

By: Senator(s) McLendon, Blackwell, Parker,
Hill

To: Judiciary, Division B

SENATE BILL NO. 2135

1 AN ACT TO AMEND SECTION 97-23-93, MISSISSIPPI CODE OF 1972,
2 TO DELETE THE REQUIREMENT THAT A COURT FINDS SUBSTANTIAL AND
3 COMPELLING REASONS WHY THE OFFENDER CANNOT BE SAFELY AND
4 EFFECTIVELY SUPERVISED IN THE COMMUNITY, IS NOT AMENABLE TO
5 COMMUNITY BASED TREATMENT, OR POSES A SIGNIFICANT RISK TO PUBLIC
6 SAFETY BEFORE IMPOSING A PENALTY OF IMPRISONMENT FOR THE CRIME OF
7 SHOPLIFTING; AND FOR RELATED PURPOSES.

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

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

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

18 (2) The requisite intention to convert merchandise without
19 paying the merchant's stated price for the merchandise is



20 presumed, and shall be prima facie evidence thereof, when such
21 person, alone or in concert with another person, willfully:

22 (a) Conceals the unpurchased merchandise;

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

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

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

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

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

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

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

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

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



44 (5) A person convicted of shoplifting merchandise for which
45 the total price of all items shoplifted in violation of this
46 section is less than or equal to One Thousand Dollars (\$1,000.00)
47 shall be punished as follows:

48 (a) Upon a first shoplifting conviction the defendant
49 shall be guilty of a misdemeanor and fined not more than One
50 Thousand Dollars (\$1,000.00), or punished by imprisonment in the
51 county jail not to exceed six (6) months, or by both * * *.

52 (b) Upon a second shoplifting conviction the defendant
53 shall be guilty of a misdemeanor and fined not more than Two
54 Thousand Five Hundred Dollars (\$2,500.00) or punished by
55 imprisonment in the county jail for a term not less than
56 forty-eight (48) hours, not to exceed six (6) months, or by
57 both * * *.

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 and
62 fined not more than Three Thousand Dollars (\$3,000.00), or
63 imprisoned for a term not to exceed three (3) years, or by both
64 such fine and imprisonment.

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



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

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

75 (9) For the purpose of determining the gravity of the
76 offense under subsection (7) of this section, the prosecutor may
77 aggregate the total price of merchandise shoplifted from the same
78 or separate mercantile establishments within the same legal
79 jurisdiction over a period of thirty (30) or fewer days.

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

