

By: Representatives Keen, Anderson (122nd),
Carpenter, Hale, Hall, Harris, Hawkins,
Kinkade, Mattox, Remak

To: Judiciary B

HOUSE BILL NO. 1209

1 AN ACT TO AMEND SECTION 97-23-93, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE MINIMUM PENALTIES OF IMPRISONMENT FOR ALL CONVICTIONS
3 OF SHOPLIFTING; TO PROVIDE THAT THE PENALTIES OF IMPRISONMENT
4 SHALL NOT BE SUSPENDED OR REDUCED BY THE COURT AND PROHIBIT
5 PROSECUTORS FROM OFFERING ANY SUSPENSION OR SENTENCE REDUCTION AS
6 A PART OF A PLEA BARGAIN; AND FOR RELATED PURPOSES.

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

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

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

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



21 (a) Conceals the unpurchased merchandise;

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

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

28 (d) Transfers the unpurchased merchandise from one (1)
29 container to another; or

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

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

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

37 (b) The content of the price tag or marking from such
38 merchandise; or

39 (c) Properly identified photographs of such
40 merchandise.

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

43 (5) A person convicted of shoplifting merchandise for which
44 the total price of all items shoplifted in violation of this



45 section is less than or equal to One Thousand Dollars (\$1,000.00)
46 shall be punished as follows:

47 (a) Upon a first shoplifting conviction, the defendant
48 shall be guilty of a misdemeanor and * * * shall be punished by a
49 fine of not more than One Thousand Dollars (\$1,000.00) * * * and
50 by imprisonment in the county jail * * * for a term of not less
51 than five (5) days or more than six (6) months * * *.

52 (b) Upon a second shoplifting conviction, the defendant
53 shall be guilty of a misdemeanor and * * * shall be punished by a
54 fine of not more than Two Thousand Five Hundred Dollars
55 (\$2,500.00) * * * and by imprisonment in the county jail for a
56 term of not less than * * * fifteen (15) days or more than six (6)
57 months * * *.

58 (6) Upon a third or subsequent shoplifting conviction, where
59 the total price of all shoplifted merchandise is not less than
60 Five Hundred Dollars (\$500.00) or greater than One Thousand
61 Dollars (\$1,000.00), the defendant shall be guilty of a felony
62 and * * * shall be punished by a fine of not more than Three
63 Thousand Dollars (\$3,000.00) * * * and by commitment to the
64 Department of Corrections for a term * * * of not less than one
65 (1) year or more than three (3) years * * *.

66 (7) A person convicted of shoplifting merchandise for which
67 the total price of all items shoplifted in violation of this
68 section exceeds One Thousand Dollars (\$1,000.00) shall be guilty



69 of a felony and, upon conviction, punished as provided in Section
70 97-17-41 for the offense of grand larceny.

71 (8) The penalties of imprisonment in subsections (5) and (6)
72 of this section shall not be suspended or reduced by the court and
73 no prosecutor shall offer any suspension or sentence reduction as
74 a part of a plea bargain.

75 (9) In determining the number of prior shoplifting
76 convictions for purposes of imposing punishment under this
77 section, the court shall disregard all such convictions occurring
78 more than seven (7) years prior to the shoplifting offense in
79 question.

80 (* * * 10) For the purpose of determining the gravity of the
81 offense under subsection (7) of this section, the prosecutor may
82 aggregate the total price of merchandise shoplifted from the same
83 or separate mercantile establishments within the same legal
84 jurisdiction over a period of thirty (30) or fewer days.

85 **SECTION 2.** This act shall take effect and be in force from
86 and after July 1, 2024.

