

HSB 612

Bauder, Chair  
Tager  
Bell

JUDICIARY  
Succeeded  
HOUSE FILE SE/HF  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL  
BY CHAIRPERSON LARSON)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act establishing a criminal offense relating to theft  
2 detection shielding devices and theft detection devices and  
3 providing a penalty.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 714.7B THEFT DETECTION DEVICES  
2 -- SHIELD OR REMOVAL PROHIBITED.

3 1. A person shall not intentionally manufacture or attempt  
4 to manufacture, sell or attempt to sell, possess, use,  
5 distribute or attempt to distribute, a theft detection  
6 shielding device.

7 2. A person shall not intentionally remove or attempt to  
8 remove a theft detection device without the permission of the  
9 merchant who is displaying or selling the goods, wares, or  
10 merchandise.

11 3. A person shall not possess any tool, instrument, or  
12 device with the intent to use it in the unlawful removal of a  
13 theft detection device.

14 4. For purposes of this section, "theft detection  
15 shielding device" means any laminated or coated bag or device  
16 designed to shield merchandise from detection by an electronic  
17 or magnetic theft alarm system or any other system designed to  
18 alert a person of a possible theft. "Theft detection device"  
19 means any electronic or other device attached to goods, wares,  
20 or merchandise on display or for sale by a merchant.

21 5. A person who violates this section commits a serious  
22 misdemeanor.

23 EXPLANATION

24 This bill creates new criminal offenses related to theft  
25 detection shielding and theft detection devices.

26 The bill provides that a person shall not manufacture or  
27 attempt to manufacture, sell or attempt to sell, possess, use,  
28 distribute or attempt to distribute, a theft detection  
29 shielding device. The bill provides that a person shall not  
30 remove or attempt to remove a theft detection device from  
31 merchandise without the permission of the merchant. The bill  
32 also provides that a person shall not possess a tool to remove  
33 a theft detection device with the intent to unlawfully remove  
34 a device.

35 The bill defines theft detection shield to mean a laminated

1 or coated bag designed to shield merchandise from detection by  
2 a theft alarm system. The bill defines a theft detection  
3 device to mean an electronic or other device attached to  
4 merchandise on display by a merchant.

5 A person who commits a violation of this bill is guilty of  
6 a serious misdemeanor. A serious misdemeanor is punishable by  
7 confinement for no more than one year and a fine of at least  
8 \$250 but not more than \$1,500.

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REPRINTED

3/8/00 motion to R/c by Schrader  
S-3/15/00 Judiciary  
S-3/16/00 Do Pass

FEB 23 2000  
Place On Calendar

HOUSE FILE **2391**  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 612)

Passed House, Date 3-14-00 Passed Senate, Date 3/28/00  
Vote: Ayes 89 Nays 6 Vote: Ayes 46 Nays 0  
Approved 4-18-00

(P. 1126) Re Passed 3-29-00  
vote 87-7

A BILL FOR

1 An Act establishing a criminal offense relating to theft  
2 detection shielding devices and theft detection devices and  
3 providing a penalty.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2391

1 Section 1. NEW SECTION. 714.7B THEFT DETECTION DEVICES

2 -- SHIELD OR REMOVAL PROHIBITED.

3 1. A person shall not intentionally manufacture or attempt  
4 to manufacture, sell or attempt to sell, possess, use,  
5 distribute or attempt to distribute, a theft detection  
6 shielding device.

7 2. A person shall not intentionally remove or attempt to  
8 remove a theft detection device without the permission of the  
9 merchant who is displaying or selling the goods, wares, or  
10 merchandise.

11 3. A person shall not possess any tool, instrument, or  
12 device with the intent to use it in the unlawful removal of a  
13 theft detection device.

14 4. For purposes of this section, "theft detection  
15 shielding device" means any laminated or coated bag or device  
16 designed to shield merchandise from detection by an electronic  
17 or magnetic theft alarm system or any other system designed to  
18 alert a person of a possible theft. "Theft detection device"  
19 means any electronic or other device attached to goods, wares,  
20 or merchandise on display or for sale by a merchant.

21 5. A person who violates this section commits a serious  
22 misdemeanor.

23 EXPLANATION

24 This bill creates new criminal offenses related to theft  
25 detection shielding and theft detection devices.

26 The bill provides that a person shall not manufacture or  
27 attempt to manufacture, sell or attempt to sell, possess, use,  
28 distribute or attempt to distribute, a theft detection  
29 shielding device. The bill provides that a person shall not  
30 remove or attempt to remove a theft detection device from  
31 merchandise without the permission of the merchant. The bill  
32 also provides that a person shall not possess a tool to remove  
33 a theft detection device with the intent to unlawfully remove  
34 a device.

35 The bill defines theft detection shield to mean a laminated

1 or coated bag designed to shield merchandise from detection by  
2 a theft alarm system. The bill defines a theft detection  
3 device to mean an electronic or other device attached to  
4 merchandise on display by a merchant.

5 A person who commits a violation of this bill is guilty of  
6 a serious misdemeanor. A serious misdemeanor is punishable by  
7 confinement for no more than one year and a fine of at least  
8 \$250 but not more than \$1,500.

