

GD

House BILL NO. *348* *Anthony* *Kvaalen*

Montana

INTRODUCED BY *Rabak - Kelly Locken* *Ellerd*

Ellis *Long* *Blodgett* *St. H. