

REFERENCE TITLE: **shoplifting; artifice**

State of Arizona  
Senate  
Forty-eighth Legislature  
First Regular Session  
2007

# **SB 1342**

Introduced by  
Senators Gray C: Blendu

**AN ACT**

**AMENDING SECTION 13-1805, ARIZONA REVISED STATUTES; RELATING TO THEFT.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-1805, Arizona Revised Statutes, is amended to  
3 read:

4 13-1805. Shoplifting; detaining suspect; defense to wrongful  
5 detention; civil action by merchant; public  
6 services; classification

7 A. A person commits shoplifting if, while in an establishment in which  
8 merchandise is displayed for sale, the person knowingly obtains such goods of  
9 another with the intent to deprive that person of such goods by:

10 1. Removing any of the goods from the immediate display or from any  
11 other place within the establishment without paying the purchase price; or

12 2. Charging the purchase price of the goods to a fictitious person or  
13 any person without that person's authority; or

14 3. Paying less than the purchase price of the goods by some trick or  
15 artifice such as altering, removing, substituting or otherwise disfiguring  
16 any label, price tag or marking; or

17 4. Transferring the goods from one container to another; or

18 5. Concealment.

19 B. Any person who knowingly conceals ~~upon~~ ON himself or another person  
20 unpurchased merchandise of any mercantile establishment while within the  
21 mercantile establishment is presumed to have the necessary culpable mental  
22 state pursuant to subsection A of this section.

23 C. A merchant, or a merchant's agent or employee, with reasonable  
24 cause, may detain on the premises in a reasonable manner and for a reasonable  
25 time any person who is suspected of shoplifting as prescribed in subsection A  
26 of this section for questioning or summoning a law enforcement officer.

27 D. Reasonable cause is a defense to a civil or criminal action against  
28 a peace officer, a merchant or an agent or employee of the merchant for false  
29 arrest, false or unlawful imprisonment or wrongful detention.

30 E. If a minor engages in conduct that violates subsection A of this  
31 section, notwithstanding the fact that the minor may not be held responsible  
32 because of the person's minority, any merchant WHO IS injured by the  
33 shoplifting of the minor may bring a civil action against the parent or legal  
34 guardian of the minor under either section 12-661 or 12-692.

35 F. Any merchant who is injured by the shoplifting of an adult or  
36 emancipated minor in violation of subsection A of this section may bring a  
37 civil action against the adult or emancipated minor pursuant to section  
38 12-691.

39 G. Shoplifting property with a value of two thousand dollars or more  
40 or shoplifting property during any continuing criminal episode regardless of  
41 the value of the goods is a class 5 felony. Shoplifting property with a  
42 value of one thousand dollars or more but less than two thousand dollars is a  
43 class 6 felony. Shoplifting property valued at less than one thousand dollars  
44 is a class 1 misdemeanor, unless the property is a firearm in which case the  
45 shoplifting is a class 6 felony. For the purposes of this subsection,

1 "continuing criminal episode" means theft committed from at least three  
2 separate retail establishments within a period of three consecutive days.

3 H. In imposing sentence on a person who is convicted of violating this  
4 section, the court may require any person to perform public services  
5 designated by the court in addition to or in lieu of any fine that the court  
6 might impose.

7 I. A person who commits shoplifting and who has previously committed  
8 or been convicted within the past five years of two or more offenses  
9 involving burglary, shoplifting, robbery or theft or who in the course of  
10 shoplifting ~~entered the mercantile establishment with~~ USED an artifice,  
11 instrument, container, device or other article that was intended to  
12 facilitate shoplifting is guilty of a class 4 felony.