

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1957

ENROLLED

SENATE BILL NO. 62

(By Mr.....)

PASSED Feb 28.....1957

In Effect 90 days from Passage



ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 62

(Originating in the Senate Committee on the Judiciary)

[Passed February 28, 1957; in effect ninety days from passage.]

AN ACT to amend chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article three-a, providing that larceny or misappropriation of goods held for sale or obtaining such goods by false pretenses shall, under certain circumstances, constitute the crime of shoplifting as herein defined, providing penalties for such crime; declaring that a presumption or guilt shall arise under certain circumstances; declaring that said crime shall

constitute a breach of the peace and authorizing the arrest of the persons committing such crime.

Be it enacted by the Legislature of West Virginia:

That chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article three-a, to read as follows:

Article 3A. Shoplifting.

Section 1. *Definitions.*—When used in this article, the following terms shall have the following meanings:

(1) “Shoplifting” shall consist of any one or more of the following acts:

(a) For any person wilfully to take possession of any merchandise offered for sale by any store with the intention of converting the same to the use of such person without paying to the owner the value thereof.

(b) For any person wilfully to conceal upon his person or otherwise any merchandise offered for sale by any store with the intention of converting the same to the use of such person without paying to the owner the value thereof.

14 (c) For any person wilfully to alter any label, price tag
15 or marking upon any merchandise offered for sale by any
16 store with the intention of depriving the owner of all or
17 some part of the value thereof.

18 (d) For any person wilfully to transfer any merchan-
19 dise offered for sale by any store from the container in or
20 on which the same shall be displayed to any other con-
21 tainer with intent to deprive the owner of all or some
22 part of the value thereof.

23 (2) "Store" shall mean any store or mercantile estab-
24 lishment in which merchandise is displayed for sale in
25 such manner as to be readily accessible to persons shop-
26 ping therein.

27 (3) "Merchandise" shall include goods and wares.

28 (4) "Owner of merchandise" shall include the owner
29 and any other person, firm or corporation having the right
30 to offer the same for sale as agent, consignee or in other
31 capacity under any agreement with the owner of such
32 merchandise.

33 (5) "Value of merchandise" shall mean the fair mar-
34 ket value of any merchandise which a person shall con-

35 vert to his own use in committing an act of shoplifting
36 defined in subsections (a) and (b) of this section, or in
37 the event a person shall commit an act of shoplifting de-
38 fined in either subsections (c) or (d) of this section, then
39 the "value of merchandise" shall mean the fair market
40 value of that part of the merchandise of which the owner
41 has been deprived in consequence of the commission of
42 such act of shoplifting.

Sec. 2. *Penalties.*—If any person shall commit an act
2 of shoplifting as defined in this article, he shall be guilty
3 of a misdemeanor if the value of the merchandise be
4 under fifty dollars and, upon conviction thereof, shall
5 be confined in the county jail not less than one day nor
6 more than twelve months, or fined not less than five
7 dollars nor more than five hundred dollars, or both fined
8 and imprisoned; and if the value of the merchandise be
9 fifty dollars or over, such person shall be guilty of a
10 felony and, upon conviction thereof, shall be confined in
11 the penitentiary not less than one nor more than ten
12 years and fined not more than one thousand dollars.
13 Justices of the peace shall have concurrent jurisdiction

14 with the circuit and criminal or intermediate courts of
15 misdemeanors under this section.

Sec. 3. *Concealment of Merchandise.*—If any person
2 shall wilfully conceal upon his person or otherwise mer-
3 chandise belonging to any store and for which such per-
4 son has not paid the purchase price in full, either upon
5 or away from the store premises, there shall be a prima
6 facie presumption that such person has concealed said
7 merchandise with the intent of converting the same to
8 his own use within the meaning of the definition of shop-
9 lifting contained in section one of this article.

Sec. 4. *Shoplifting to Constitute Breach of Peace.*—An
2 act of shoplifting, as herein defined, is hereby declared to
3 constitute a breach of the peace, and any citizen of this
4 state may arrest a person committing any such act of shop-
5 lifting in his presence.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Edm. Cant
Chairman Senate Committee

Alton E. M. Beck
Chairman House Committee

Originated in the Senate.

Takes effect 90 days from passage.

Howard Meyer
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Robert J. Beane
President of the Senate

W. E. Ruffin
Speaker House of Delegates

The within approved this the 7th
day of March, 1957.

Leift. Luderus
Governor

