

1 SB405
2 213363-2
3 By Senator Waggoner
4 RFD: Judiciary
5 First Read: 27-APR-21

1 funds, or provides a local source of revenue, to
2 the entity for the purpose.

3 The purpose or effect of this bill would be
4 to require a new or increased expenditure of local
5 funds within the meaning of the amendment. However,
6 the bill does not require approval of a local
7 governmental entity or enactment by a 2/3 vote to
8 become effective because it comes within one of the
9 specified exceptions contained in the amendment.

10
11 A BILL
12 TO BE ENTITLED
13 AN ACT
14

15 Relating to crimes and offenses; to create the
16 Retail Crime Prevention Act; to provide for the crime of theft
17 by shoplifting; to provide for the crime of organized retail
18 theft; to provide for certain record keeping requirements for
19 the sale and purchase of stored value cards; to provide
20 criminal penalties; and in connection therewith would have as
21 its purpose or effect the requirement of a new or increased
22 expenditure of local funds within the meaning of Amendment 621
23 of the Constitution of Alabama of 1901, as amended by
24 Amendment 890, now appearing as Section 111.05 of the Official
25 Recompilation of the Constitution of Alabama of 1901, as
26 amended. Relating to crimes and offenses; to establish the
27 crime of theft by shoplifting; and in connection therewith

1 would have as its purpose or effect the requirement of a new
2 or increased expenditure of local funds within the meaning of
3 Amendment 621 of the Constitution of Alabama of 1901, now
4 appearing as Section 111.05 of the Official Recompilation of
5 the Constitution of Alabama of 1901, as amended.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. This act shall be known and may be cited
8 as the Retail Crime Prevention Act.

9 Section 2. As used in this act, the following terms
10 shall have the following meanings:

11 (1) CONCEAL. To place merchandise in a manner that
12 is not visible through ordinary observation.

13 (2) CORPORATE AUTHORIZED RESELLER. Any person
14 authorized by the corporate issuer, or a corporate issuer
15 agent, to sell the stored value cards of a corporate issuer.

16 (3) CORPORATE ISSUER. A business entity that issues,
17 or contracts with an affiliate or third party to issue, stored
18 value cards that may be used by the cardholder to purchase
19 goods or services at the retail locations of the corporate
20 issuer or its affiliates or online from the corporate issuer
21 or its affiliates.

22 (4) CORPORATE ISSUER AGENT. A third party authorized
23 by the corporate issuer to facilitate the sale of its stored
24 value cards by corporate authorized resellers.

25 (5) MERCHANDISE. An item of tangible personal
26 property that is displayed, held, stored, or offered for sale
27 within a retail establishment.

