
Chapter 61. AN ACT RELATIVE TO THE THEFT AND MUTILATION OF LIBRARY MATERIALS AND PROPERTY.

Be it enacted, etc., as follows:

Chapter 266 of the General Laws is hereby amended by striking out sections 99 and 100, as appearing in the 1988 Official Edition, and inserting in place thereof the following three sections:-

Section 99. As used in sections ninety-nine A and one hundred, the following words shall have the following meanings:-

"Library materials and property", any book, plate, picture, portrait, photograph, broadside, engraving, painting, drawing, map, specimen, print, lithograph, chart, musical score, catalog card, catalog record, statue, coin, medal, computer software, film, periodical, newspaper, magazine, pamphlet, document, manuscript, letter, archival material, public record, microform, sound recording, audio-visual material in any format, magnetic or other tape, tape recorder, film projector or other machinery or equipment, electronic data-processing record, artifact or other documentary written or printed material regardless of the physical form or characteristics which is a constituent element of a library's collection or any part thereof, belonging to, on loan to or otherwise in the custody of any library. Library materials and property shall also include the walls, wainscoting or any part of the library, or any other building or room used for library business or the appurtenances thereof, including furnishings.

"Library premises", the interior of the building, structure or other enclosure in which a library is located, bookmobiles and kiosks, the exterior appurtenances to such building, structure or enclosure is located.

Section 99A. Whoever willfully conceals on his person or among his belongings any library materials or property and removes said library materials or property, if the value of the property stolen exceeds two hundred and fifty dollars, shall be punished by imprisonment in the state prison for not more than five years, or by a fine of not less than one thousand nor more than twenty-five thousand dollars, or both; or, if the value of the property stolen does not exceed two hundred and fifty dollars, shall be punished by imprisonment in jail for not more than one year or by a fine of not less than one hundred nor more than one thousand dollars, or both, and ordered to pay the replacement value of such library materials or property, including all reasonable processing costs, as determined by the governing board of said library.

Any person who has properly charged out any library materials or property, and who, upon neglect to return the same within the time required and specified in the by-laws, rules or regulations of the library owning the property, after receiving notice from the librarian or other proper custodian of the property that the same

is overdue, shall willfully fail to return the same within thirty days from the date of such notice shall pay a fine of not less than one hundred nor more than five hundred dollars and shall pay the replacement value of such library materials or property, including all reasonable processing costs, as determined by said governing board. Each piece of library property shall be considered a separate offense.

The giving of a false identification or fictitious name, address or place of employment with the intent to deceive, or borrowing or attempting to borrow any library material or property by: the use of a library card issued to another without the other's consent; the use of a library card knowing that it is revoked, canceled or expired; or, the use of a library card knowing that it is falsely made, counterfeit or materially altered shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars.

The willful alteration or destruction of library ownership records, electronic or catalog records retained apart from or applied directly to the library materials or property shall be punished by imprisonment in the state prison for not more than five years or by a fine of not less than one thousand nor more than twenty-five thousand dollars, or both, and shall pay the replacement value of such library materials or property, including all reasonable processing costs, as determined by the governing board having jurisdiction.

Section 100. Whoever willfully, maliciously or wantonly writes upon, injures, defaces, tears, cuts, mutilates or destroys any library material or property, shall make restitution in full replacement value of the library materials or property, and, in addition, shall be punished by imprisonment in a house of correction for not more than two years or by a fine of not less than one hundred nor more than one thousand dollars, or both.

A law enforcement officer may arrest without warrant any person he has probable cause to believe has violated the provisions of section ninety-nine A and this section. The statement of an employee or agent of the library, eighteen years of age or older, that a person has violated the provisions of said section ninety-nine A and this section shall constitute probable cause for arrest by a law enforcement officer authorized to make an arrest in such jurisdiction. The activation of an electronic anti-theft device shall constitute probable cause for believing that a person has violated the provisions of this section.

A library shall prepare posters to be displayed therein in a conspicuous place. Said posters shall contain a summary and explanation of said section ninety-nine A and this section.

Approved June 8, 1990.