

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.