

ONE HUNDRED FIRST LEGISLATURE - SECOND SESSION - 2010
COMMITTEE STATEMENT
LB894

Hearing Date: Thursday February 18, 2010
Committee On: Judiciary
Introducer: Pirsch
One Liner: Change provisions relating to shoplifting and prohibit possession of any store security device countermeasure

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye: 8 Senators Ashford, Christensen, Coash, Council, Lathrop, Lautenbaugh, McGill, Rogert
Nay:
Absent:
Present Not Voting:

Proponents:

Sen. Pete Pirsch
Marty Conboy
Jim Cahill
Kathy Siefken
Jim Otto

Representing:

Introducer
City of Omaha
Nebraska Furniture Mart
Nebraska Grocery Industry
Nebraska Retail Federation

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 894 amends Nebraska statute in the following ways:

1. Would add section 3 of this act to the Nebraska Criminal Code,
 2. Would amend 28-511.01(Theft by shoplifting; penalty; photographic evidence) by expanding the crime of shoplifting to specify that the crime occurs when "goods or" merchandise was appropriated with the intent to deprive the owner of possession of the good or the value of the goods.
 3. This bill would also amend 28-511.01(1)(f) to provide that an attempt to "alter, disable, shield, or remove any security or alarm device attached to goods or merchandise or using or possessing a security countermeasure prior to the purchase of the goods or merchandise is a violation of the shoplifting act."
 4. Would provide that it would be unlawful for a person to possess a countermeasure device in a store or retail establishment unless they were an authorized agent of the store. A violation of this act would be a class II misdemeanor.
 5. Under section 3 of this act, a countermeasure device means: (1) any laminated or coated bag, container, or cover capable of shielding goods or merchandise of a store or retail establishment from detection by an electronic or magnetic theft alarm sensor or (2) a device which bypasses, disables or removes electronic or magnetic theft alarm sensor.
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Explanation of amendments:

AM 1958 would make the following changes to LB 894:

- On page 2, line 25 after the first comma insert "bypasses" to clarify that a person is in violation of this statute if they attempt to interfere with a stores security or alarm device that is attached or encompassing merchandise, or is in possession of a security countermeasure device as defined in section three of this act, prior to purchasing goods.

- Section 3(2) is revised by striking on page 4, beginning with (a) through (b), to clarify the definition of security devise countermeasure.

Brad Ashford, Chairperson