**South Carolina General Assembly**

119th Session, 2011-2012

**H. 3450**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Harrison

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Introduced in the House on January 26, 2011

Currently residing in the House Committee on **Judiciary**

Summary: Retail theft

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/26/2011 House Introduced and read first time ([House Journal‑page 12](file:///h:\hj%20archive\2011\01-26-11.docx))

1/26/2011 House Referred to Committee on **Judiciary** ([House Journal‑page 12](file:///h:\hj%20archive\2011\01-26-11.docx))

**VERSIONS OF THIS BILL**

[1/26/2011](file:///p:\pprever\2011-12\3450_20110126.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 8‑13‑160 SO AS TO CREATE AN OFFENSE RELATING TO STEALING CERTAIN MERCHANDISE FROM A MERCHANT AND TO PROVIDE A PENALTY; BY ADDING SECTION 8‑13‑170 SO AS TO DEFINE NECESSARY TERMS, CREATE AN OFFENSE RELATING TO RETAIL THEFT, AND TO PROVIDE A PENALTY; AND TO AMEND SECTION 16‑13‑180, AS AMENDED, RELATING TO RECEIVING STOLEN GOODS, SO AS TO INCLUDE RECEIVING OR POSSESSING STOLEN GOODS WHEN THE PERSON IS ON NOTICE BY LAW ENFORCEMENT THAT THE GOODS ARE STOLEN.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 3, Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Section 8‑13‑160. (A) It is unlawful to commit larceny against a merchant under the following circumstances:

(1) if the property taken has a value of more than two hundred dollars, by using an exit door erected and maintained to comply with the requirements of 29 C.F.R. § 1910 Subpart E, upon which door has been placed a notice, sign, or poster providing information about the felony offense and punishment provided pursuant to this subsection, to exit the premises of a store;

(2) by removing, destroying, or deactivating a component of an antishoplifting or inventory control device to prevent the activation of an antishoplifting or inventory control device;

(3) by affixing a product code created for the purpose of fraudulently obtaining goods or merchandise from a merchant at less than its actual sale price; or

(4) when the property is infant formula valued in excess of one hundred dollars. As used in this subsection, the term ‘infant formula,’ has the same meaning as found in 21 U.S.C. § 321(z).

(B) A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be fined not more than one thousand dollars or imprisoned for not more than five years.”

SECTION 2. Article 3 Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Section 8‑13‑170. (A) As used in this section, the term:

(1) ‘Retail property’ means a new article, product, commodity, item, or component intended to be sold in retail commerce.

(2) ‘Retail property fence’ means a person or business that buys retail property knowing or believing that the retail property is stolen.

(3) ‘Theft’ means to take possession of, carry away, transfer, or cause to be carried away the retail property of another with the intent to steal the retail property.

(4) ‘Value’ means the retail value of an item as advertised by the affected retail establishment, to include all applicable taxes.

(B) It is unlawful for a person to:

(1) conspire with another person to commit theft of retail property from a retail establishment, with a value exceeding one thousand five hundred dollars aggregated over a ninety‑day period, with the intent to sell that retail property for monetary or other gain, and who takes or causes that retail property to be placed in the control of a retail property fence or other person in exchange for consideration; or

(2) receive or possess retail property that has been taken or stolen in violation of item (1) while knowing or having reasonable grounds to believe the property is stolen.

(C) Any interest a person has acquired or maintained in violation of this section is subject to forfeiture pursuant to the procedures for forfeiture as provided in Section 44‑53‑530.”

SECTION 3. Section 16‑13‑180 of the 1976 Code, as last amended by Act 273 of 2010, is further amended to read:

“Section 16‑13‑180. (A) It is unlawful for a person to buy, receive, or possess stolen goods, chattels, or other property if the person knows or has reason to believe the goods, chattels, or property is stolen. A person is guilty of this offense whether or not anyone is convicted of the theft of the property.

(B) It is unlawful for a person to knowingly receive or possess property in the custody of a law enforcement agency that was explicitly represented to the person by an agent of the law enforcement agency as stolen.

(C) A person who violates the provisions of this section is guilty of a:

(1) misdemeanor triable in magistrates court or municipal court, notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65, if the value of the property is two thousand dollars or less. Upon conviction, the person must be fined not more than one thousand dollars, or imprisoned not more than thirty days;

(2) felony and, upon conviction, must be fined not less than one thousand dollars or imprisoned not more than five years if the value of the property is more than two thousand dollars but less than ten thousand dollars;

(3) felony and, upon conviction, must be fined not less than two thousand dollars or imprisoned not more than ten years if the value of the property is ten thousand dollars or more.

~~(C)~~(D) For the purposes of this section, the receipt of multiple items in a single transaction or event constitutes a single offense.”

SECTION 4. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 5. This act takes effect upon approval by the Governor.

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