

By: Senator(s) Seymour

To: Judiciary, Division B

SENATE BILL NO. 2190

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; TO AUTHORIZE THE COURT TO ORDER RESTITUTION IN AN AMOUNT  
4 EQUAL TO TWICE THE VALUE OF THE PROPERTY THAT WAS SHOPLIFTED; AND  
5 FOR RELATED PURPOSES.

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

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

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

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



- 20 (a) Conceals the unpurchased merchandise;
- 21 (b) Removes or causes the removal of unpurchased  
22 merchandise from a store or other mercantile establishment;
- 23 (c) Alters, transfers or removes any price-marking, any  
24 other marking which aids in determining value affixed to the  
25 unpurchased merchandise, or any tag or device used in electronic  
26 surveillance of unpurchased merchandise;
- 27 (d) Transfers the unpurchased merchandise from one (1)  
28 container to another; or
- 29 (e) Causes the cash register or other sales recording  
30 device to reflect less than the merchant's stated price for the  
31 unpurchased merchandise.
- 32 (3) Evidence of stated price or ownership of merchandise may  
33 include, but is not limited to:
- 34 (a) The actual merchandise or the container which held  
35 the merchandise alleged to have been shoplifted; or
- 36 (b) The content of the price tag or marking from such  
37 merchandise; or
- 38 (c) Properly identified photographs of such  
39 merchandise.
- 40 (4) Any merchant or his agent or employee may testify at a  
41 trial as to the stated price or ownership of merchandise.
- 42 (5) A person convicted of shoplifting merchandise for which  
43 the total price of all items shoplifted in violation of this



44 section is less than or equal to \* \* \* Two Hundred Fifty (\$250.00)  
45 shall be punished as follows:

46 (a) Upon a first shoplifting conviction the defendant  
47 shall be guilty of a misdemeanor and fined not more than One  
48 Thousand Dollars (\$1,000.00), or punished by imprisonment in the  
49 county jail not to exceed six (6) months, or by both, if the court  
50 finds substantial and compelling reasons why the offender \* \* \*  
51 can be safely and effectively supervised in the community, \* \* \*  
52 the court \* \* \* may suspend the sentence of imprisonment and  
53 impose a period of supervised probation not exceeding one (1)  
54 year \* \* \*.

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

61 (6) Upon a third or subsequent shoplifting conviction where  
62 the total price of all shoplifted merchandise is \* \* \* One Hundred  
63 Dollars (\$100.00) or more, the defendant shall be guilty of a  
64 felony and fined not more than Three Thousand Dollars (\$3,000.00),  
65 or imprisoned for a term not to exceed \* \* \* five (5) years, or by  
66 both such fine and imprisonment.

67 (7) A person convicted of shoplifting merchandise for which  
68 the total price of all items shoplifted in violation of this



69 section exceeds \* \* \* Two Hundred Fifty Dollars (\$250.00) shall be  
70 guilty of a felony and, upon conviction, \* \* \* fined not more than  
71 Ten Thousand Dollars (\$10,000.00), or imprisoned for a term not  
72 exceeding ten (10) years, or by both such fine and imprisonment.

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

78 (9) For the purpose of determining the gravity of the  
79 offense under subsection (6) or (7) of this section, the  
80 prosecutor may aggregate the total price of merchandise shoplifted  
81 from the same or separate mercantile establishments within the  
82 same legal jurisdiction \* \* \* during the two-year period \* \* \*  
83 prior to the offense.

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

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

