

1                                   **UNLAWFUL USE OF THEFT DETECTION**  
2                                   **DEVICES**

3                                   2000 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Sponsor: John W. Hickman**

6 AN ACT RELATING TO THE CRIMINAL CODE; AMENDING RETAIL THEFT  
7 PROVISIONS BY PROHIBITING THE USE OF THEFT DETECTION SHIELDING DEVICES.

8 This act affects sections of Utah Code Annotated 1953 as follows:

9 AMENDS:

10           **76-6-606**, as enacted by Chapter 78, Laws of Utah 1979

11 ENACTS:

12           **76-6-608**, Utah Code Annotated 1953

13 *Be it enacted by the Legislature of the state of Utah:*

14           Section 1. Section **76-6-606** is amended to read:

15           **76-6-606. Penalty.**

16           [A] An act of theft committed in violation of this [chapter] part shall be punished in  
17 accordance with [Section] Subsection 76-6-412(1).

18           Section 2. Section **76-6-608** is enacted to read:

19           **76-6-608. Theft detection shielding devices prohibited -- Penalty.**

20           (1) A person commits a class A misdemeanor who knowingly:

21           (a) makes or possesses any container or device used for, intended for use for, or  
22 represented as having the purpose of shielding merchandise from any electronic or magnetic theft  
23 alarm sensor, with the intent to commit a theft of merchandise;

24           (b) sells, offers to sell, advertises, gives, transports, or otherwise transfers to another any  
25 container or device intended for use for or represented as having the purpose of shielding  
26 merchandise from any electronic or magnetic theft alarm sensor;

27           (c) possesses any tool or instrument designed to remove any theft detection device from

28 any merchandise, with the intent to use the tool or instrument to remove any theft detection device  
29 from any merchandise without the permission of the merchant or the person owning or in  
30 possession of the merchandise; or

31 (d) intentionally removes a theft detection device from merchandise prior to purchase and  
32 without the permission of the merchant.

33 (2) Criminal prosecutions under this section do not affect any person's right of civil action  
34 for redress for damages suffered as a result of any violation of this section.

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**Legislative Review Note**  
**as of 2-9-00 10:25 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**