



**SENATE, No. 267**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

**Sponsored by:**

**Senator JOHN O. BENNETT**

**District 12 (Monmouth)**

**Senator JOHN A. LYNCH**

**District 17 (Middlesex, Somerset and Union)**

**SYNOPSIS**

Amends shoplifting statute; establishes grading system similar to theft.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning penalties for shoplifting offenses, amending  
2 N.J.S.2C:20-11 and supplementing Title 2C of the New Jersey  
3 Statutes.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. N.J.S.2C:20-11 is amended to read as follows:

9 a. Definitions. The following definitions apply to this section:

10 (1) "Shopping cart" means those push carts of the type or types  
11 which are commonly provided by grocery stores, drug stores or other  
12 retail mercantile establishments for the use of the public in transporting  
13 commodities in stores and markets and, incidentally, from the stores  
14 to a place outside the store;

15 (2) "Store or other retail mercantile establishment" means a place  
16 where merchandise is displayed, held, stored or sold or offered to the  
17 public for sale;

18 (3) "Merchandise" means any goods, chattels, foodstuffs or wares  
19 of any type and description, regardless of the value thereof;

20 (4) "Merchant" means any owner or operator of any store or other  
21 retail mercantile establishment, or any agent, servant, employee,  
22 lessee, consignee, officer, director, franchisee or independent  
23 contractor of such owner or proprietor;

24 (5) "Person" means any individual or individuals, including an  
25 agent, servant or employee of a merchant where the facts of the  
26 situation so require;

27 (6) "Conceal" means to conceal merchandise so that, although  
28 there may be some notice of its presence, it is not visible through  
29 ordinary observation;

30 (7) "Full retail value" means the merchant's stated or advertised  
31 price of the merchandise;

32 (8) "Premises of a store or retail mercantile establishment" means  
33 and includes but is not limited to, the retail mercantile establishment;  
34 any common use areas in shopping centers and all parking areas set  
35 aside by a merchant or on behalf of a merchant for the parking of  
36 vehicles for the convenience of the patrons of such retail mercantile  
37 establishment;

38 (9) "Under-ring" means to cause the cash register or other sale  
39 recording device to reflect less than the full retail value of the  
40 merchandise;

41 (10) "Antishoplifting or inventory control device countermeasure"  
42 means any item or device which is designed, manufactured, modified,  
43 or altered to defeat any antishoplifting or inventory control device.

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1       b. Shoplifting. Shoplifting shall consist of any one or more of the  
2 following acts:

3       (1) For any person purposely to take possession of, carry away,  
4 transfer or cause to be carried away or transferred, any merchandise  
5 displayed, held, stored or offered for sale by any store or other retail  
6 mercantile establishment with the intention of depriving the merchant  
7 of the possession, use or benefit of such merchandise or converting the  
8 same to the use of such person without paying to the merchant the full  
9 retail value thereof.

10       (2) For any person purposely to conceal upon his person or  
11 otherwise any merchandise offered for sale by any store or other retail  
12 mercantile establishment with the intention of depriving the merchant  
13 of the processes, use or benefit of such merchandise or converting the  
14 same to the use of such person without paying to the merchant the  
15 value thereof.

16       (3) For any person purposely to alter, transfer or remove any label,  
17 price tag or marking indicia of value or any other markings which aid  
18 in determining value affixed to any merchandise displayed, held, stored  
19 or offered for sale by any store or other retail mercantile  
20 establishment and to attempt to purchase such merchandise personally  
21 or in consort with another at less than the full retail value with the  
22 intention of depriving the merchant of all or some part of the value  
23 thereof.

24       (4) For any person purposely to transfer any merchandise  
25 displayed, held, stored or offered for sale by any store or other retail  
26 merchandise establishment from the container in or on which the same  
27 shall be displayed to any other container with intent to deprive the  
28 merchant of all or some part of the retail value thereof.

29       (5) For any person purposely to under-ring with the intention of  
30 depriving the merchant of the full retail value thereof.

31       (6) For any person purposely to remove a shopping cart from the  
32 premises of a store or other retail mercantile establishment without  
33 the consent of the merchant given at the time of such removal with  
34 the intention of permanently depriving the merchant of the possession,  
35 use or benefit of such cart.

