

By: Senator(s) Turner

To: Judiciary

SENATE BILL NO. 2756

1 AN ACT TO PROHIBIT USE OF THEFT DETECTION SHIELDING DEVICES;
2 TO ENACT DEFINITIONS AND PENALTIES; AND FOR RELATED PURPOSES.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

4 SECTION 1. (1) As used in this section:

5 (a) "Theft detection device" means any tag or other
6 device that is used to prevent or detect theft and that is
7 attached to merchandise held for resale by a merchant or to
8 property of a merchant.

9 (b) "Theft detection device remover" means any tool or
10 device specifically designed or manufactured to be used to remove
11 a theft detection device from merchandise held for resale by a
12 merchant or property of a merchant.

13 (c) "Theft detection shielding device" means any
14 laminated or coated bag or devise designed to shield merchandise
15 held for resale by a merchant or property of a merchant from being
16 detected by an electronic or magnetic theft alarm sensor.

17 (2) (a) A person commits unlawful distribution of a theft
18 detection shielding device when he or she knowingly manufactures,
19 sells, offers to sale or distribute any theft detection shielding
20 device.

21 (b) A person commits unlawful possession of a theft
22 detection shielding device when he or she knowingly possesses any
23 theft detection shielding device with the intent to commit theft
24 or retail theft.

25 (c) A person commits unlawful possession of a theft
26 detection shielding device remover when he or she knowingly

27 possess any theft detection device remover with the intent to use
28 such tool to remove any theft detection device from any
29 merchandise without the permission of the merchant or person
30 owning or holding said merchandise.

31 (d) A person commits unlawful use of a theft detection
32 shielding device or a theft detection shielding remover when he or
33 she uses or attempts to use after either device while committing a
34 violation of this article.

35 (e) Any person convicted of violating this subsection
36 (2) is guilty of a misdemeanor, and upon conviction thereof, shall
37 be imprisoned for not less than thirty (30) days nor more than one
38 (1) year, and fined not less than Two Hundred Fifty Dollars
39 (\$250.00), nor more than One Thousand Dollars (\$1,000.00).

40 (3) (a) A person commits unlawful removal of a theft
41 detection when he or she intentionally removes any theft detection
42 device by the use of manual force or by any tool or device, which
43 is not specifically designed or manufactured to remove theft
44 detection devices, from merchandise prior to purchase.

45 (b) Any person convicted of violating this subsection
46 (3) of this section is guilty of a misdemeanor, and upon
47 conviction thereof, shall be fined not less than One Hundred
48 Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00),
49 and such fine shall not be suspended, or the person shall be
50 imprisoned not more than sixty (60) days, or both.

51 (4) (a) The activation of an anti-shoplifting or inventory
52 control device as a result of a person existing the establishment
53 or a protected area with the establishment shall constitute
54 reasonable cause for the detention of the person so exiting by the
55 owner or operator or the establishment or by an agent or employee
56 of the owner or operator, provided notice has been posted to
57 advise patrons that such a device is being utilized. Each such
58 detention shall be made only in a reasonable manner and only for a
59 reasonable period of time sufficient for any inquiry into the

60 circumstances surrounding the activation of the device or for the
61 recovery of goods.

62 (b) The taking into custody and detention by a law
63 enforcement officer, merchant or merchant's employee, if in
64 compliance with the requirements of this section, does not render
65 such law enforcement officer, merchant or merchant's employee
66 criminally or civilly liable for false arrest, false imprisonment,
67 unlawful detention, malicious prosecution, intentional infliction
68 of emotional distress or defamation.

69 SECTION 2. This act shall take effect and be in force from
70 and after July 1, 2001.