

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: H3/9/01
A Bill

Act 1194 of 2001
HOUSE BILL 2184

5 By: Representative Adams
6 By: *Senator Faris*
7

8
9 **For An Act To Be Entitled**

10 AN ACT TO MAKE IT UNLAWFUL TO USE OR POSSESS
11 THEFT DETECTION SHIELDING DEVICES OR A THEFT
12 DETECTION DEVICE REMOVER; AND FOR OTHER PURPOSES.
13

14 **Subtitle**

15 AN ACT TO MAKE IT UNLAWFUL TO USE OR
16 POSSESS THEFT DETECTION SHIELDING
17 DEVICES OR A THEFT DETECTION DEVICE
18 REMOVER.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. (a) A person commits the offense of unlawful use of a
24 theft detection shielding device if the person knowingly manufactures, sells,
25 offers for sale or distributes in any way a laminated or coated bag or device
26 peculiar to and marketed for shielding, and intended to shield merchandise
27 from detection by an electronic or magnetic theft alarm sensor.

28 (b) The unlawful use of a theft detection shielding device is a Class
29 A misdemeanor, a second or subsequent violation of this section is a Class D
30 felony.
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32 SECTION 2. (a) A person commits the offense of unlawful possession of
33 a theft detection shielding device if the person knowingly possesses any
34 laminated or coated bag or device peculiar to and designed for shielding and
35 intended to shield merchandise from detection by an electronic or magnetic
36 theft alarm sensor, with the intent to commit theft or retail theft.

1 (b) The unlawful possession of a theft detection shielding device is a
2 Class A misdemeanor, a second or subsequent violation of this section is a
3 Class D felony.

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5 SECTION 3. (a) A person commits the offense of unlawful possession of
6 a theft detection device remover if the person knowingly possesses any tool
7 or device designed to allow the removal of any theft detection device from
8 any merchandise with the intent to use the tool to remove any theft detection
9 device from any merchandise without the permission of the merchant or person
10 owning or holding the merchandise.

11 (b) The unlawful possession of a theft detection device remover is a
12 Class A misdemeanor, a second or subsequent violation of this section is a
13 Class D felony.

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15 SECTION 4. (a) A person commits the offense of unlawful removal of a
16 theft detection device if the person knowingly removes the device from
17 merchandise prior to purchase with the intent to commit theft or retail
18 theft.

19 (b) The unlawful removal of a theft detection device is a Class A
20 misdemeanor, a second or subsequent violation of this section is a Class D
21 felony.

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23 SECTION 5. (a) If sufficient notice has been posted to advise the
24 patrons that an anti shoplifting or inventory control device is being
25 utilized, the activation of an anti shoplifting or inventory control device as
26 a result of a person exiting the establishment or a protected area within the
27 establishment shall be reasonable cause for the detention of the person
28 exiting by the owner or operator of the establishment or by an agent or
29 employee of the owner or operator.

30 (b) Each detention shall be made only in a reasonable manner and only
31 for a reasonable period of time sufficient for any inquiry into the
32 circumstances surrounding the activation of the device or for the recovery of
33 goods.

34 (c) The taking of a person into custody and detention by a law
35 enforcement officer, merchant, or merchant's employee in compliance with this
36 section, shall not render the law enforcement officer, merchant, or

1 merchant's employee criminally or civilly liable for false arrest, false
2 imprisonment, or unlawful detention.

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/s/ Adams

APPROVED: 3/29/2001