36       c. Gradation. [Any person found guilty of an offense under  
37 subsection b. is a disorderly person, except that notwithstanding the  
38 fine provided under 2C:43-3, such person shall be sentenced to pay a  
39 fine of not more than \$500.00 for a first offense; to pay a fine of not  
40 less than \$100.00, nor more than \$500.00 for a second offense and to  
41 pay a fine of not less than \$250.00, nor more than \$1,000.00 for a  
42 third and any subsequent offense.] (1) Shoplifting constitutes a crime  
43 of the second degree under subsection b. of this section if the full retail  
44 value of the merchandise is \$75,000.00 or more.

1       (2) Shoplifting constitutes a crime of the third degree under  
2 subsection b. of this section if the full retail value of the merchandise  
3 exceeds \$500.00 but is less than \$75,000.00.

4       (3) Shoplifting constitutes a crime of the fourth degree under  
5 subsection b. of this section if the full retail value of the merchandise  
6 is at least \$200.00 but does not exceed \$500.00.

7       (4) Shoplifting is a disorderly persons offense under subsection b.  
8 of this section if the full retail value of the merchandise is less than  
9 \$200.00. Additionally, notwithstanding the term of imprisonment  
10 provided in N.J.S.2C:43-6 or 2C:43-8, any person convicted of a  
11 shoplifting offense shall be sentenced to perform community service  
12 as follows: for a first offense, at least ten days of community service;  
13 for a second offense, at least 15 days of community service; and for  
14 a third or subsequent offense, a maximum of 25 days of community  
15 service and any person convicted of a third or subsequent shoplifting  
16 offense shall serve a minimum term of imprisonment of not less than  
17 [30] 90 days.

18       d. Presumptions. Any person purposely concealing unpurchased  
19 merchandise of any store or other retail mercantile establishment,  
20 either on the premises or outside the premises of such store or other  
21 retail mercantile establishment, shall be prima facie presumed to have  
22 so concealed such merchandise with the intention of depriving the  
23 merchant of the possession, use or benefit of such merchandise  
24 without paying the full retail value thereof, and the finding of such  
25 merchandise concealed upon the person or among the belongings of  
26 such person shall be prima facie evidence of purposeful concealment;  
27 and if such person conceals, or causes to be concealed, such  
28 merchandise upon the person or among the belongings of another, the  
29 finding of the same shall also be prima facie evidence of willful  
30 concealment on the part of the person so concealing such merchandise.

31       e. A law enforcement officer, or a special officer, or a merchant,  
32 who has probable cause for believing that a person has willfully  
33 concealed unpurchased merchandise and that he can recover the  
34 merchandise by taking the person into custody, may, for the purpose  
35 of attempting to effect recovery thereof, take the person into custody  
36 and detain him in a reasonable manner for not more than a reasonable  
37 time, and the taking into custody by a law enforcement officer or  
38 special officer or merchant shall not render such person criminally or  
39 civilly liable in any manner or to any extent whatsoever.

40       Any law enforcement officer may arrest without warrant any person  
41 he has probable cause for believing has committed the offense of  
42 shoplifting as defined in this section.

43       A merchant who causes the arrest of a person for shoplifting, as  
44 provided for in this section, shall not be criminally or civilly liable in  
45 any manner or to any extent whatsoever where the merchant has

1 probable cause for believing that the person arrested committed the  
2 offense of shoplifting.

3 f. Any person who possesses or uses any antishoplifting or  
4 inventory control device countermeasure within any store or other  
5 retail mercantile establishment is guilty of a disorderly persons offense.  
6 (cf: P.L.1997, c.319)

7

8 2. (New section) The Attorney General shall develop, no later than  
9 the 120th day after the effective date of this act, guidelines to ensure  
10 that the prosecution of shoplifting offenses is conducted in a uniform  
11 manner throughout the State.

12

13 3. This act shall take effect immediately.

