

ITEM NUMBER: 3.03 a-b
CHAPTER 3: Wisconsin
Statutes
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Title:	Theft of Library Materials, (Chapter 943.61)
Effective Date:	1979
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Theft of Library Materials.

Some municipalities and counties have enacted local theft of library material ordinances. A local theft ordinance, in conformity with s. 943.61, allows for civil rather than criminal action, trial on the municipal or county level, and local determination of penalties.

- (1) In this section:
 - (a) "Archives" means a place in which public or institutional records are systematically preserved.
 - (b) "Library" means any public library; library of an educational, historical or eleemosynary institution, organization or society; archives; or museum.
 - (c) "Library material" includes any book, plate, picture, photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microform, sound recording, audiovisual materials in any format, magnetic or other tapes, electronic data processing records, artifacts or other documentary, written or printed materials, regardless of physical form or characteristics, belonging to, on loan to or otherwise in the custody of a library.
- (2) Whoever intentionally takes and carries away, transfers, conceals or retains possession of any library material without the consent of a library official, agent or employee and with intent to deprive the library of possession of the material may be penalized as provided in sub. (5).
- (3) The concealment of library material beyond the last station for borrowing library material in a library is evidence of intent to deprive the library of possession of the material. The discovery of library material which has not been borrowed in accordance with the library's procedures or taken with consent of a library official, agent or employee and which is concealed upon the person or among the belongings of the person or concealed by a person upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing the material.

ITEM NUMBER: 3.03 b

- (4) An official or adult employee or agent of a library who has probable cause for believing that a person has violated this section in his or her presence may detain the person in a reasonable manner for a reasonable length of time to deliver the person to a peace officer, or to the person's parent or guardian in the case of a minor. The detained person shall be promptly informed of the purpose for the detention and be permitted to make phone calls, but shall not be interrogated or searched against his or her will before the arrival of a peace officer who may conduct a lawful interrogation of the accused person. Compliance with this subsection entitles the official, agent or employee affecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.

- (5) Whoever violates this section is guilty of:
 - (a) A Class A misdemeanor, if the value of the library materials does not exceed \$2,500.
 - (c) A Class H felony, if the value of the library materials exceeds \$2,500.

Updated July 1, 2002; May, 2006