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Governor Signs Bill to Assist Return of Library Materials

Members of the Wisconsin Library Association (WLA) expressed appreciation as Senate Bill 466 was signed into law by Governor Scott Walker on Monday, February 29, 2016.

The bipartisan legislation coauthored by Senator Sheila Harsdorf (R-River Falls) and Representative Nancy VanderMeer (R-Tomah) is about retrieving unreturned public library materials and collecting replacement costs.

“This isn’t about nickel and dime fines for items that are returned late,” stated WLA Executive Director Plumer Lovelace. “This is a serious issue. More than three million dollars’ worth of taxpayer-owned library materials are simply not being returned to our public libraries each year, despite months of repeated notices and calls from library staff. Statewide, libraries are losing about 5% of their annual materials purchasing budget.”

The legislation clarifies how two different Wisconsin statutes work together; one is about library patron privacy (s.43.30) and the other about theft of library materials (s. 943.61). Some libraries already contracted with collection agencies or followed municipal ordinances that allowed law enforcement assistance. Other libraries had been advised by municipal attorneys that they could not.

Libraries take patron privacy seriously, as well as their responsibility for items purchased with tax dollars. The new law balances privacy with fiscal responsibility by authorizing public libraries to disclose a limited amount of information to third parties in order to retrieve missing library items.

The legislation allows libraries to share the patron name, amount owed, number and type of materials, but not the titles or subject matter, with collection agencies specializing in a soft but effective approach to library accounts.

The legislation also allows a library to choose to share the same limited patron information with local law enforcement for accounts with unreturned materials totaling over \$50 in value. The most common scenario is mailing a letter to the patron on police letterhead.

It is expected that local libraries choosing to use some variant of law enforcement assistance will craft agreements that take both the library board policies and municipal or county law enforcement policies into account when implementing a procedure that best fits their communities.

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