14

15

16

#### STATEMENT

17

18 The bill would establish a grading system for shoplifting based upon  
19 the full retail value of the merchandise taken. Under the substitute,  
20 shoplifting would be considered a crime of the second degree if the full  
21 retail value of the merchandise was \$75,000.00 or more. A crime of  
22 the second degree is punishable by a term of imprisonment of five to  
23 10 years, a fine not to exceed \$150,000.00 or both. If the full retail  
24 value of the merchandise was \$500.00 but less than \$75,000.00 then  
25 it would be considered a crime of the third degree. A crime of the  
26 third degree is punishable by a term of imprisonment of three to five  
27 years, a fine not to exceed \$15,000.00, or both. Shoplifting would be  
28 a crime of the fourth degree if the full retail value of the merchandise  
29 was at least \$200.00 but does not exceed \$500.00. A crime of the  
30 fourth degree is punishable by a term of imprisonment not to exceed  
31 18 months, a fine of \$10,000.00 or both. In addition, shoplifting  
32 would be a disorderly persons offense if the full retail value of the  
33 merchandise was less than \$200.00. This gradation scheme parallels  
34 the gradation scheme for theft as set forth in N.J.S.2C:20-2.

35 The bill provides that any person convicted of a shoplifting offense  
36 shall be sentenced to perform community service as follows: for a first  
37 offense, at least ten days of community service; for a second offense,  
38 at least 15 days of community service; for a third or subsequent  
39 offense, a maximum of 25 days of community service.

40 The provision in present law which provides for a minimum term of  
41 not less than 30 days for a third or subsequent offense is changed to  
42 90 days.

43 The bill provides that the Attorney General shall develop guidelines  
44 to ensure the uniform prosecution of shoplifting cases.

# SENATE JUDICIARY COMMITTEE

## STATEMENT TO

### SENATE, No. 267

# STATE OF NEW JERSEY

DATED: FEBRUARY 17, 2000

The Senate Judiciary Committee reports favorably Senate Bill No. 267.

Under present law, shoplifting is graded as a disorderly persons offense. This bill would establish a grading system for shoplifting based upon the full retail value of the merchandise taken. Under the bill, shoplifting would be considered a crime of the second degree if the full retail value of the merchandise was \$75,000.00 or more. If the full retail value of the merchandise was \$500.00 but less than \$75,000.00 then it would be considered a crime of the third degree. Shoplifting would be a crime of the fourth degree if the full retail value of the merchandise was at least \$200.00 but does not exceed \$500.00. If the full retail value of the merchandise was less than \$200.00, shoplifting would be a disorderly persons offense. This gradation scheme parallels the gradation scheme for the theft as set forth in N.J.S.2C:20-2.

This bill also provides that any person convicted of a shoplifting offense shall be sentenced to perform community service as follows: for a first offense, at least 10 days of community service; for a second offense, at least 15 days of community services; for a third or subsequent offense, a maximum of 25 days of community service. Under the bill, the provision in present law which provides for a minimum term of imprisonment of not less than 30 days for a third or subsequent shoplifting offense is changed to 90 days.

In addition, the bill provides that the Attorney General shall develop guidelines to ensure the uniform prosecution of shoplifting cases.

This bill was prefiled for introduction in the 2000 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

# SENATE, No. 267

## STATE OF NEW JERSEY 209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

**Sponsored by:**

**Senator JOHN O. BENNETT**

**District 12 (Monmouth)**

**Senator JOHN A. LYNCH**

**District 17 (Middlesex, Somerset and Union)**

**Co-Sponsored by:**

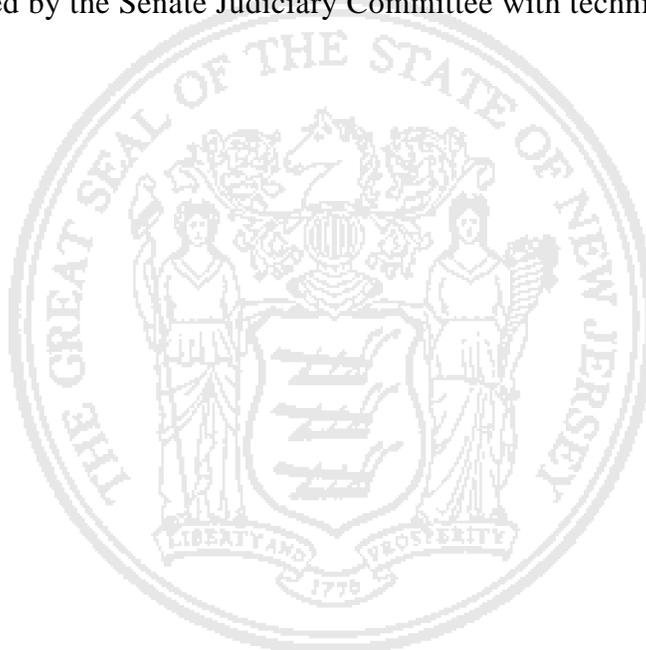
**Assemblymen Zisa, Stuhltrager, Russo, Assemblywoman Previte,  
Assemblyman Greenwald, Assemblywoman Greenstein and Assemblyman  
Conaway**

