

§ 14-72.11. Larceny from a merchant.

A person is guilty of a Class H felony if the person commits larceny against a merchant under any of the following circumstances:

- (1) By taking property that has a value of more than two hundred dollars (\$200.00), using an exit door erected and maintained to comply with the requirements of 29 C.F.R. § 1910.36 and 29 C.F.R. § 1910.37, to exit the premises of a store.
- (2) By removing, destroying, or deactivating a component of an antishoplifting or inventory control device to prevent the activation of any antishoplifting or inventory control device. As used in this subdivision, the phrase "antishoplifting or inventory control device" shall mean any physical or electronic mechanism utilized to prevent larceny from a merchant and includes, but is not limited to, product security tags affixed to an item, shelving, security cameras, and security systems utilized by a merchant to prevent larceny.
- (3) Repealed by Session Laws 2024-22, s. 2(d), effective December 1, 2024, and applicable to offenses committed on or after that date.
- (4) When the property is infant formula valued in excess of one hundred dollars (\$100.00). As used in this subsection, the term "infant formula," has the same meaning as found in 21 U.S.C. § 321(z).
- (5) By exchanging property for cash, a gift card, a merchandise card, or some other item of value, knowing or having reasonable grounds to believe the property is stolen.
- (6) By fraudulently creating a product code or any other price mechanism utilized by a merchant to determine the price of a good with the intent to fraudulently obtain goods or merchandise from a merchant at less than its actual sale price.
- (7) By affixing a product code or any other price mechanism utilized by a merchant to determine the price of a good when the product code or other price mechanism was created by someone other than the merchant or manufacturer of the goods or merchandise for the purpose of fraudulently obtaining goods or merchandise from a merchant at less than its actual sale price.
- (8) By presenting a good for purchase for the purpose of fraudulently obtaining goods or merchandise from a merchant at less than its actual sales price knowing that a product code or any other price mechanism utilized by a merchant to determine the price of the good has been replaced by a product code or other price mechanism created by someone other than the merchant or manufacturer.

As used in this section, the phrase "product code or other pricing mechanism" shall mean any means used by a merchant to designate or identify the price of an item by a person or a merchant and includes, but is not limited to, a price tag, a Universal Product Code (UPC), or a Quick Response (QR) Code. (2007-373, s. 2; 2008-187, s. 34(b); 2017-162, s. 1; 2024-22, s. 2(d).)