

By Mr. Zarod, a petition (accompanied by bill, Senate, No. 1100) of Stanley J. Zarod for legislation to regulate the crime of larceny by shoplifting. The Judiciary.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty.

### AN ACT REGULATING THE CRIME OF LARCENY BY SHOPLIFTING.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 30 of chapter 266 of the General Laws,  
2 as most recently amended by section 10 of chapter 737 of the  
3 acts of 1968, is hereby amended by adding the following para-  
4 graph: —

5 (5) Whoever, while on the premises of a merchant, con-  
6 ceals upon his person or among his belongings, unpurchased  
7 goods displayed, held, stored or offered for sale on said prem-  
8 ises, and removes such goods, while so concealed, beyond the  
9 last location in the premises at which payment could be made,  
10 shall be presumed to be stealing or attempting to steal or  
11 secreting with intent to convert the said goods, which offense  
12 shall be larceny by shoplifting, and shall, if the value of the  
13 goods exceeds one hundred dollars, be punished by imprison-  
14 ment in jail for not more than two and one-half years, or by  
15 a fine of not less than one hundred dollars nor more than  
16 twice the retail value of such unpurchased goods; or, if the  
17 value of said goods does not exceed one hundred dollars, shall  
18 be punished by imprisonment in jail for not more than six  
19 months or by a fine of not more than two hundred dollars;  
20 and for a subsequent offense, if the value of the goods exceeds  
21 one hundred dollars, shall be punished by imprisonment in  
22 the state prison for not more than five years or, for such sub-  
23 sequent offense, if the value of the goods does not exceed one  
24 hundred dollars, shall be punished by imprisonment in jail for  
25 not more than one year; provided, however, that in the case  
26 of any person charged with a violation under this paragraph

27 who has not been previously convicted of a violation of any  
28 law of the commonwealth or of any other state or of the  
29 United States in any criminal court proceeding except for  
30 traffic violations for which no term of imprisonment may  
31 have been imposed, the court may with the consent of the  
32 defendant, place said defendant on probation which shall in-  
33 clude a requirement that the defendant participate in coun-  
34 selling, educational or job training programs or to do work  
35 or participate in activities of a type and for a period of time  
36 deemed appropriate by the court. Upon successful comple-  
37 tion of the term of probation all records relating to the of-  
38 fense shall be expunged. A parent or legal guardian of a per-  
39 son, over the age of seventeen years and under the age of  
40 eighteen years, shall be liable in a civil action brought by the  
41 owner of such unpurchased goods for damages to the extent  
42 of all reasonable costs, including attorney fees, incurred by  
43 such owner as a result of said larceny by shoplifting.

1 SECTION 2. Chapter 276 of the General Laws is hereby  
2 amended by adding after section 28 the following section: —  
3 *Section 28A.* Any officer authorized to serve criminal proc-  
4 ess may arrest without the issuance of a warrant any person  
5 whom he has probable cause to believe has committed or is  
6 committing larceny by shoplifting as defined in section thirty  
7 of chapter two hundred and sixty-six.