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HOUSE FILE 2391

H-8320

1 Amend House File 2391 as follows:

2 1. Page 1, line 21, by striking the words "this  
3 section" and inserting the following: "subsection 1  
4 or 3".

5 2. Page 1, by inserting after line 22 the  
6 following:

7 "6. A person who violates subsection 2 commits the  
8 following:

9 a. A simple misdemeanor if the value of the goods,  
10 wares, or merchandise does not exceed two hundred  
11 dollars.

12 b. A serious misdemeanor if the value of the  
13 goods, wares, or merchandise exceeds two hundred  
14 dollars."

By SCHRADER of Marion  
BAUDLER of Adair

H-8320 FILED MARCH 13, 2000

*Adopted*  
3/14/00 (p. 125)

S  
S- 4/16/00 *unpublished*  
S- 3/23/00 *unpublished*  
*Indiana Colorado*

HOUSE FILE **2391**  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 612)

(As Amended and Passed by the House, March 14, 2000)

Passed House, <sup>(P. 1126)</sup> Date 3-29-00 Passed Senate, <sup>(P. 882)</sup> Date 3/28/00  
Vote: Ayes 87 Nays 7 Vote: Ayes 46 Nays 0  
Approved 4-18-00

A BILL FOR

1 An Act establishing a criminal offense relating to theft  
2 detection shielding devices and theft detection devices and  
3 providing a penalty.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 2391

S-5218

1 Amend House File 2391, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, line 7, by striking the word  
4 "intentionally".

5 2. Page 1, line 8, by inserting after the word  
6 "device" the following: "with the intent of  
7 committing a theft and".

By JEFF ANGELO

S-5218 FILED MARCH 22, 2000

*adopted*  
*3/28/00 (P. 882)*

HF 2391

1 Section 1. NEW SECTION. 714.7B THEFT DETECTION DEVICES

2 -- SHIELD OR REMOVAL PROHIBITED.

3 1. A person shall not intentionally manufacture or attempt  
4 to manufacture, sell or attempt to sell, possess, use,  
5 distribute or attempt to distribute, a theft detection  
6 shielding device.

7 2. A person shall not intentionally remove or attempt to  
8 remove a theft detection device without the permission of the  
9 merchant who is displaying or selling the goods, wares, or  
10 merchandise.

11 3. A person shall not possess any tool, instrument, or  
12 device with the intent to use it in the unlawful removal of a  
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14 4. For purposes of this section, "theft detection  
15 shielding device" means any laminated or coated bag or device  
16 designed to shield merchandise from detection by an electronic  
17 or magnetic theft alarm system or any other system designed to  
18 alert a person of a possible theft. "Theft detection device"  
19 means any electronic or other device attached to goods, wares,  
20 or merchandise on display or for sale by a merchant.

21 5. A person who violates subsection 1 or 3 commits a  
22 serious misdemeanor.

23 6. A person who violates subsection 2 commits the  
24 following:

25 a. A simple misdemeanor if the value of the goods, wares,  
26 or merchandise does not exceed two hundred dollars.

27 b. A serious misdemeanor if the value of the goods, wares,  
28 or merchandise exceeds two hundred dollars.

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SENATE AMENDMENT TO HOUSE FILE 2391

H-8607

- 1 Amend House File 2391, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 7, by striking the word
- 4 "intentionally".
- 5 2. Page 1, line 8, by inserting after the word
- 6 "device" the following: "with the intent of
- 7 committing a theft and".

RECEIVED FROM THE SENATE

H-8607 FILED MARCH 28, 2000

*House Concurred*

3-29-00

(p. 1126)

HOUSE FILE 2391

AN ACT

ESTABLISHING A CRIMINAL OFFENSE RELATING TO THEFT  
DETECTION SHIELDING DEVICES AND THEFT DETECTION DEVICES AND  
PROVIDING A PENALTY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 714.7B THEFT DETECTION DEVICES

-- SHIELD OR REMOVAL PROHIBITED.

1. A person shall not intentionally manufacture or attempt to manufacture, sell or attempt to sell, possess, use, distribute or attempt to distribute, a theft detection shielding device.

2. A person shall not remove or attempt to remove a theft detection device with the intent of committing a theft and without the permission of the merchant who is displaying or selling the goods, wares, or merchandise.

3. A person shall not possess any tool, instrument, or device with the intent to use it in the unlawful removal of a theft detection device.

4. For purposes of this section, "theft detection shielding device" means any laminated or coated bag or device designed to shield merchandise from detection by an electronic or magnetic theft alarm system or any other system designed to alert a person of a possible theft. "Theft detection device" means any electronic or other device attached to goods, wares, or merchandise on display or for sale by a merchant.

5. A person who violates subsection 1 or 3 commits a serious misdemeanor.

6. A person who violates subsection 2 commits the following:

a. A simple misdemeanor if the value of the goods, wares, or merchandise does not exceed two hundred dollars.

b. A serious misdemeanor if the value of the goods, wares, or merchandise exceeds two hundred dollars.

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BRENT SIEGRIST  
Speaker of the House

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MARY E. KRAMER  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2391, Seventy-eighth General Assembly.

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ELIZABETH ISAACSON  
Chief Clerk of the House

Approved 4/18, 2000

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THOMAS J. VILSACK  
Governor

HF 2391