

House Bill 1175

By: Representative Neal of the 79th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 8 of Title 16 of the Official Code of Georgia Annotated,
2 relating to theft, so as to provide for the offense of theft by shoplifting of essential items; to
3 provide for penalty and for prosecution by citation; to provide for punishment; to provide for
4 a definition; to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 1 of Chapter 8 of Title 16 of the Official Code of Georgia Annotated, relating to theft,
8 is amended by revising subsection (b) of Code Section 16-8-14, relating to theft by
9 shoplifting, by adding a new paragraph to read as follows:

10 "(5)(A) As used in this paragraph, the term 'essential item' means a food or toiletry
11 good or merchandise that is necessary and fundamental for a person's daily survival and
12 basic well-being.

13 (B) A person convicted of the offense of theft by shoplifting, as provided in
14 subsection (a) of this Code section, when the property which was the subject of theft
15 is an essential item and when the aggregate value of such essential item or items is less
16 than \$100.00, commits a misdemeanor and shall be punished by the local governing

17 authority of the county in which such theft occurred. Such local governing authority
18 may provide that prosecution for an offense under this paragraph shall be commenced
19 by the completion, signature, and service of a citation by any agent of the county who
20 is authorized by the local governing authority to issue citations; provided, however, that
21 no fine shall be assessed, and the court may order that community service, which may
22 include an assignment to a local food pantry or nonprofit organization, be considered
23 as a condition of probation in lieu of other court imposed sentencing orders or financial
24 obligations.

25 (C) The citation provided for in subparagraph (B) of this paragraph shall:

26 (i) State the time and place at which the accused is to appear for trial;

27 (ii) Identify the offense with which the accused is charged;

28 (iii) Include an identifying number by which such citation shall be filed with the
29 court;

30 (iv) Indicate the identity of the accused and the date of service; and

31 (v) Be signed by the authorized agent who completes and serves the citation.

32 (D) Upon the third conviction of the offense of theft by shoplifting of an essential item
33 under this paragraph, the defendant shall be subject to penalties provided in
34 subparagraph (b)(1)(B) of this subsection."

35 **SECTION 2.**

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