

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:





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 fined not more than One
49 Thousand Dollars (\$1,000.00), or punished by imprisonment in the
50 county jail not to exceed six (6) months, or both.

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

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

63 (7) A person convicted of shoplifting merchandise for which
64 the total price of all items shoplifted in violation of this
65 section exceeds One Thousand Dollars (\$1,000.00) shall be guilty
66 of a felony and, upon conviction, punished as provided in Section
67 97-17-41 for the offense of grand larceny.

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



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

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

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

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

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

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

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

