

Senate Bill 251

By: Senators Lee of the 29<sup>th</sup>, Bowen of the 13<sup>th</sup> and Ray of the 48<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 16-8-14 of the Official Code of Georgia Annotated, relating to the  
2 offense of theft by shoplifting, so as to change certain penalties applicable to such offense;  
3 to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 style="text-align:center">**SECTION 1.**

6 Code Section 16-8-14 of the Official Code of Georgia Annotated, relating to the offense of  
7 theft by shoplifting, is amended by striking in its entirety paragraph (1) of subsection (b) and  
8 inserting in lieu thereof a new paragraph (1) to read as follows:

9 "(b)(1) A person convicted of the offense of theft by shoplifting, as provided in  
10 subsection (a) of this Code section, when the property which was the subject of the theft  
11 is \$300.00 or less in value shall be punished as for a misdemeanor; provided, however,  
12 that:

13 (A) Upon conviction of a second offense for shoplifting, where the first offense is  
14 either a felony or a misdemeanor, as defined by this Code section, in addition to or in  
15 lieu of any imprisonment which might be imposed, the defendant shall be fined not less  
16 than \$250.00 and the fine shall not be suspended or probated; and

17 ~~(B) Upon conviction of a third offense for shoplifting, where the first two offenses are~~  
18 ~~either felonies or misdemeanors, or a combination of a felony and a misdemeanor, as~~  
19 ~~defined by this Code section, in addition to or in lieu of any fine which might be~~  
20 ~~imposed, the defendant shall be punished by imprisonment for not less than 30 days or~~  
21 ~~confinement in a 'special alternative incarceration-probation boot camp,' probation~~  
22 ~~detention center, diversion center, or other community correctional facility of the~~  
23 ~~Department of Corrections for a period of 120 days or shall be sentenced to monitored~~  
24 ~~house arrest for a period of 120 days and, in addition to either such types of~~  
25 ~~confinement, may be required to undergo psychological evaluation and treatment to be~~

1 ~~paid for by the defendant; and such sentence of imprisonment or confinement shall not~~  
2 ~~be suspended, probated, deferred, or withheld; and~~  
3 ~~(C)~~(B) Upon conviction of a fourth third or subsequent offense for shoplifting, where  
4 the prior convictions are either felonies or misdemeanors, or any combination of  
5 felonies and misdemeanors, as defined by this Code section, the defendant commits a  
6 felony and shall be punished by imprisonment for not less than one nor more than ten  
7 years; and the first year of such sentence shall not be suspended, probated, deferred, or  
8 withheld."

9 **SECTION 2.**

10 All laws and parts of laws in conflict with this Act are repealed.