

1 **THEFT DETECTION SHIELDING DEVICES**

2 **AMENDMENTS**

3 2003 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: John W. Hickman**

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

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

10 AMENDS:

11 **76-6-608**, as enacted by Chapter 236, Laws of Utah 2000

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

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

14 **76-6-608. Theft detection shielding devices prohibited -- Penalties.**

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

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

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

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

27 (d) intentionally [~~removes~~] remove a theft detection device from merchandise prior to



28 purchase and without the permission of the merchant.

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

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

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

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

35 (3) A violation of Subsection (1) is a separate offense from any offense listed in Title
36 76, Chapter 6, Part 4, Theft, or Part 6, Retail Theft.

37 [~~2~~] (4) Criminal prosecutions under this section do not affect any person's right of
38 civil action for redress for damages suffered as a result of any violation of this section.

Legislative Review Note
as of 1-20-03 2:23 PM

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

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number SB0115

Theft Detection Shielding Devices Amendments

28-Jan-03

3:34 PM

State Impact

No significant State or local government fiscal impact. Any additional expense or potential loss of revenue is estimated to be minimal.

Individual and Business Impact

The provisions of this bill may impact the fines and penalties that some offenders are ordered to pay. Offenders could pay up to \$1,500 less as a result of this bill.

Office of the Legislative Fiscal Analyst