**SYNOPSIS**

Amends shoplifting statute; establishes grading system similar to theft.

**CURRENT VERSION OF TEXT**

As reported by the Senate Judiciary Committee with technical review.



**(Sponsorship Updated As Of: 3/28/2000)**

1 AN ACT concerning penalties for shoplifting offenses, amending  
2 N.J.S.2C:20-11 and supplementing Title 2C of the New Jersey  
3 Statutes.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

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8 1. N.J.S.2C:20-11 is amended to read as follows:

9 a. Definitions. The following definitions apply to this section:

10 (1) "Shopping cart" means those push carts of the type or types  
11 which are commonly provided by grocery stores, drug stores or other  
12 retail mercantile establishments for the use of the public in transporting  
13 commodities in stores and markets and, incidentally, from the stores  
14 to a place outside the store;

15 (2) "Store or other retail mercantile establishment" means a place  
16 where merchandise is displayed, held, stored or sold or offered to the  
17 public for sale;

18 (3) "Merchandise" means any goods, chattels, foodstuffs or wares  
19 of any type and description, regardless of the value thereof;

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21 retail mercantile establishment, or any agent, servant, employee,  
22 lessee, consignee, officer, director, franchisee or independent  
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25 agent, servant or employee of a merchant where the facts of the  
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28 there may be some notice of its presence, it is not visible through  
29 ordinary observation;

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31 price of the merchandise;

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36 vehicles for the convenience of the patrons of such retail mercantile  
37 establishment;

38 (9) "Under-ring" means to cause the cash register or other sale  
39 recording device to reflect less than the full retail value of the  
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41 (10) "Antishoplifting or inventory control device countermeasure"  
42 means any item or device which is designed, manufactured, modified,  
43 or altered to defeat any antishoplifting or inventory control device.

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**Matter underlined thus is new matter.**

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16       (3) For any person purposely to alter, transfer or remove any label,  
17 price tag or marking indicia of value or any other markings which aid  
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20 establishment and to attempt to purchase such merchandise personally  
21 or in consort with another at less than the full retail value with the  
22 intention of depriving the merchant of all or some part of the value  
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24       (4) For any person purposely to transfer any merchandise  
25 displayed, held, stored or offered for sale by any store or other retail  
26 merchandise establishment from the container in or on which the same  
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28 merchant of all or some part of the retail value thereof.

29       (5) For any person purposely to under-ring with the intention of  
30 depriving the merchant of the full retail value thereof.

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33 the consent of the merchant given at the time of such removal with  
34 the intention of permanently depriving the merchant of the possession,  
35 use or benefit of such cart.

36       c. Gradation. [Any person found guilty of an offense under  
37 subsection b. is a disorderly person, except that notwithstanding the  
38 fine provided under 2C:43-3, such person shall be sentenced to pay a  
39 fine of not more than \$500.00 for a first offense; to pay a fine of not  
40 less than \$100.00, nor more than \$500.00 for a second offense and to  
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43 of the second degree under subsection b. of this section if the full retail  
44 value of the merchandise is \$75,000.00 or more.

45       (2) Shoplifting constitutes a crime of the third degree under  
46 subsection b. of this section if the full retail value of the merchandise

1 exceeds \$500.00 but is less than \$75,000.00.

2 (3) Shoplifting constitutes a crime of the fourth degree under  
3 subsection b. of this section if the full retail value of the merchandise  
4 is at least \$200.00 but does not exceed \$500.00.

