

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

HOUSE BILL HB1085

By: Mitchell

AS INTRODUCED

An Act relating to crimes and punishments;  
prohibiting use, possession, manufacture and  
distribution of theft detection shielding devices and  
theft detection device deactivators or removers;  
prohibiting removal of theft detection devices;  
establishing penalty; stating circumstances under  
which persons may be detained; limiting liability of  
persons in compliance with certain procedures;  
defining term; providing for codification; and  
providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 1741 of Title 21, unless there  
is created a duplication in numbering, reads as follows:

A. It shall be unlawful for any person to distribute, knowingly  
manufacture, sell, or offer for sale or distribution in any way a  
theft detection shielding device.

B. It shall be unlawful for any person to knowingly possess any  
theft detection shielding device with the intent to commit, aid or  
abet a theft.

C. It shall be unlawful for any person to knowingly possess any  
tool or device designed to allow, or capable of allowing, the  
deactivation, or removal from any merchandise, of any theft  
detection device, with the intent to use that tool or device to  
deactivate any theft detection device on, or to remove any theft  
detection device from, any merchandise without the permission of the  
merchant or person owning or lawfully holding the merchandise.

D. It shall be unlawful for any person to distribute, knowingly  
manufacture, sell, or offer for sale or distribution in any way a

tool or device designed to allow, or capable of allowing, the deactivation, or removal from any merchandise, of any theft detection device without the permission of the merchant or person owning or lawfully holding the merchandise.

E. It shall be unlawful for any person to intentionally deactivate a theft detection device on, or remove a theft detection device from, merchandise in a retail establishment prior to purchase.

F. Any person convicted of violating the provisions of this section shall be guilty of a felony, and upon conviction shall be punishable by imprisonment in the custody of the Department of Corrections for a period of not more than five (5) years.

G. The activation of an antishoplifting or inventory control device as a result of a person exiting the establishment or a protected security device within the area within the establishment shall constitute reasonable cause for the detention of the person so exiting by the owner or operator of the establishment or by an agent or employee of the owner or operator, provided notice has been posted to advise the patrons that the establishment utilizes antishoplifting or inventory control devices. The detention shall be made only in a reasonable manner and only for a period of time reasonably sufficient for an inquiry into the circumstances surrounding the activation of the device or for the recovery of goods. The taking into custody and detention by a law enforcement officer, security officer, merchant, employee or agent of a merchant, if done in compliance with all the requirements of this subsection, shall not render the law enforcement officer, security officer, merchant, employee or agent of the merchant criminally or civilly liable, including any liability for false arrest, false imprisonment, unlawful detention, malicious prosecution, intentional infliction of emotional distress or defamation.

H. For purposes of this section "theft detection shielding device" means any item including, but not limited to, a laminated or coated bag intended to shield merchandise from detection by an electronic or magnetic theft detector.

SECTION 2. This act shall become effective November 1, 2001.

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