

## REPORT OF CONFERENCE COMMITTEE

**MADAM PRESIDENT AND MR. SPEAKER:**

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 2756: Shoplifting; unlawful use of theft detection shielding devices.

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.
  
2. That the Senate and House adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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 device 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 sell or distributes 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 larceny  
24 or shoplifting.

25 (c) A person commits unlawful possession of a theft  
26 detection device remover when he or she knowingly possesses any  
27 theft detection device remover with the intent to use such tool to  
28 remove any theft detection device from any merchandise without the  
29 permission of the merchant or person owning or holding said  
30 merchandise.

31 (d) A person commits unlawful use of a theft detection  
32 shielding device or a theft detection device remover when he or  
33 she uses or attempts to use either device while committing a  
34 violation of Section 97-23-93, Mississippi Code of 1972.

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 device when he or she intentionally removes any theft  
42 detection device from merchandise prior to purchase without the  
43 permission of the merchant or person owning or holding said  
44 merchandise.

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

51           (4) (a) The activation of an anti-shoplifting or inventory  
52 control device as a result of a person exiting the establishment  
53 or a protected area within the establishment shall constitute  
54 reasonable cause for the detention of the person so exiting by the  
55 owner or operator of 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.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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

CONFEREES FOR THE SENATE

**X** \_\_\_\_\_  
Bennie L. Turner

**X** \_\_\_\_\_  
Thomas E. Robertson

**X** \_\_\_\_\_  
Alan Nunnelee

CONFEREES FOR THE HOUSE

**X** \_\_\_\_\_  
Edward Blackmon, Jr.

**X** \_\_\_\_\_  
Warner F. McBride

**X** \_\_\_\_\_  
Willie Bailey