

**SENATE 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 DO ANY OF THE FOLLOWING:
- 2 (A) POSSESS A LAMINATED OR COATED BAG OR DEVICE THAT IS
- 3 INTENDED TO SHIELD MERCHANDISE FROM DETECTION BY AN ELECTRONIC OR
- 4 MAGNETIC THEFT DETECTION DEVICE WITH THE INTENT TO COMMIT OR
- 5 ATTEMPT TO COMMIT LARCENY.
- 6 (B) MANUFACTURE, SELL, OFFER FOR SALE, OR DISTRIBUTE, OR
- 7 ATTEMPT TO MANUFACTURE, SELL, OFFER FOR SALE, OR DISTRIBUTE, A
- 8 LAMINATED OR COATED BAG OR DEVICE THAT IS INTENDED TO SHIELD MER-
- 9 CHANDISE FROM DETECTION BY AN ELECTRONIC OR MAGNETIC THEFT
- 10 DETECTION DEVICE KNOWING OR REASONABLY BELIEVING THAT THE BAG OR
- 11 DEVICE WILL BE USED TO COMMIT OR ATTEMPT TO COMMIT LARCENY.

HB 5125, As Passed Senate, March 7, 2002

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1 (C) POSSESS A TOOL OR DEVICE DESIGNED TO ALLOW THE
2 DEACTIVATION OR REMOVAL OF A THEFT DETECTION DEVICE FROM ANY MER-
3 CHANDISE WITH THE INTENT TO USE THE TOOL OR DEVICE TO DEACTIVATE
4 A THEFT DETECTION DEVICE ON, OR TO REMOVE A THEFT DETECTION
5 DEVICE FROM, ANY MERCHANDISE WITHOUT THE PERMISSION OF THE MER-
6 CHANT OR PERSON OWNING OR LAWFULLY HOLDING THAT MERCHANDISE WITH
7 THE INTENT TO COMMIT OR ATTEMPT TO COMMIT LARCENY.

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

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

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

20 (A) EXCEPT AS PROVIDED IN SUBDIVISION (B), A MISDEMEANOR
21 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF
22 NOT MORE THAN \$1,000.00, OR BOTH.

23 (B) IF THE PERSON HAS A PRIOR CONVICTION FOR VIOLATING
24 SUBSECTION (1), A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE
25 THAN 4 YEARS OR A FINE OF NOT MORE THAN \$4,000.00, OR BOTH.

26 Enacting section 1. This amendatory act takes effect
27 July 1, 2002.