

2024 -- H 7633

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LC005039
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO CRIMINAL OFFENSES -- THEFT, EMBEZZLEMENT, FALSE
PRETENSES, AND MISAPPROPRIATION

Introduced By: Representative Patricia A. Serpa

Date Introduced: February 15, 2024

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-41-20 of the General Laws in Chapter 11-41 entitled "Theft,
2 Embezzlement, False Pretenses, and Misappropriation" is hereby amended to read as follows:

3 **11-41-20. Shoplifting.**

4 (a) For the purpose of this section:

5 (1) "Conceal" means to place merchandise in such a manner that it is not visible through
6 ordinary observation.

7 (2) "Full retail value" means the merchant's stated price of the merchandise.

8 (3) "Merchandise" means any items of tangible personal property offered for sale within a
9 retail mercantile establishment.

10 (4) "Merchant" means an owner or operator of any retail mercantile establishment or any
11 agent, employee, lessee, officer, or director of the owner or operator.

12 (5) "Premises of a retail mercantile establishment" includes the retail mercantile
13 establishment, and common use areas in shopping centers, and all parking areas set aside by a
14 merchant or on behalf of a merchant for the parking of vehicles for the convenience of the patrons
15 of the retail mercantile establishment.

16 (6) "Retail mercantile establishment" means any place where merchandise is displayed,
17 held, stored or offered for sale to the public.

18 (7) "Shopping cart" means those push carts of the type or types which are commonly

1 provided by grocery stores, drug stores, or other retail mercantile establishments for the use of the
2 public in transporting commodities on or from the premises of the retail mercantile establishment.

3 (b) Whoever shall engage in the following shall be guilty of the crime of shoplifting:

4 (1) Take possession of, carry away, transfer or cause to be carried away or transferred any
5 merchandise displayed, held, stored, or offered for sale by a retail mercantile establishment with
6 the intention of depriving the merchant of all or any part of the full retail value of the merchandise;

7 (2) Alter, transfer, or remove a label, price tag, marking, indicia of value or any other
8 markings which aid in determining value affixed to any merchandise displayed, held, stored or
9 offered for sale in a retail mercantile establishment and attempt to purchase or purchase the
10 merchandise personally or in consort with another at less than the full retail value with the intention
11 of depriving the merchant of all or any part of the full retail value of such merchandise;

12 (3) Transfer any merchandise displayed, held, stored or offered for sale in a retail
13 mercantile establishment from one container to another in an attempt to purchase or purchase the
14 merchandise personally or in consort with another at less than the full retail value with the intention
15 of depriving the merchant of all or any part of the full retail value of the merchandise; or

16 (4) Remove a shopping cart from the premises of a retail mercantile establishment without
17 the consent of the merchant given at the time of the removal with the intention of depriving the
18 merchant of the possession, use, or benefit of the cart.

19 (c) The fact that a person conceals upon his person, among his or her belongings, or upon
20 the person or among the belongings of another merchandise displayed, held, stored or offered for
21 sale in a retail mercantile establishment, for which he or she has not paid the full retail value, and
22 the merchandise has been taken beyond the area within the retail mercantile establishment where
23 payment for it is to be made, shall be prima facie evidence that the person has possessed, carried
24 away, or transferred the merchandise with the intention of depriving the merchant of all or part of
25 the full retail value of the merchandise without paying the full retail value of the merchandise.

26 (d) Any person convicted of the crime of shoplifting shall be guilty of a misdemeanor and
27 shall be punished by a fine of not less than fifty dollars (\$50.00) or two times the full retail value
28 of the merchandise, whichever is greater, but not more than five hundred dollars (\$500), or by
29 imprisonment for not more than one year, or both; provided, any person convicted of the crime of
30 shoplifting merchandise with a retail value of over one hundred dollars (\$100) who has previously
31 been convicted of shoplifting shall be guilty of a felony and shall be punished by a fine of not more
32 than five thousand dollars (\$5,000), or by imprisonment of not more than five (5) years, or both.

33 (e) When two (2) or more individuals associate to accomplish an act or acts which
34 constitute shoplifting as described in this section, the individuals may be deemed to be individuals

1 [associated for a particular purpose of committing shoplifting, and as such may be subject to the](#)
2 [provisions of chapter 15 of title 7 entitled "racketeer influenced and corrupt organizations."](#)

3 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would provide that when two (2) or more individuals associate to accomplish an
2 act or acts which constitute shoplifting, the individuals could be deemed to be individuals
3 associated for a particular purpose of committing shoplifting, and as such could be subject to the
4 provisions of chapter 15 of title 7 entitled "racketeer influenced and corrupt organizations."

5 This act would take effect upon passage.

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