

By: Senator(s) Tate

To: Judiciary, Division B

SENATE BILL NO. 2215

1 AN ACT TO AMEND SECTION 97-23-93, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE AN ENHANCEMENT OF AN ADDITIONAL TERM OF IMPRISONMENT
3 FOR CONVICTIONS UNDER THIS SECTION WHERE THE MERCHANDISE WAS
4 SHOPLIFTED FROM A MERCHANT, STORE OR OTHER MERCANTILE
5 ESTABLISHMENT IN THE BUSINESS OF SELLING FOOD, PACKAGED FOOD OR
6 DRUGSTORE ITEMS; 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



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

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

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

(6) Upon a third or subsequent shoplifting conviction where the total price of all shoplifted merchandise is not less than Five Hundred Dollars (\$500.00) or greater than One Thousand Dollars (\$1,000.00), the defendant shall be guilty of a felony and fined not more than Three Thousand Dollars (\$3,000.00), or imprisoned for a term not to exceed three (3) years, or by both such fine and imprisonment.

(7) A person convicted of shoplifting merchandise for which the total price of all items shoplifted in violation of this section exceeds One Thousand Dollars (\$1,000.00) shall be guilty of a felony and, upon conviction, punished as provided in Section 97-17-41 for the offense of grand larceny.

(8) In determining the number of prior shoplifting convictions for purposes of imposing punishment under this



section, the court shall disregard all such convictions occurring more than seven (7) years prior to the shoplifting offense in question.

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

(10) A person convicted of shoplifting merchandise, acting in concert with, aiding, abetting, or encouraging one or more persons to commit such crime, regardless of whether such others are prosecuted for such crime, for which the total price of all items shoplifted in violation of this section exceeds One Thousand Dollars (\$1,000.00), shall be guilty of a felony and, upon conviction, punished as provided in Section 97-17-41 for the offense of grand larceny.

(11) Every person convicted in this state under this section of shoplifting merchandise from a merchant, store or other mercantile establishment that is in the business of selling food, packaged food or drugstore items may be sentenced to an additional term of up to:

(a) Four (4) months for a misdemeanor offense;

(b) One (1) year for a felony offense.

SECTION 2. This act shall take effect and be in force from and after July 1, 2025.

