

ORD-3634

1 AN ORDINANCE TO AMEND SECTIONS 17-5, 23-31  
2 AND 23-32 OF THE CITY CODE PERTAINING TO  
3 PETIT LARCENY  
4

5 Sections Amended: §§ 17-5, 23-31 and 23-32  
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7 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VIRGINIA BEACH,  
8 VIRGINIA:  
9

10 That Section 17-5, 23-31 and 23-32 are hereby amended to the Code of the City  
11 of Virginia Beach, Virginia to read as follows:  
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13 **Sec. 17-5. - Concealment of book or other property while on premises of library;  
14 removal of book or other property from library.**

15 Whoever, without authority, with the intention of converting to his own or another's  
16 use, willfully conceals a book or other property valued at less than ~~five hundred dollars~~  
17 ~~(\$500.00)~~ one thousand dollars (\$1,000.00) from any public library or any of its branches,  
18 mobile units or collections, while still on the premises of such library or facility, or willfully  
19 or without authority removes any book or other property valued at less than ~~five hundred~~  
20 ~~dollars (\$500.00)~~ one thousand dollars (\$1,000.00) from any of the above libraries,  
21 facilities, or collections, shall be deemed guilty of petit larceny, which is punishable as set  
22 forth in City Code section 23-31. Proof of the willful concealment of such book or other  
23 library property while still on the premises of such library or facility shall be prima facie  
24 evidence of intent to commit larceny.

25 . . . .

26 **Sec. 23-31. - Petit larceny.**

27 (a) Any person who:

28 (1) Commits larceny from the person of another of money or other thing of value of  
29 less than five dollars (\$5.00), or

30 (2) Commits simple larceny not from the person of another of goods and chattels of  
31 the value of less than ~~five hundred dollars (\$500.00)~~ one thousand dollars  
32 (\$1,000.00), shall be deemed guilty of petit larceny, which shall be punishable as  
33 a Class 1 misdemeanor. Upon a second conviction of petit larceny, the court shall  
34 order participation in a local alcohol safety action program or substance abuse  
35 screening in accordance with the provisions of section 19.2-299.2 of the Code of  
36 Virginia.

37 (b) Any person convicted of an offense under this section, when it is alleged in the  
38 warrant or information on which such person is convicted, and admitted, or found by  
39 the jury or judge before whom such person is tried, that such person has been before  
40 sentenced in the United States for any offense deemed to be larceny by the law of

41 the sentencing jurisdiction, shall be confined in jail not less than thirty (30) days nor  
42 more than twelve (12) months.

43 **Sec. 23-32. - Shoplifting.**

44 (a) Whoever, without authority, with the intention of converting goods or merchandise to  
45 his own or another's use without having paid the full purchase price thereof, or of  
46 defrauding the owner of the value of the goods or merchandise:

47 (1) Willfully conceals or takes possession of the goods or merchandise of any store  
48 or other mercantile establishment, or

49 (2) Alters the price tag or other price marking on such goods or merchandise, or  
50 transfers the goods from one container to another, or

51 (3) Counsels, assists, aids or abets another in the performance of any of the above  
52 acts, shall be deemed guilty of larceny and, upon conviction thereof, shall be  
53 punished as hereinafter provided. The willful concealment of goods or  
54 merchandise of any store or other mercantile establishment, while still on the  
55 premises thereof, shall be prima facie evidence of an intent to convert and  
56 defraud the owner thereof out of the value of the goods or merchandise.

57 (b) Any person convicted for the first time of an offense under this section, when the  
58 value of the goods or merchandise involved in the offense is less than ~~five hundred~~  
59 ~~dollars (\$500.00)~~ one thousand dollars (\$1,000.00), shall be punished as for a Class  
60 1 misdemeanor.

61 (c) Any person convicted of an offense under this section, when the value of the goods  
62 or merchandise involved in the offense is less than ~~five hundred dollars (\$500.00)~~  
63 one thousand dollars (\$1,000.00), and it is alleged in the warrant or information on  
64 which such person is convicted, and admitted, or found by the jury or judge before  
65 whom such person is tried, that such person has been before convicted in the  
66 Commonwealth of Virginia for a like offense, regardless of the value of the goods or  
67 merchandise involved in the prior conviction, or for a violation of section 18.2-95 or  
68 section 18.2-96 of the Code of Virginia or section 23-31 of this Code, shall be confined  
69 in jail not less than thirty (30) days nor more than twelve (12) months.

70 (d) Any person who has been convicted of violating the provisions of this section shall  
71 be civilly liable to the owner for the retail value of any goods and merchandise illegally  
72 converted and not recovered by the owner, and for all costs incurred in prosecuting  
73 such person under the provisions of this section. Such costs shall be limited to actual  
74 expenses, including the base wage of one employee acting as a witness for the  
75 prosecution, and suit costs. The total amount of allowable costs granted hereunder  
76 shall not exceed two hundred fifty dollars (\$250.00), excluding the retail value of the  
77 goods and merchandise.

78 (e) A merchant, agent or employee of the merchant, who causes the arrest of any  
79 person pursuant to the provisions of this section shall not be held civilly liable for  
80 unlawful detention, if such detention does not exceed one hour, slander, malicious  
81 prosecution, false imprisonment, false arrest or assault and battery of the person so  
82 arrested, whether such arrest takes place on the premises of the merchant or after

83 close pursuit from such premises by such merchant, or the merchant's agent or  
84 employee; provided that, in causing the arrest of such person, the merchant, agent  
85 or employee of the merchant, had, at the time of such arrest, probable cause to  
86 believe that the person had shoplifted or committed willful concealment of goods or  
87 merchandise. For the purposes of this subsection, "agents of the merchant" shall  
88 include attendants at any parking lot owned or leased by the merchant, or generally  
89 used by customers of the merchant through any contract or agreement between the  
90 owner of the parking lot and the merchant.  
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Adopted by the Council of the City of Virginia Beach, Virginia, on the 21<sup>st</sup> day of  
July 2020.