

6-3-402. Theft; penalties.

(a) A person is guilty of theft if he knowingly takes, obtains, procures, retains or exercises control over or makes an unauthorized transfer of an interest in the property of another person without authorization or by threat or by deception, or he receives, loans money by pawn or pledge on or disposes of the property of another person that he knew or reasonably should have known was stolen, and he:

(i) Intends to deprive the other person of the use or benefit of the property;

(ii) Knowingly uses, receives, conceals, abandons or disposes of the property in such manner as to deprive the other person of its use or benefit; or

(iii) Demands anything of value to which he has no legal claim as a condition for returning or otherwise restoring the property to the other person.

(b) Repealed By Laws 2013, Ch. 191, § 3.

(c) Except as provided in subsections (g) and (j) of this section, theft is:

(i) A felony punishable by imprisonment for not more than ten (10) years, a fine of not more than ten thousand dollars (\$10,000.00), or both, if the value of the property is one thousand dollars (\$1,000.00) or more or if the property is a firearm, horse, mule, sheep, cattle, buffalo or swine regardless of value; or

(ii) Repealed by Laws 1984, ch. 44, § 3.

(iii) A misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both, if the value of the property is less than one thousand dollars (\$1,000.00).

(d) Repealed By Laws 2013, Ch. 191, § 3.

(e) Repealed By Laws 2013, Ch. 191, § 3.

(f) Repealed By Laws 2013, Ch. 191, § 3.

(g) In addition to the penalties provided in subsection (c) of this section, any person convicted of a second or subsequent offense for theft of motor vehicle fuel offered for retail sale shall have his driver's license suspended pursuant

to W.S. 31-7-128(n). The court shall forward to the department of transportation a copy of the record pertaining to disposition of the arrest or citation.

(h) The amount of property involved in violations of this section committed pursuant to a common scheme or the same transaction, whether the property is taken from the same person or different persons, may be aggregated in determining the value of the property.

(j) Any person convicted of a fifth or subsequent offense for theft, shoplifting, larceny, wrongful taking of property, wrongful disposal of property or livestock rustling, any other theft offense under this section, any theft offense under a municipal ordinance or any theft offense pursuant to a substantially similar law of another jurisdiction separately brought and tried shall be guilty of a felony punishable by imprisonment for not more than ten (10) years, a fine of not more than ten thousand dollars (\$10,000.00), or both.

6-3-405. Reasonable detention and interrogation of persons suspected of shoplifting or altering price tag; defense in civil or criminal action.

(a) A peace officer, merchant or merchant's employee who has reasonable cause to believe a person is violating W.S. 6-3-402 with regard to property offered for sale by a wholesale or retail store may detain and interrogate the person in regard to the suspected violation in a reasonable manner and for a reasonable time.

(b) In a civil or criminal action for slander, false arrest, false imprisonment, assault, battery or wrongful detention based upon a detention and interrogation pursuant to this section, it is a defense that the peace officer, merchant or merchant's employee had reasonable cause to believe the person was violating W.S. 6-3-402 with regard to property offered for sale by a wholesale or retail store and the detention and interrogation were conducted in a reasonable manner and for a reasonable time.

6-3-411. Unlawful use of theft detection shielding devices; penalty.

(a) A person commits unlawful use of a theft detection shielding device when he knowingly manufacturers, sells, offers for sale or distributes any laminated or coated bag or device peculiar to shielding and intended to shield merchandise from detection by an electronic or magnetic theft alarm sensor.

(b) A person commits unlawful possession of a theft detection shielding device when he knowingly possesses any laminated or coated bag or device peculiar to and designed for shielding and intended to shield merchandise from detection by an electronic or magnetic theft alarm sensor, with the intent to commit theft.

(c) A person commits unlawful possession of a theft detection device remover when he knowingly possesses any tool or device designed to allow the removal of any theft detection device from any merchandise without the permission of the merchant or person owning or holding the merchandise, with the intent to commit theft.

(d) A person commits the offense of unlawful removal of a theft detection device when he intentionally removes the device from a product prior to purchase without the permission of the merchant or person owning or holding the merchandise.

(e) A person who commits any of the offenses specified under subsections (a) through (d) of this section shall be guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both.