5 (4) Shoplifting is a disorderly persons offense under subsection b.  
6 of this section if the full retail value of the merchandise is less than  
7 \$200.00. Additionally, notwithstanding the term of imprisonment  
8 provided in N.J.S.2C:43-6 or 2C:43-8, any person convicted of a  
9 shoplifting offense shall be sentenced to perform community service  
10 as follows: for a first offense, at least ten days of community service;  
11 for a second offense, at least 15 days of community service; and for  
12 a third or subsequent offense, a maximum of 25 days of community  
13 service and any person convicted of a third or subsequent shoplifting  
14 offense shall serve a minimum term of imprisonment of not less than  
15 [30] 90 days.

16 d. Presumptions. Any person purposely concealing unpurchased  
17 merchandise of any store or other retail mercantile establishment,  
18 either on the premises or outside the premises of such store or other  
19 retail mercantile establishment, shall be prima facie presumed to have  
20 so concealed such merchandise with the intention of depriving the  
21 merchant of the possession, use or benefit of such merchandise  
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23 merchandise concealed upon the person or among the belongings of  
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26 merchandise upon the person or among the belongings of another, the  
27 finding of the same shall also be prima facie evidence of willful  
28 concealment on the part of the person so concealing such merchandise.

29 e. A law enforcement officer, or a special officer, or a merchant,  
30 who has probable cause for believing that a person has willfully  
31 concealed unpurchased merchandise and that he can recover the  
32 merchandise by taking the person into custody, may, for the purpose  
33 of attempting to effect recovery thereof, take the person into custody  
34 and detain him in a reasonable manner for not more than a reasonable  
35 time, and the taking into custody by a law enforcement officer or  
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37 civilly liable in any manner or to any extent whatsoever.

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6 (cf: P.L.1997, c.319)

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8 2. (New section) The Attorney General shall develop, no later than  
9 the 120th day after the effective date of this act, guidelines to ensure  
10 that the prosecution of shoplifting offenses is conducted in a uniform  
11 manner throughout the State.

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13 3. This act shall take effect immediately.

P.L. 2000, CHAPTER 16, *approved April 28, 2000*

Senate, No. 267

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23 merchant of the possession, use or benefit of such merchandise  
24 without paying the full retail value thereof, and the finding of such  
25 merchandise concealed upon the person or among the belongings of  
26 such person shall be prima facie evidence of purposeful concealment;  
27 and if such person conceals, or causes to be concealed, such  
28 merchandise upon the person or among the belongings of another, the  
29 finding of the same shall also be prima facie evidence of willful  
30 concealment on the part of the person so concealing such merchandise.

31       e. A law enforcement officer, or a special officer, or a merchant,  
32 who has probable cause for believing that a person has willfully  
33 concealed unpurchased merchandise and that he can recover the  
34 merchandise by taking the person into custody, may, for the purpose  
35 of attempting to effect recovery thereof, take the person into custody  
36 and detain him in a reasonable manner for not more than a reasonable  
37 time, and the taking into custody by a law enforcement officer or  
38 special officer or merchant shall not render such person criminally or  
39 civilly liable in any manner or to any extent whatsoever.

40       Any law enforcement officer may arrest without warrant any person  
41 he has probable cause for believing has committed the offense of  
42 shoplifting as defined in this section.

43       A merchant who causes the arrest of a person for shoplifting, as  
44 provided for in this section, shall not be criminally or civilly liable in  
45 any manner or to any extent whatsoever where the merchant has

1 probable cause for believing that the person arrested committed the  
2 offense of shoplifting.

3 f. Any person who possesses or uses any antishoplifting or  
4 inventory control device countermeasure within any store or other  
5 retail mercantile establishment is guilty of a disorderly persons offense.  
6 (cf: P.L.1997, c.319)

7

8 2. (New section) The Attorney General shall develop, no later than  
9 the 120th day after the effective date of this act, guidelines to ensure  
10 that the prosecution of shoplifting offenses is conducted in a uniform  
11 manner throughout the State.

12

13 3. This act shall take effect immediately.

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18 Amends shoplifting statute; establishes grading system similar to theft.

## CHAPTER 16

AN ACT concerning penalties for shoplifting offenses, amending N.J.S.2C:20-11 and supplementing Title 2C of the New Jersey Statutes.

**BE IT ENACTED** *by the Senate and General Assembly of the State of New Jersey:*

1. N.J.S.2C:20-11 is amended to read as follows:

Shoplifting.

