

HOUSE BILL 501

Introduced by Schye, et al.

1/31	Introduced
1/31	Referred to Judiciary
1/31	First Reading
2/15	Hearing
2/19	Committee Report--Bill Passed as Amended
2/25	2nd Reading passed as Amended
2/26	3rd Reading Passed
	Transmitted to Senate
2/26	First Reading
2/26	Referred to Judiciary
3/27	Hearing
4/01	Tabled in Committee

1 HOUSE BILL NO. 501  
 2 INTRODUCED BY Schuyler  
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE MINIMUM  
 5 AMOUNT OF A CIVIL PENALTY FOR SHOPLIFTING TO THE GREATER OF  
 6 THREE TIMES THE RETAIL VALUE OF THE GOODS OR \$50; AND  
 7 AMENDING SECTION 27-1-718, MCA."  
 8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 **Section 1.** Section 27-1-718, MCA, is amended to read:

11 \*27-1-718. Civil penalty for shoplifting. (1) An adult  
 12 or emancipated minor, as defined in 20-25-501, who takes  
 13 possession of any goods, wares, or merchandise displayed or  
 14 offered for sale by any store or other mercantile  
 15 establishment without the consent of the owner or seller and  
 16 with the intention of converting the goods to his own use  
 17 without having paid the purchase price thereof is liable to  
 18 the owner or seller for a penalty, whether or not the goods  
 19 have been returned undamaged, in the amount of the greater  
 20 of three times the retail value of the goods or \$50, not to  
 21 exceed \$500. This amount is in addition to actual damages.

22 (2) When an unemancipated minor takes possession of any  
 23 goods, wares, or merchandise displayed or offered for sale  
 24 by any store or other mercantile establishment without the  
 25 consent of the owner or seller and with the intention of

1 converting the goods to his own use without having paid the  
 2 purchase price thereof, the minor's parent or legal guardian  
 3 having custody of the minor is liable to the owner or seller  
 4 for a penalty, whether or not the goods have been returned  
 5 undamaged, equal to the greater of three times the retail  
 6 value of the goods or \$50, not to exceed \$500. For the  
 7 purposes of this subsection (2), liability may not be  
 8 imposed upon any governmental or private agency that has  
 9 been assigned responsibility for the minor child pursuant to  
 10 court order or action of the department of family services.

11 (3) Judgments, but not claims, arising under this  
 12 section may be assigned.

13 (4) A conviction for violation of 45-6-301 is not a  
 14 condition precedent to maintenance of a civil action under  
 15 this section."

-End-

APPROVED BY COMMITTEE  
ON JUDICIARY

1 HOUSE BILL NO. 501

2 INTRODUCED BY SCHYE, LYNCH

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT ~~INCREASING~~ CHANGING THE  
5 ~~MINIMUM AMOUNT-OF-A~~ CIVIL PENALTY FOR SHOPLIFTING ~~TO--THE~~  
6 ~~GREATER-OF-THREE-TIMES-THE-RETAIL-VALUE-OF-THE-GOODS-OR-\$50;~~  
7 AND AMENDING SECTION 27-1-718, MCA."

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15 establishment without the consent of the owner or seller and  
16 with the intention of converting the goods to his own use  
17 without having paid the purchase price thereof is liable to  
18 the owner or seller for a penalty, whether or not the goods  
19 have been returned undamaged, in the amount of ~~the--greater~~  
20 ~~of-three~~ TWO times the retail value of the goods ~~or-\$50,~~ not  
21 to exceed \$500. This amount is in addition to actual  
22 damages.

23 (2) When an unemancipated minor takes possession of any  
24 goods, wares, or merchandise displayed or offered for sale  
25 by any store or other mercantile establishment without the

1 consent of the owner or seller and with the intention of  
2 converting the goods to his own use without having paid the  
3 purchase price thereof, the minor's parent or legal guardian  
4 having custody of the minor is liable to the owner or seller  
5 for a penalty, whether or not the goods have been returned  
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7 retail value of the goods or \$50, not to exceed \$500. For  
8 the purposes of this subsection (2), liability may not be  
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12 (3) Judgments, but not claims, arising under this  
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14 (4) A conviction for violation of 45-6-301 is not a  
15 condition precedent to maintenance of a civil action under  
16 this section."

-End-

SECOND READING

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HB 501

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19 have been returned undamaged, in the amount of the--greater  
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21 goods or-\$50 OR \$50, not to exceed \$500. This amount is in  
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-End-

THIRD READING

AS AMENDED

HB 501

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