WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1957

ENROLLED
SENATE BILL NO. 62

(By Mr. .................................................................)

PASSED ........................................1957

In Effect, 90 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.
For any person wilfully to alter any label, price tag or marking upon any merchandise offered for sale by any store with the intention of depriving the owner of all or some part of the value thereof.

(d) For any person wilfully to transfer any merchandise offered for sale by any store from the container in or on which the same shall be displayed to any other container with intent to deprive the owner of all or some part of the value thereof.

(2) "Store" shall mean any store or mercantile establishment in which merchandise is displayed for sale in such manner as to be readily accessible to persons shopping therein.

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

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

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

Sec. 2. Penalties.—If any person shall commit an act
of shoplifting as defined in this article, he shall be guilty
of a misdemeanor if the value of the merchandise be
under fifty dollars and, upon conviction thereof, shall
be confined in the county jail not less than one day nor
more than twelve months, or fined not less than five
dollars nor more than five hundred dollars, or both fined
and imprisoned; and if the value of the merchandise be
fifty dollars or over, such person shall be guilty of a
felony and, upon conviction thereof, shall be confined in
the penitentiary not less than one nor more than ten
years and fined not more than one thousand dollars.

Justices of the peace shall have concurrent jurisdiction
with the circuit and criminal or intermediate courts of
misdemeanors under this section.

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

Sec. 4. Shoplifting to Constitute Breach of Peace.—An
act of shoplifting, as herein defined, is hereby declared to
constitute a breach of the peace, and any citizen of this
state may arrest a person committing any such act of shop-
lifting in his presence.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the Senate.

Takes effect 90 days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

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

[Signature]
Governor

Filed in the Office of the Secretary of State of West Virginia, MAR 8-1957
D. PITT O'BRIEN
SECRETARY OF STATE