- a. Definitions. The following definitions apply to this section:

- (1) "Shopping cart" means those push carts of the type or types which are commonly provided by grocery stores, drug stores or other retail mercantile establishments for the use of the public in transporting commodities in stores and markets and, incidentally, from the stores to a place outside the store;

- (2) "Store or other retail mercantile establishment" means a place where merchandise is displayed, held, stored or sold or offered to the public for sale;

- (3) "Merchandise" means any goods, chattels, foodstuffs or wares of any type and description, regardless of the value thereof;

- (4) "Merchant" means any owner or operator of any store or other retail mercantile establishment, or any agent, servant, employee, lessee, consignee, officer, director, franchisee or independent contractor of such owner or proprietor;

- (5) "Person" means any individual or individuals, including an agent, servant or employee of a merchant where the facts of the situation so require;

- (6) "Conceal" means to conceal merchandise so that, although there may be some notice of its presence, it is not visible through ordinary observation;

- (7) "Full retail value" means the merchant's stated or advertised price of the merchandise;

- (8) "Premises of a store or retail mercantile establishment" means and includes but is not limited to, the retail mercantile establishment; any common use areas in shopping centers and all parking areas set aside by a merchant or on behalf of a merchant for the parking of vehicles for the convenience of the patrons of such retail mercantile establishment;

- (9) "Under-ring" means to cause the cash register or other sale recording device to reflect less than the full retail value of the merchandise;

- (10) "Antishoplifting or inventory control device countermeasure" means any item or device which is designed, manufactured, modified, or altered to defeat any antishoplifting or inventory control device.

- b. Shoplifting. Shoplifting shall consist of any one or more of the following acts:

- (1) For any person purposely to take possession of, carry away, transfer or cause to be carried away or transferred, any merchandise displayed, held, stored or offered for sale by any store or other retail mercantile establishment with the intention of depriving the merchant of the possession, use or benefit of such merchandise or converting the same to the use of such person without paying to the merchant the full retail value thereof.

- (2) For any person purposely to conceal upon his person or otherwise any merchandise offered for sale by any store or other retail mercantile establishment with the intention of depriving the merchant of the processes, use or benefit of such merchandise or converting the same to the use of such person without paying to the merchant the value thereof.

- (3) For any person purposely to alter, transfer or remove any label, price tag or marking indicia of value or any other markings which aid in determining value affixed to any merchandise displayed, held, stored or offered for sale by any store or other retail mercantile establishment and to attempt to purchase such merchandise personally or in consort with another at less than the full retail value with the intention of depriving the merchant of all or some part of the value thereof.

- (4) For any person purposely to transfer any merchandise displayed, held, stored or offered for sale by any store or other retail merchandise establishment from the container in or on which the same shall be displayed to any other container with intent to deprive the merchant of all or some part of the retail value thereof.

- (5) For any person purposely to under-ring with the intention of depriving the merchant of the full retail value thereof.

- (6) For any person purposely to remove a shopping cart from the premises of a store or

other retail mercantile establishment without the consent of the merchant given at the time of such removal with the intention of permanently depriving the merchant of the possession, use or benefit of such cart.

c. Gradation. (1) Shoplifting constitutes a crime of the second degree under subsection b. of this section if the full retail value of the merchandise is \$75,000.00 or more.

(2) Shoplifting constitutes a crime of the third degree under subsection b. of this section if the full retail value of the merchandise exceeds \$500.00 but is less than \$75,000.00.

(3) Shoplifting constitutes a crime of the fourth degree under subsection b. of this section if the full retail value of the merchandise is at least \$200.00 but does not exceed \$500.00.

(4) Shoplifting is a disorderly persons offense under subsection b. of this section if the full retail value of the merchandise is less than \$200.00. Additionally, notwithstanding the term of imprisonment provided in N.J.S.2C:43-6 or 2C:43-8, any person convicted of a shoplifting offense shall be sentenced to perform community service as follows: for a first offense, at least ten days of community service; for a second offense, at least 15 days of community service; and for a third or subsequent offense, a maximum of 25 days of community service and any person convicted of a third or subsequent shoplifting offense shall serve a minimum term of imprisonment of not less than 90 days.

