

**SUBSTITUTE FOR
HOUSE BILL NO. 5125**

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 360a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 360A. (1) A PERSON SHALL NOT ENGAGE IN THE FOLLOWING
2 CONDUCT:

3 (A) POSSESS A LAMINATED OR COATED BAG OR DEVICE THAT IS
4 INTENDED TO SHIELD MERCHANDISE FROM DETECTION BY AN ELECTRONIC OR
5 MAGNETIC THEFT DETECTOR WITH THE INTENT TO COMMIT OR ATTEMPT TO
6 COMMIT LARCENY.

7 (B) MANUFACTURE, SELL, OFFER FOR SALE, OR DISTRIBUTE, OR
8 ATTEMPT TO MANUFACTURE, SELL, OFFER FOR SALE, OR DISTRIBUTE, A
9 LAMINATED OR COATED BAG OR DEVICE THAT IS INTENDED TO SHIELD
10 MERCHANDISE FROM DETECTION BY AN ELECTRONIC OR MAGNETIC THEFT

HB5125, As Passed House, January 29, 2002

House Bill No. 5125

2

1 DETECTOR KNOWING OR REASONABLY BELIEVING THAT THE BAG OR DEVICE
2 WILL BE USED TO COMMIT OR ATTEMPT TO COMMIT LARCENY.

3 (C) POSSESS A TOOL OR DEVICE DESIGNED TO ALLOW THE DEACTIVA-
4 TION OR REMOVAL OF A THEFT DETECTION DEVICE FROM ANY MERCHANDISE
5 WITH THE INTENT TO USE THE TOOL OR DEVICE TO DEACTIVATE A THEFT
6 DETECTION DEVICE ON, OR TO REMOVE A THEFT DETECTION DEVICE FROM,
7 ANY MERCHANDISE WITHOUT THE PERMISSION OF THE MERCHANT OR PERSON
8 OWNING OR LAWFULLY HOLDING THAT MERCHANDISE WITH THE INTENT TO
9 COMMIT OR ATTEMPT TO COMMIT LARCENY.

10 (D) MANUFACTURE, SELL, OFFER FOR SALE, OR DISTRIBUTE A TOOL
11 OR DEVICE DESIGNED TO ALLOW THE DEACTIVATION OR REMOVAL OF A
12 THEFT DETECTION DEVICE FROM ANY MERCHANDISE WITHOUT THE PERMIS-
13 SION OF THE MERCHANT OR PERSON OWNING OR LAWFULLY HOLDING THAT
14 MERCHANDISE KNOWING OR REASONABLY BELIEVING THAT THE TOOL OR
15 DEVICE WILL BE USED TO COMMIT OR ATTEMPT TO COMMIT LARCENY.

16 (E) DEACTIVATE A THEFT DETECTION DEVICE OR REMOVE A THEFT
17 DETECTION DEVICE FROM ANY MERCHANDISE IN A RETAIL ESTABLISHMENT
18 PRIOR TO PURCHASING THE MERCHANDISE WITH THE INTENT TO COMMIT OR
19 ATTEMPT TO COMMIT A LARCENY.

20 (2) A PERSON WHO VIOLATES SUBSECTION (1) IS GUILTY OF A
21 CRIME AS FOLLOWS:

22 (A) EXCEPT AS PROVIDED IN SUBDIVISION (B), A MISDEMEANOR
23 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF
24 NOT MORE THAN \$500.00, OR BOTH.

25 (B) IF THE PERSON HAS A PRIOR CONVICTION FOR VIOLATING SUB-
26 SECTION (1), A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE
27 THAN 4 YEARS OR A FINE OF NOT MORE THAN \$2,000.00, OR BOTH.

HB5125, As Passed House, January 29, 2002

House Bill No. 5125

3

1 Enacting section 1. This amendatory act takes effect April
2 1, 2002.