

THEFT DETECTION SHIELDING DEVICES

AMENDMENTS

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: John W. Hickman

This act modifies the Criminal Code regarding theft detection shielding devices by providing that when a theft detection device is unlawfully removed from an item of merchandise, the penalty is based on the value of the merchandise.

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

AMENDS:

76-6-608, as enacted by Chapter 236, Laws of Utah 2000

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

Section 1. Section **76-6-608** is amended to read:

76-6-608. Theft detection shielding devices prohibited -- Penalties.

(1) A person [~~commits a class A misdemeanor who~~] may not knowingly:

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

(b) [~~sells, offers to sell, advertises, gives, transports,~~] sell, offer to sell, advertise, give, transport, or otherwise [~~transfers~~] transfer to another any container or device intended for use for or represented as having the purpose of shielding merchandise from any electronic or magnetic theft alarm sensor;

(c) [~~possesses~~] possess any tool or instrument designed to remove any theft detection device from any merchandise, with the intent to use the tool or instrument to remove any theft detection device from any merchandise without the permission of the merchant or the person owning or in possession of the merchandise; or

(d) intentionally [~~removes~~] remove a theft detection device from merchandise prior to purchase and without the permission of the merchant.

(2) (a) A violation of Subsection (1)(a), (b), or (c) is a class A misdemeanor.

(b) A violation of Subsection (1)(d) is a:

(i) class B misdemeanor if the value of the merchandise from which the theft detection device is removed is less than \$300; or

(ii) class A misdemeanor if the value of the merchandise from which the theft detection device is removed is or exceeds \$300.

(3) A violation of Subsection (1) is a separate offense from any offense listed in Title 76, Chapter 6, Part 4, Theft, or Part 6, Retail Theft.

~~[(2)]~~ (4) Criminal prosecutions under this section do not affect any person's right of civil action for redress for damages suffered as a result of any violation of this section.