods, services or anything else of value or any other person:
  - a.** Use, for the purpose of obtaining money, goods, services or anything else of value, a financial transaction card obtained or retained in violation of sub. [\(3\)](#) or a financial transaction card which the person knows is forged, expired or revoked; or
  - b.** Obtain money, goods, services or anything else of value by representing without the consent of the cardholder that the person is the holder of a specified card or by representing that the person is the holder of a card and such card has not in fact been issued.
2. Knowledge of revocation shall be presumed to have been received by a cardholder 4 days after it has been mailed to the cardholder at the address set forth on the financial transaction card or at the cardholder's last-known address by registered or certified mail, return receipt requested, and if the address is more than 500 miles from the place of mailing, by air mail. If the address is located outside the United States, Puerto Rico, the Virgin Islands, the Canal Zone and Canada, notice shall be presumed to have been received 10 days after mailing by registered or certified mail.

**(b)** No cardholder shall use a financial transaction card issued to the cardholder or allow another person to use a financial transaction card issued to the cardholder with intent to defraud the issuer, a person or organization providing money, goods, services or anything else of value or any other person.

**(c)** No person may deposit a stolen or forged instrument by means of an automated financial service facility with knowledge of the character of the instrument.

**(d)** No person may, with intent to defraud anyone:

1. Introduce information into an electronic funds transfer system.
2. Transmit information to or intercept or alter information from an automated financial service facility.

**(e)** No person may knowingly receive anything of value from a violation of par. [\(c\)](#) or [\(d\)](#).

**(6) FRAUDULENT USE; OTHER PERSONS.**

**(a)** No person who is authorized by an issuer to furnish money, goods, services or anything else of value upon presentation of a financial transaction card by the cardholder, or any agent or employee of such

person, shall, with intent to defraud the issuer or the cardholder, furnish money, goods, services or anything else of value upon presentation of a financial transaction card obtained or retained under circumstances prohibited by sub. (3) or a financial transaction card which the person knows is forged, expired or revoked.

- (b) No person who is authorized by an issuer to furnish money, goods, services or anything else of value upon presentation of a financial transaction card by the cardholder, or any agent or employee of such person, shall, with intent to defraud, fail to furnish money, goods, services or anything else of value which the person represents in writing to the issuer that the person has furnished.
- (c) No person other than the cardholder shall possess an incomplete financial transaction card with intent to complete it without the consent of the issuer. A financial transaction card is "incomplete" if part of the matter, other than the signature of the cardholder, which an issuer requires to appear on the financial transaction card before it can be used by a cardholder has not yet been stamped, embossed, imprinted or written on it.
- (d) No person shall receive money, goods, services or anything else of value obtained under circumstances prohibited by this section, knowing or believing that it was so obtained. Any person who obtains at a discount price a ticket issued by an airline, railroad, steamship or other transportation company which was acquired under circumstances prohibited by this section without reasonable inquiry to ascertain that the person from whom it was obtained had a legal right to possess it shall be presumed to know that such ticket was acquired under circumstances prohibited by this section.

**(6m) FACTORING PROHIBITED.**

- (a) Except as provided in par. (b), a person authorized to furnish money, goods, services or anything else of value upon presentation of a financial transaction card may not deposit, assign, endorse or present for payment to an issuer or to any other person authorized to acquire transaction records for presentation to an issuer a financial transaction card transaction record if the person did not furnish or agree to furnish the money, goods, services or anything else of value represented to be furnished by the transaction record.
- (b) Paragraph (a) does not apply to any of the following:
  1. A franchisor, as defined in s. 553.03 (6), who presents for payment a financial transaction card transaction record of a franchisee, as defined in s. 553.03 (5), if the franchisor is authorized to present the transaction record on behalf of the franchisee and the franchisee furnished or agreed to furnish the money, goods, services or anything else of value represented to be furnished by the transaction record.
  2. A general merchandise retailer who presents for payment a financial transaction card transaction record of a person who furnishes money, goods, services or anything else of value on the business premises of the general merchandise retailer if the general merchandise retailer is authorized to present the transaction record on behalf of the person and the person furnished or agreed to furnish the money, goods, services or anything else of value represented to be furnished by the transaction record.
  3. An issuer or an organization of issuers who present a financial transaction card transaction record for the interchange and settlement of the transaction.

**(7) DEFENSES NOT AVAILABLE.** In any prosecution for violation of this section, it is not a defense:

- (a) That a person other than the defendant has not been convicted, apprehended or identified; or
- (b) That some of the acts constituting the crime did not occur in this state or were not a crime or elements of a crime where they did occur.

**(8) PENALTIES.**

- (a) Any person violating any provision of sub. (2), (3) (a) to (d) or (4) (b) is guilty of a Class A misdemeanor.

Sections of CH 943

- (b)** Any person violating any provision of sub. (3) (e), (4) (a), (6) (c) or (6m) is guilty of a Class I felony.
- (c)** Any person violating any provision of sub. (5) or (6) (a), (b), or (d), if the value of the money, goods, services, or property illegally obtained does not exceed \$2,500 is guilty of a Class A misdemeanor; if the value of the money, goods, services, or property exceeds \$2,500 but does not exceed \$5,000, in a single transaction or in separate transactions within a period not exceeding 6 months, the person is guilty of a Class I felony; if the value of the money, goods, services, or property exceeds \$5,000 but does not exceed \$10,000, in a single transaction or in separate transactions within a period not exceeding 6 months, the person is guilty of a Class H felony; or if the value of money, goods, services, or property exceeds \$10,000, in a single transaction or in separate transactions within a period not exceeding 6 months, the person is guilty of a Class G felony.