

1 SB58
2 188999-1
3 By Senator Chambliss
4 RFD: Judiciary
5 First Read: 09-JAN-18
6 PFD: 01/05/2018

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8 SYNOPSIS: This bill would establish the crime of theft
9 by shoplifting and would prescribe criminal
10 penalties based on the monetary value of the
11 property taken.

12 Amendment 621 of the Constitution of Alabama
13 of 1901, now appearing as Section 111.05 of the
14 Official Recompilation of the Constitution of
15 Alabama of 1901, as amended, prohibits a general
16 law whose purpose or effect would be to require a
17 new or increased expenditure of local funds from
18 becoming effective with regard to a local
19 governmental entity without enactment by a 2/3 vote
20 unless: it comes within one of a number of
21 specified exceptions; it is approved by the
22 affected entity; or the Legislature appropriates
23 funds, or provides a local source of revenue, to
24 the entity for the purpose.

25 The purpose or effect of this bill would be
26 to require a new or increased expenditure of local
27 funds within the meaning of the amendment. However,

1 the bill does not require approval of a local
2 governmental entity or enactment by a 2/3 vote to
3 become effective because it comes within one of the
4 specified exceptions contained in the amendment.

5
6 A BILL
7 TO BE ENTITLED
8 AN ACT
9

10 Relating to crimes and offenses; to establish the
11 crime of theft by shoplifting; and in connection therewith
12 would have as its purpose or effect the requirement of a new
13 or increased expenditure of local funds within the meaning of
14 Amendment 621 of the Constitution of Alabama of 1901, now
15 appearing as Section 111.05 of the Official Recompilation of
16 the Constitution of Alabama of 1901, as amended.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. A person commits the crime of theft by
19 shoplifting if, with the intent to appropriate goods or
20 merchandise of a store or retail establishment, he or she does
21 any of the following:

22 (1) Conceals or hides and takes possession of the
23 goods or merchandise of a store or retail establishment.

24 (2) Alters the price tag or other price marking on
25 the goods or merchandise of a store or retail establishment in
26 order to pay less for the merchandise than the merchant's
27 stated price.

1 (3) Transfers the goods or merchandise of a store or
2 retail establishment from one container to another.

3 (4) Interchanges the label or price tag from one
4 item of merchandise with a label or price tag for another item
5 of merchandise.

6 (5) Wrongfully causes the amount paid to be less
7 than the merchant's stated price for the merchandise.

8 (6) Fails to scan the barcode and pay for
9 merchandise at a self-checkout register.

10 Section 2. (a) Theft by shoplifting which exceeds
11 two thousand five hundred dollars (\$2,500) in value
12 constitutes theft by shoplifting in the first degree.

13 (b) (1) Theft by shoplifting which involves all of
14 the following constitutes theft of property in the first
15 degree:

16 a. The theft is a common plan or scheme by one or
17 more persons.

18 b. The object of the common plan or scheme is to
19 sell or transfer the property to another person or business
20 that buys the property with knowledge or reasonable belief
21 that the property is stolen.

22 c. The aggregate value of the property stolen is at
23 least one thousand dollars (\$1,000) within a 180-day period.

24 (2) If the offense under this subsection involves
25 two or more counties, prosecution may be commenced in any one
26 of the counties in which the offense occurred or in which the
27 property was disposed.

1 (c) Theft by shoplifting in the first degree is a
2 Class B felony.

3 Section 3. (a) Theft by shoplifting which exceeds
4 one thousand five hundred dollars (\$1,500) in value but does
5 not exceed two thousand five hundred dollars (\$2,500) in value
6 constitutes theft by shoplifting in the second degree.

7 (b) Theft of a firearm, rifle, or shotgun which does
8 not exceed two thousand five hundred dollars (\$2,500) in value
9 constitutes theft by shoplifting in the second degree.

10 (c) Theft of property in the second degree is a
11 Class C felony.

12 Section 4. (a) Theft by shoplifting which exceeds
13 five hundred dollars (\$500) in value but does not exceed one
14 thousand five hundred dollars (\$1,500) in value constitutes
15 theft by shoplifting in the third degree.

16 (b) Theft by shoplifting in the third degree is a
17 Class D felony.

18 Section 5. (a) Theft by shoplifting which does not
19 exceed five hundred dollars (\$500) in value constitutes theft
20 by shoplifting in the fourth degree.

21 (b) Theft by shoplifting in the fourth degree is a
22 Class A misdemeanor.

23 Section 6. Although this bill would have as its
24 purpose or effect the requirement of a new or increased
25 expenditure of local funds, the bill is excluded from further
26 requirements and application under Amendment 621, now
27 appearing as Section 111.05 of the Official Recompilation of

1 the Constitution of Alabama of 1901, as amended, because the
2 bill defines a new crime or amends the definition of an
3 existing crime.

4 Section 7. This act shall become effective on the
5 first day of the third month following its passage and
6 approval by the Governor, or its otherwise becoming law.