

By: Senator(s) Seymour

To: Judiciary, Division B

SENATE BILL NO. 2350

1 AN ACT TO AMEND SECTION 97-23-93, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE OFFENSE OF SHOPLIFTING AND THE GRAVITY OF THE
3 OFFENSE; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 97-23-93, Mississippi Code of 1972, is
6 amended as follows:

7 97-23-93. (1) Any person who shall willfully and unlawfully
8 take possession of any merchandise owned or held by and offered or
9 displayed for sale by any merchant, store or other mercantile
10 establishment with the intention and purpose of converting such
11 merchandise to his own use without paying the merchant's stated
12 price therefor shall be guilty of the crime of shoplifting and,
13 upon conviction, shall be punished as is provided in this section.

14 (2) The requisite intention to convert merchandise without
15 paying the merchant's stated price for the merchandise is
16 presumed, and shall be prima facie evidence thereof, when such
17 person, alone or in concert with another person, willfully:

18 (a) Conceals the unpurchased merchandise;



19 (b) Removes or causes the removal of unpurchased
20 merchandise from a store or other mercantile establishment;

21 (c) Alters, transfers or removes any price-marking, any
22 other marking which aids in determining value affixed to the
23 unpurchased merchandise, or any tag or device used in electronic
24 surveillance of unpurchased merchandise;

25 (d) Transfers the unpurchased merchandise from one
26 container to another; or

27 (e) Causes the cash register or other sales recording
28 device to reflect less than the merchant's stated price for the
29 unpurchased merchandise.

30 (3) Evidence of stated price or ownership of merchandise may
31 include, but is not limited to:

32 (a) The actual merchandise or the container which held
33 the merchandise alleged to have been shoplifted; or

34 (b) The content of the price tag or marking from such
35 merchandise; or

36 (c) Properly identified photographs of such
37 merchandise.

38 (4) Any merchant or his agent or employee may testify at a
39 trial as to the stated price or ownership of merchandise.

40 (5) A person convicted of shoplifting merchandise for which
41 the merchant's stated price is less than or equal to * * * Two
42 Hundred Fifty Dollars (\$250.00) shall be punished as follows:



43 (a) Upon a first shoplifting conviction the defendant
44 shall be guilty of a misdemeanor and fined not more than * * *
45 Seven Hundred Fifty Dollars (\$750.00), or punished by imprisonment
46 in the county jail not to exceed six (6) months, or by both, but
47 if the court finds substantial and compelling reasons why the
48 offender * * * can be safely and effectively supervised in the
49 community, * * * the court * * * may suspend the sentence of
50 imprisonment and impose a period of supervised probation not
51 exceeding one (1) year * * *.

52 (b) Upon a second shoplifting conviction the defendant
53 shall be guilty of a misdemeanor and fined not more than One
54 Thousand Dollars (\$1,000.00) or punished by imprisonment in the
55 county jail for a term not to exceed six (6) months, or by
56 both * * *.

57 (6) Upon a third or subsequent shoplifting conviction where
58 the value of the shoplifted merchandise is * * * One Hundred
59 Dollars (\$100.00) or more, the defendant shall be guilty of a
60 felony and fined not more than * * * Two Thousand Dollars
61 (\$2,000.00), or imprisoned for a term not exceeding * * * five (5)
62 years, or by both such fine and imprisonment.

63 (7) A person convicted of shoplifting merchandise for which
64 the merchant's stated price exceeds * * * Two Hundred Fifty
65 Dollars (\$250.00) shall be guilty of a felony and, upon
66 conviction, * * * fined not more than Ten Thousand Dollars



67 (\$10,000.00), or imprisoned for a term not exceeding ten (10)
68 years, or by both such fine and imprisonment.

69 (8) In determining the number of prior shoplifting
70 convictions for purposes of imposing punishment under this
71 section, the court shall disregard all such convictions occurring
72 more than seven (7) years prior to the shoplifting offense in
73 question.

74 (9) For the purpose of determining the gravity of the
75 offense under subsection (6) or (7) of this section, the
76 prosecutor may aggregate the value of merchandise shoplifted from
77 three (3) or more separate mercantile establishments within the
78 same legal jurisdiction * * * during the two-year period * * *
79 prior to the offense.

80 (10) In addition to any other penalties prescribed in this
81 section, the court may require the defendant to make restitution
82 to the owner of the property that was shoplifted in an amount
83 equal to twice the value of the property that was shoplifted.

84 **SECTION 2.** This act shall take effect and be in force from
85 and after July 1, 2023.

