

By: Senator(s) Turner

To: Judiciary

SENATE BILL NO. 2756
(As Sent to Governor)

1 AN ACT TO PROHIBIT USE OF THEFT DETECTION SHIELDING DEVICES;
2 TO ENACT DEFINITIONS AND PENALTIES; AND FOR RELATED PURPOSES.

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

4 SECTION 1. (1) As used in this section:

5 (a) "Theft detection device" means any tag or other
6 device that is used to prevent or detect theft and that is
7 attached to merchandise held for resale by a merchant or to
8 property of a merchant.

9 (b) "Theft detection device remover" means any tool or
10 device specifically designed or manufactured to be used to remove
11 a theft detection device from merchandise held for resale by a
12 merchant or property of a merchant.

13 (c) "Theft detection shielding device" means any
14 laminated or coated bag or device designed to shield merchandise
15 held for resale by a merchant or property of a merchant from being
16 detected by an electronic or magnetic theft alarm sensor.

17 (2) (a) A person commits unlawful distribution of a theft
18 detection shielding device when he or she knowingly manufactures,
19 sells, offers to sell or distributes any theft detection shielding
20 device.

21 (b) A person commits unlawful possession of a theft
22 detection shielding device when he or she knowingly possesses any
23 theft detection shielding device with the intent to commit larceny
24 or shoplifting.

25 (c) A person commits unlawful possession of a theft
26 detection device remover when he or she knowingly possesses any

27 theft detection device remover with the intent to use such tool to
28 remove any theft detection device from any merchandise without the
29 permission of the merchant or person owning or holding said
30 merchandise.

31 (d) A person commits unlawful use of a theft detection
32 shielding device or a theft detection device remover when he or
33 she uses or attempts to use either device while committing a
34 violation of Section 97-23-93, Mississippi Code of 1972.

35 (e) Any person convicted of violating this subsection
36 (2) is guilty of a misdemeanor, and upon conviction thereof, shall
37 be imprisoned for not less than thirty (30) days nor more than one
38 (1) year, and fined not less than Two Hundred Fifty Dollars
39 (\$250.00), nor more than One Thousand Dollars (\$1,000.00).

40 (3) (a) A person commits unlawful removal of a theft
41 detection device when he or she intentionally removes any theft
42 detection device from merchandise prior to purchase without the
43 permission of the merchant or person owning or holding said
44 merchandise.

45 (b) Any person convicted of violating this subsection
46 (3) is guilty of a misdemeanor, and upon conviction thereof, shall
47 be fined not less than One Hundred Dollars (\$100.00) nor more than
48 Five Hundred Dollars (\$500.00), and such fine shall not be
49 suspended, or the person shall be imprisoned not more than sixty
50 (60) days, or both.

51 (4) (a) The activation of an anti-shoplifting or inventory
52 control device as a result of a person exiting the establishment
53 or a protected area within the establishment shall constitute
54 reasonable cause for the detention of the person so exiting by the
55 owner or operator of the establishment or by an agent or employee
56 of the owner or operator, provided notice has been posted to
57 advise patrons that such a device is being utilized. Each such
58 detention shall be made only in a reasonable manner and only for a
59 reasonable period of time sufficient for any inquiry into the

60 circumstances surrounding the activation of the device or for the
61 recovery of goods.

62 (b) The taking into custody and detention by a law
63 enforcement officer, merchant or merchant's employee, if in
64 compliance with the requirements of this section, does not render
65 such law enforcement officer, merchant or merchant's employee
66 criminally or civilly liable for false arrest, false imprisonment,
67 unlawful detention, malicious prosecution, intentional infliction
68 of emotional distress or defamation.

69 SECTION 2. This act shall take effect and be in force from
70 and after July 1, 2001.