

Part 8 Library Theft

76-6-801 Acts constituting library theft.

A person is guilty of the crime of library theft when he willfully, for the purpose of converting to personal use, and depriving the owner, conceals on his person or among his belongings library materials while on the premises of the library or willfully and without authority removes library materials from the library building with the intention of converting them to his own use.

Amended by Chapter 245, 1987 General Session

76-6-802 Presumption of intent.

A person who willfully conceals library materials on his person or among his belongings while on the premises of the library or in its immediate vicinity is prima facie presumed to have concealed library materials with the intention of converting them to his own use. If library materials are found concealed upon his person or among his belongings, or electronic security devices are activated by the person's presence, it is prima facie evidence of willful concealment.

Amended by Chapter 245, 1987 General Session

76-6-803 Mutilation or damaging of library material as library theft.

A person is guilty of the crime of library theft when he intentionally or recklessly writes upon, injures, defaces, tears, cuts, mutilates, destroys, or otherwise damages library materials.

Amended by Chapter 245, 1987 General Session

76-6-803.30 Failure to return library material as library theft -- Notice -- Failure to pay replacement value -- Written notice.

- (1) A person is guilty of library theft when, having possession or having been in possession of library materials, he:
 - (a) fails to return the materials within 30 days after receiving written notice demanding return of the materials; or
 - (b) if the materials are lost or destroyed, fails to pay the replacement value of the materials within 30 days after being notified.
- (2) Written notice is considered received upon the sworn affidavit of the person delivering the notice with a statement as to the date, place, and manner of delivery, or upon proof that the notice was mailed postage prepaid, via the United States Postal Service, to the current address listed for the person in the library records.

Enacted by Chapter 245, 1987 General Session

76-6-803.60 Detention of theft suspect by library employee -- Purposes.

- (1) Any employee of the library who has probable cause to believe that a person has committed library theft may detain the person, on or off the premises of a library, in a reasonable manner and for a reasonable length of time for all or any of the following purposes:
 - (a) to make reasonable inquiry as to whether the person has in his possession concealed library materials;

- (b) to request identification;
 - (c) to verify identification;
 - (d) to make a reasonable request of the person to place or keep in full view any library materials the individual may have removed, or which the employee has reason to believe he may have removed, from its place of display or elsewhere, whether for examination, or for any other reasonable purpose;
 - (e) to inform a peace officer of the detention of the person and surrender that person to the custody of a peace officer; or
 - (f) in the case of a minor, to inform a peace officer, the parents, guardian, or other private person interested in the welfare of the minor as soon as possible of this detention and to surrender custody of the minor to this person.
- (2) An employee may make a detention under this section off the library premises only if the detention is pursuant to an immediate pursuit of the person.

Enacted by Chapter 245, 1987 General Session

76-6-803.90 Liability -- Defense -- Probable cause -- Reasonableness.

In any action for false arrest, false imprisonment, unlawful detention, defamation of character, assault, trespass, or invasion of civil rights brought by any person detained by an employee of the library, it is a defense to the action that the employee of the library detaining the person had probable cause to believe that the person had committed library theft and that the employee acted reasonably under all circumstances.

Enacted by Chapter 245, 1987 General Session

76-6-804 "Book or other library materials" defined.

The terms "book or other library materials" as used in this act include any book, plate, picture, photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microfilm, sound recording, audiovisual materials in any format, electronic data processing records, artifacts, or other documentary, written or printed materials regardless of physical form or characteristics, belonging to, on loan to, or otherwise in the custody of the following:

- (1) any public library;
- (2) any library of an educational or historical society;
- (3) any museum; or
- (4) any repository of public records.

Enacted by Chapter 168, 1981 General Session

76-6-805 Penalty.

Any person violating the provisions of this act shall be subject to provisions of Section 76-6-412.

Enacted by Chapter 168, 1981 General Session