

1 SB120
2 196525-2
3 By Senator Chambliss
4 RFD: Governmental Affairs
5 First Read: 19-MAR-19

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to crimes and offenses; to establish the
12 crime of theft by shoplifting; and in connection therewith
13 would have as its purpose or effect the requirement of a new
14 or increased expenditure of local funds within the meaning of
15 Amendment 621 of the Constitution of Alabama of 1901, now
16 appearing as Section 111.05 of the Official Recompilation of
17 the Constitution of Alabama of 1901, as amended.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. As used in this act, the following terms
20 shall have the following meanings:

21 (1) CONCEAL. To place merchandise in a manner that
22 is not visible through ordinary observation.

23 (2) MERCHANDISE. An item of tangible personal
24 property that is displayed, held, stored, or offered for sale
25 within a retail establishment.

1 (3) MERCHANT. An owner or operator of a retail
2 establishment or an agent, employee, lessee, officer, or
3 director of the owner or operator.

4 (4) PREMISES OF A RETAIL ESTABLISHMENT. The retail
5 establishment, common use areas in shopping centers, and
6 parking areas designated by a merchant or on behalf of a
7 merchant for the parking of motor vehicles for the convenience
8 of the patrons of the retail establishment.

9 (5) VALUE. The actual retail price of merchandise
10 prior to the commission of the crime of theft by shoplifting.

11 Section 2. (a) A person commits the crime of theft
12 by shoplifting when the person, acting alone or in concert
13 with another person, with the intent to appropriate
14 merchandise of a retail establishment without paying for the
15 merchandise or to deprive the merchant of the retail
16 establishment of the merchandise of all or part of the value
17 of the merchandise, knowingly does any of the following:

18 (1) Conceals upon his or her person or in another
19 manner and takes possession of two or more items of
20 merchandise of the retail establishment.

21 (2) Alters, transfers, or removes the label, price
22 tag, marking, indicia of value, or any other markings that aid
23 in determining value affixed to merchandise in a retail
24 establishment, and purchases, or attempts to purchase, the
25 merchandise at less than its value.

1 (3) Transfers merchandise in a retail establishment
2 from one container to another with the intent to purchase the
3 merchandise at less than its value.

4 (4) Causes the cash register or other sales
5 recording device to reflect less than the value of the
6 merchandise of a retail establishment.

7 (5) Fails to scan the barcode and pay for
8 merchandise at a self-checkout register.

9 (6) Alters, bypasses, disables, shields, or removes
10 any security or alarm device attached to or housing
11 merchandise prior to the purchase of the merchandise.

12 (b) (1) A violation of subsection (a) shall be deemed
13 prima facie evidence that the person intended to deprive the
14 merchant of all or part of the full value of the merchandise
15 without paying the full value of the merchandise.

16 (2) The unaltered price tag or other marking on the
17 merchandise, or duly identified photographs of the
18 merchandise, shall be prima facie evidence of the
19 merchandise's actual retail value and ownership.

20 Section 3. (a) Theft by shoplifting of merchandise
21 which exceeds two thousand five hundred dollars (\$2,500) in
22 value constitutes theft by shoplifting in the first degree.

23 (b) Theft by shoplifting in the first degree is a
24 Class B felony.

25 Section 4. (a) Theft by shoplifting of merchandise
26 which exceeds one thousand five hundred dollars (\$1,500) in
27 value but does not exceed two thousand five hundred dollars

1 (\$2,500) in value constitutes theft by shoplifting in the
2 second degree.

3 (b) Theft by shoplifting of a firearm, rifle, or
4 shotgun which does not exceed two thousand five hundred
5 dollars (\$2,500) in value constitutes theft by shoplifting in
6 the second degree.

7 (c) Theft by shoplifting in the second degree is a
8 Class C felony.

9 Section 5. (a) Theft by shoplifting of merchandise
10 which exceeds five hundred dollars (\$500) in value but does
11 not exceed one thousand five hundred dollars (\$1,500) in value
12 constitutes theft by shoplifting in the third degree.

13 (b) Theft by shoplifting in the third degree is a
14 Class D felony.

15 Section 6. (a) Theft by shoplifting of merchandise
16 which does not exceed five hundred dollars (\$500) in value
17 constitutes theft by shoplifting in the fourth degree.

18 (b) Theft by shoplifting in the fourth degree is a
19 Class A misdemeanor.

20 Section 7. Although this bill would have as its
21 purpose or effect the requirement of a new or increased
22 expenditure of local funds, the bill is excluded from further
23 requirements and application under Amendment 621, now
24 appearing as Section 111.05 of the Official Recompilation of
25 the Constitution of Alabama of 1901, as amended, because the
26 bill defines a new crime or amends the definition of an
27 existing crime.

1 Section 8. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Governmental Affairs..... 19-MAR-19

Reported from Governmental Affairs as Favorable .. 16-APR-19

Read for the third time and passed as amended 16-MAY-19

Yeas 30
Nays 0

Patrick Harris,
Secretary.