



ARIZONA STATE SENATE
Fifty-Sixth Legislature, Second Regular Session

FACT SHEET FOR S.B. 1412

shoplifting; prior offenses

Purpose

Stipulates that any time a person spent on absconder status while on probation, on escape status or incarcerated is excluded in calculating if the person has previously committed or been convicted of two or more outlined offenses within the past five years for the purpose of calculating whether the person is guilty of a class 4 felony.

Background

Current statute deems that a person is guilty of a class 4 felony if the person, in the course of shoplifting, uses an artifice, instrument, container, device or other article with the intent to facilitate *shoplifting* or who commits *shoplifting* and who has previously committed or been convicted of two or more offenses involving *burglary*, *shoplifting*, *robbery*, *organized retail theft* or *theft* within the past five years.

A person commits *shoplifting* if, while in an establishment in which merchandise is displayed for sale, the person knowingly obtains such goods of another with the intent to deprive that person of such goods by: 1) removing any of the goods from the immediate display or from any other place within the establishment without paying the purchase price; 2) charging the purchase price of the goods to a fictitious person or any person without that person's authority; 3) paying less than the purchase price of the goods by some trick or artifice such as altering, removing, substituting or otherwise disfiguring any label, price tag or marking; 4) transferring the goods from one container to another; or 5) concealment. A merchant, or a merchant's agent or employee, with reasonable cause, may detain on the premises in a reasonable manner and for a reasonable time any person who is suspected of *shoplifting* for questioning or summoning a law enforcement officer ([A.R.S. § 13-1805](#)).

A class 4 felony carries a presumptive imprisonment sentence of 2.5 years for a first time felony offender, with a possible maximum sentence of 15 years for aggravated offenses committed by a category 3 repetitive offender (A.R.S. §§ [13-702](#) and [13-703](#)). The fine for a felony may be up to \$150,000 ([A.R.S. § 13-801](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Stipulates that any time a person spent on absconder status while on probation, on escape status or incarcerated is excluded in calculating if the person has previously committed or been convicted of two or more offense involving *burglary*, *shoplifting*, *robbery*, *organized retail theft* or *theft* within the past five years.

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2. Defines *escape* as:
 - a) a departure from custody or from a juvenile secure care facility, a juvenile detention facility or an adult correctional facility in which a person is held or detained, with knowledge that the departure is not allowed, or the failure to return to custody or detention following a temporary leave granted for a specific purpose or for a limited period; or
 - b) a failure to report as ordered to custody or detention to begin serving a term of incarceration.
3. Makes technical changes.
4. Becomes effective on the general effective date.

Prepared by Senate Research

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ZD/SB/cs