

2015 -- H 5188

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO CRIMINAL OFFENSES - SHOPLIFTING

Introduced By: Representatives Ajello, Almeida, Maldonado, Fogarty, and Regunberg

Date Introduced: January 21, 2015

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-41-20 of the General Laws in Chapter 11-41 entitled "Theft,
2 Embezzlement, False Pretenses, and Misappropriation" is hereby amended to read as follows:

3 **11-41-20. Shoplifting.** -- (a) For the purpose of this section:

4 (1) "Conceal" means to place merchandise in such a manner that it is not visible through
5 ordinary observation.

6 (2) "Full retail value" means the merchant's stated price of the merchandise.

7 (3) "Merchandise" means any items of tangible personal property offered for sale within
8 a retail mercantile establishment.

9 (4) "Merchant" means an owner or operator of any retail mercantile establishment or any
10 agent, employee, lessee, officer, or director of the owner or operator.

11 (5) "Premises of a retail mercantile establishment" includes the retail mercantile
12 establishment, and common use areas in shopping centers, and all parking areas set aside by a
13 merchant or on behalf of a merchant for the parking of vehicles for the convenience of the patrons
14 of the retail mercantile establishment.

15 (6) "Retail mercantile establishment" means any place where merchandise is displayed,
16 held, stored or offered for sale to the public.

17 (7) "Shopping cart" means those push carts of the type or types which are commonly
18 provided by grocery stores, drug stores, or other retail mercantile establishments for the use of the
19 public in transporting commodities on or from the premises of the retail mercantile establishment.

1 (b) Whoever shall engage in the following shall be guilty of the crime of shoplifting:

2 (1) Take possession of, carry away, transfer or cause to be carried away or transferred
3 any merchandise displayed, held, stored, or offered for sale by a retail mercantile establishment
4 with the intention of depriving the merchant of all or any part of the full retail value of the
5 merchandise;

6 (2) Alter, transfer, or remove a label, price tag, marking, indicia of value or any other
7 markings which aid in determining value affixed to any merchandise displayed, held, stored or
8 offered for sale in a retail mercantile establishment and attempt to purchase or purchase the
9 merchandise personally or in consort with another at less than the full retail value with the
10 intention of depriving the merchant of all or any part of the full retail value of such merchandise;

11 (3) Transfer any merchandise displayed, held, stored or offered for sale in a retail
12 mercantile establishment from one container to another in an attempt to purchase or purchase the
13 merchandise personally or in consort with another at less than the full retail value with the
14 intention of depriving the merchant of all or any part of the full retail value of the merchandise; or

15 (4) Remove a shopping cart from the premises of a retail mercantile establishment
16 without the consent of the merchant given at the time of the removal with the intention of
17 depriving the merchant of the possession, use, or benefit of the cart.

18 (c) The fact that a person conceals upon his person, among his or her belongings, or
19 upon the person or among the belongings of another merchandise displayed, held, stored or
20 offered for sale in a retail mercantile establishment, for which he or she has not paid the full retail
21 value, and the merchandise has been taken beyond the area within the retail mercantile
22 establishment where payment for it is to be made, shall be prima facie evidence that the person
23 has possessed, carried away, or transferred the merchandise with the intention of depriving the
24 merchant of all or part of the full retail value of the merchandise without paying the full retail
25 value of the merchandise.

26 (d) Any person convicted of the crime of shoplifting, first offense, shall be guilty of a
27 ~~misdemeanor~~ violation and shall be punished by a fine of not less than fifty dollars (\$50.00) or
28 two times the full retail value of the merchandise, whichever is greater, but not more than five
29 hundred dollars (\$500), ~~or by imprisonment for not more than one year, or both~~; provided, that
30 any person convicted of the crime of shoplifting, second offense, shall be guilty of a
31 misdemeanor and shall be punished by a fine of not less than one hundred dollars (\$100) or two
32 (2) times the retail value of the merchandise, whichever is greater, but not more than one
33 thousand dollars (\$1,000); provided, further, that any person convicted of the crime of shoplifting
34 merchandise with a retail value of over one hundred dollars (\$100) who has previously been

1 convicted of shoplifting shall be guilty of a felony and shall be punished by a fine of not more
2 than five thousand dollars (\$5,000), or by imprisonment of not more than five (5) years, or both.

3 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would reclassify the offense of shoplifting from a crime to a violation for a first
2 offense conviction punishable by a fine only, and would punish a second offense as a
3 misdemeanor, punishable by a fine only without the possibility of a prison sentence.

4 This act would take effect upon passage.

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