



House of Representatives

File No. 347

General Assembly

February Session, 2000

(Reprint of File No. 15)

House Bill No. 5140
As Amended by House
Amendment Schedule "A"

Approved by the Legislative Commissioner
March 31, 2000

An Act Concerning Possession Of A Shoplifting Device.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 (NEW) (a) A person is guilty of possession of a shoplifting device
- 2 when such person has in such person's possession any device,
- 3 instrument or other thing specifically designed or adapted to advance
- 4 or facilitate the offense of larceny by shoplifting, as defined in
- 5 subdivision (9) of section 53a-119 of the general statutes, by defeating
- 6 any antitheft or inventory control device, under circumstances
- 7 manifesting an intent to use the same in the commission of larceny by
- 8 shoplifting.

- 9 (b) Possession of a shoplifting device is a class A misdemeanor.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Potential Cost, Potential Minimal Revenue Gain

Affected Agencies: Department of Correction, Various Criminal Justice Agencies

Municipal Impact: None

Explanation**State Impact:**

The bill could result in adjudication and criminal penalty costs related to potential violations of the bill's provisions. It could also result in revenue from criminal fines. The extent to which this may occur is unknown.

The larceny statutes, the penalties for violation of which are generally dependent on the value stolen, cover the crime of shoplifting. About 16% of all larceny offenses are shoplifting related. About 1,000 people are currently incarcerated for larceny. Of these, about 45 individuals are incarcerated for Larceny in the 4th degree, which carries the same penalty as the bill of up to one year in prison and up to a \$2,000 fine. The state collected \$221,931 from larceny-related fines in 1999.

House Amendment "A" reduced the potential cost and revenue gain contained in the original bill. This was a result of reducing the scope of activities that would qualify as an offense under the bill.

OLR Amended Bill Analysis

HB 5140 (as amended by House "A") *

AN ACT CONCERNING POSSESSION OF A SHOPLIFTING DEVICE.**SUMMARY:**

This bill makes it a class A misdemeanor to possess a shoplifting device under circumstances showing an intent to use it to shoplift. A shoplifting device is any device, instrument, or other thing specifically designed or adapted to advance or facilitate shoplifting by defeating an anti-theft or inventory control device.

By law, shoplifting is intentionally possessing goods, wares, or merchandise offered for sale in a store or other mercantile establishment intending to keep them without paying for them. A class A misdemeanor is punishable by imprisonment for up to one year, a fine of up to \$2,000, or both.

* House Amendment "A" removes language that would have allowed a person to be charged with the offense if he knew someone else intended to use the device.

EFFECTIVE DATE: October 1, 2000

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report

Yea 36 Nay 1