
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1931 Session of
1989

INTRODUCED BY PETRARCA, MARKOSEK, DININNI, GEIST, DeLUCA AND
BILLOW, OCTOBER 2, 1989

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 2, 1989

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for the offense of
3 retail theft.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 3929(a), (c), (c.1) and (f) of Title 18
7 of the Pennsylvania Consolidated Statutes is amended to read:

8 § 3929. Retail theft.

9 (a) Offense defined.--A person is guilty of a retail theft
10 if he:

11 (1) takes possession of, carries away, transfers or
12 causes to be carried away or transferred, any merchandise
13 displayed, held, stored or offered for sale by any store or
14 other retail mercantile establishment with the intention of
15 depriving the merchant of the possession, use or benefit of
16 such merchandise without paying the full retail value
17 thereof;

18 (2) alters, transfers or removes any label, price tag

1 marking, indicia of value or any other markings which aid in
2 determining value affixed to any merchandise displayed, held,
3 stored or offered for sale in a store or other retail
4 mercantile establishment and attempts to purchase such
5 merchandise personally or in consort with another at less
6 than the full retail value with the intention of depriving
7 the merchant of the full retail value of such merchandise;

8 [(3) transfers any merchandise displayed, held, stored
9 or offered for sale by any store or other retail mercantile
10 establishment from the container in or on which the same
11 shall be displayed to any other container with intent to
12 deprive the merchant of all or some part of the full retail
13 value thereof; or

14 (4)] or (3) under-rings with the intention of depriving
15 the merchant of the full retail value of the merchandise.

16 * * *

17 (c) Presumptions.--Any person intentionally concealing
18 unpurchased property of any store or other mercantile
19 establishment, [either on the premises or] and removing the
20 unpurchased property to outside the premises of such store,
21 shall be prima facie presumed to have so concealed such property
22 with the intention of depriving the merchant of the possession,
23 use or benefit of such merchandise without paying the full
24 retail value thereof within the meaning of subsection (a), and
25 the finding of such unpurchased property concealed, upon the
26 person or among the belongings of such person, shall be prima
27 facie evidence of intentional concealment, and, if such person
28 conceals, or causes to be concealed, such unpurchased property,
29 upon the person or among the belongings of another, such fact
30 shall also be prima facie evidence of intentional concealment on

1 the part of the person so concealing such property.

2 [(c.1) Evidence.--To the extent that there is other
3 competent evidence to substantiate the offense, the conviction
4 shall not be avoided because the prosecution cannot produce the
5 stolen merchandise.]

6 * * *

7 (f) Definitions.--

8 "Conceal." [To conceal merchandise so that, although there
9 may be some notice of its presence, it is not visible through
10 ordinary observation.] To hide merchandise under and/or in one's
11 clothing or person so that it is not visible through careful or
12 ordinary observation. The placing of merchandise in a shopping
13 cart, shopping basket or shopping bag or like container shall
14 not, in itself, be deemed concealment.

15 "Full retail value." The merchant's stated or advertised
16 price of the merchandise.

17 "Merchandise." Any goods, chattels, foodstuffs or wares of
18 any type and description, regardless of the value thereof.

19 "Merchant." An owner or operator of any retail mercantile
20 establishment or any agent, employee, lessee, consignee,
21 officer, director, franchisee or independent contractor of such
22 owner or operator.

23 "Premises of a retail mercantile establishment." Includes
24 but is not limited to, the retail mercantile establishment, any
25 common use areas in shopping centers and all parking areas set
26 aside by a merchant or on behalf of a merchant for the parking
27 of vehicles for the convenience of the patrons of such retail
28 mercantile establishment.

29 "Store or other retail mercantile establishment." A place
30 where merchandise is displayed, held, stored or sold or offered

1 to the public for sale.

2 "Under-ring." To cause the cash register or other sales
3 recording device to reflect less than the full retail value of
4 the merchandise.

5 * * *

6 Section 2. This act shall take effect in 60 days.