

1 (1) When the value of the merchandise is less than or equal to
2 \$500, the person is guilty of a misdemeanor and, shall be fined not
3 more than \$250.

4 (2) When the value of the merchandise exceeds \$500, the person
5 is guilty of a misdemeanor and, shall be fined not less than \$100
6 nor more than \$500, and such fine shall not be suspended, or the
7 person shall be confined in jail not more than sixty days, or both.

8 (b) ~~Second~~ Subsequent offense conviction. -- Upon a second or
9 any subsequent shoplifting conviction:

10 (1) When the value of the merchandise is less than or equal to
11 \$500, the person is guilty of a misdemeanor and, shall be fined not
12 less than \$100 nor more than \$500, and such fine shall not be
13 suspended, or the person shall be confined in jail not more than
14 six months or both.

15 (2) When the value of the merchandise exceeds \$500, the person
16 is guilty of a misdemeanor and, shall be fined not less than \$500
17 and shall be confined in jail for not less than six months nor more
18 than one year.

19 ~~(c) Third offense conviction. -- Upon a third or subsequent~~
20 ~~shoplifting conviction, regardless of the value of the merchandise,~~
21 ~~the person is guilty of a felony and, shall be fined not less than~~
22 ~~five hundred dollars nor more than five thousand dollars, and shall~~
23 ~~be imprisoned in the penitentiary for not less than one year nor~~
24 ~~more than ten years. At least one year shall actually be spent in~~

1 ~~confinement and not subject to probation: *Provided*, That an order~~
2 ~~for home detention by the court pursuant to the provisions of~~
3 ~~article eleven b, chapter sixty two of this code may be used as an~~
4 ~~alternative sentence to the incarceration required by this~~
5 ~~subsection.~~

6 ~~(d)~~ (c) *Mandatory penalty.* -- In addition to the fines and
7 imprisonment imposed by this section, in all cases of conviction
8 for the offense of shoplifting, the court shall order the defendant
9 to pay a penalty to the mercantile establishment involved in the
10 amount of \$50, or double the value of the merchandise involved,
11 whichever is higher. The mercantile establishment shall be
12 entitled to collect such mandatory penalty as in the case of a
13 civil judgment. This penalty shall be in addition to the
14 mercantile establishment's rights to recover the stolen
15 merchandise.

16 ~~(e)~~ (d) In determining the number of prior shoplifting
17 convictions for purposes of imposing punishment under this section,
18 the court shall disregard all ~~such~~ shoplifting convictions
19 occurring more than seven years prior to the shoplifting offense in
20 question.

NOTE: The purpose of this bill is to eliminate the third
offense conviction of shoplifting and its corresponding felony
penalty.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.