d. Presumptions. Any person purposely concealing unpurchased merchandise of any store or other retail mercantile establishment, either on the premises or outside the premises of such store or other retail mercantile establishment, shall be prima facie presumed to have so concealed such merchandise with the intention of depriving the merchant of the possession, use or benefit of such merchandise without paying the full retail value thereof, and the finding of such merchandise concealed upon the person or among the belongings of such person shall be prima facie evidence of purposeful concealment; and if such person conceals, or causes to be concealed, such merchandise upon the person or among the belongings of another, the finding of the same shall also be prima facie evidence of willful concealment on the part of the person so concealing such merchandise.

e. A law enforcement officer, or a special officer, or a merchant, who has probable cause for believing that a person has willfully concealed unpurchased merchandise and that he can recover the merchandise by taking the person into custody, may, for the purpose of attempting to effect recovery thereof, take the person into custody and detain him in a reasonable manner for not more than a reasonable time, and the taking into custody by a law enforcement officer or special officer or merchant shall not render such person criminally or civilly liable in any manner or to any extent whatsoever.

Any law enforcement officer may arrest without warrant any person he has probable cause for believing has committed the offense of shoplifting as defined in this section.

A merchant who causes the arrest of a person for shoplifting, as provided for in this section, shall not be criminally or civilly liable in any manner or to any extent whatsoever where the merchant has probable cause for believing that the person arrested committed the offense of shoplifting.

f. Any person who possesses or uses any antishoplifting or inventory control device countermeasure within any store or other retail mercantile establishment is guilty of a disorderly persons offense.

#### C.2C:20-11.1 Guidelines for prosecution of shoplifting offenses.

2. The Attorney General shall develop, no later than the 120th day after the effective date of this act, guidelines to ensure that the prosecution of shoplifting offenses is conducted in a uniform manner throughout the State.

3. This act shall take effect immediately.

Approved April 28, 2000.

## **Governor Signs Legislation**

Gov. Christie Whitman today signed the following pieces of legislation:

**S-267**, sponsored by Senators John O. Bennett (R-Monmouth) and John A. Lynch (D-Middlesex/Somerset/Union) and Assembly Members Charles Zisa (D-Bergen) and Gary W. Stuhltrager (R-Salem/Cumberland/Gloucester), establishes a grading system for shoplifting based upon the full retail value of the merchandise taken. Under previous law, shoplifting was classified as a disorderly person's offense.

Shoplifting will be treated as a second-degree crime if the value of the merchandise taken was \$75,000 or more; a third degree crime if the value of the merchandise was at least \$500 but less than \$75,000, and a fourth-degree crime if the value of the merchandise was at least \$200 but less than \$500. Shoplifting would be a disorderly person's offense if the value of the merchandise was less than \$200. The bill also changes sentencing provisions for shoplifting.

**A-1576**, sponsored by Assembly Member Charles Zisa (D-Bergen) and Senators John H. Adler (D-Camden) and Robert J. Martin (R-Essex/Morris/Passaic), clarifies criminal statutes dealing with obstruction of justice and resisting arrest. It also upgrades penalties for resisting arrest.

The bill upgrades resisting arrest from a disorderly person's offense to a fourth-degree crime when the actor, through flight, purposely attempts to prevent or prevents a police officer from making a lawful arrest. Under previous law, flight was not specifically included as a means to commit the offense of resisting arrest.

The bill also upgrades resisting arrest from a fourth-degree crime to a third-degree crime when the actor resists arrest by using or threatening physical force or by creating a substantial risk of physical injury to another person. Preventing or attempting to prevent an officer from making an arrest by other means would remain a disorderly person's offense. A third-degree crime is punishable by a three-to-five year period of incarceration, a \$15,000 fine or both. A fourth-degree crime is punishable by a maximum term of imprisonment of up to 18 months, a \$10,000 fine or both.

**S-492**, sponsored by Senators Andrew R. Ciesla (R-Monmouth/Ocean) and Diane B. Allen (R-Burlington/Camden) and Assembly Members James W. Holzapfel (R-Monmouth/Ocean) and David W. Wolfe (R-Monmouth/Ocean), prohibits the governing body of a municipality from appointing a certified animal control officer who was found to have violated any animal cruelty statutes. It also prohibits a municipality from contracting for animal control services with any company that employs a certified animal control officer who was found to have violated any animal cruelty statutes.