

Mukwonago Community Library
Theft of Library Materials
Approved: 15 November 2018

Theft of Library Materials

This policy of the Mukwonago Community Library Board is based on Wisconsin State Statute 943.61 *Theft of Library Material* and 43.30 (6) *Public Library Records*.

- (A) In this policy:
- (1) "Archives" means a place in which public or institutional records are systematically preserved.
 - (2) "Library" means any public library, library of an educational or historical organization or society, or museum, and specifically the public library of the Village of Mukwonago.
 - (3) "Library material" includes any item regardless of physical form or characteristics, belonging to on loan to or otherwise in the custody of the library.
- (B) 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 subject to forfeiture as provided by the general penalty provisions of this Code. The failure to return library material after its proper return date, after written notice from the library, may be deemed to be theft
- Notice shall be considered given when written notice is mailed to the latest known address of the person with the overdue material; the notice date shall be the date of mailing.
- (C) 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.
- (D) 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 police 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 police officer who may conduct a lawful interrogation of the accused person.

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Page 1 of 2

Compliance with this subsection entitles the official, agent or employee affecting the detention to the same defense in any action that is available to a police officer making an arrest in the line of duty.

- (E) No person shall mar, deface or in any other way damage or mutilate any library material.
- (F) No person shall fail, on demand, to return any library material when such demand has been made in accordance with the rules and regulations duly made and adopted by the Library Board.

Whoever violates this section is guilty of:

- (a) A Class A misdemeanor, if the value of the library materials does not exceed \$1,000.
- (b) A Class E felony, if the value of the library materials exceeds \$1,000 but not \$2,500.
- (c) A Class C felony, if the value of the library materials exceeds \$2,500.

Revision History

15 September 2016: Created as new standalone policy from MCL Circulation Policy

Introductory paragraph modified to reference State Statute as base and controlling legislation

Section A changed “section” to “policy”

Section B changed “shall” to “may” in order to clarify policy so as not to both issue a municipal citation and send to collection as there could be some legal ramifications once the action has been declared a theft.

Prudence dictates that the word “may” gives the staff leeway. It may be necessary to develop include a section that discusses exactly what happens when something is declared a theft

15 November 2018: Approve revision to Section A, Paragraph 3 to replace “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 records” with the word “item”.

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Page 2 of 2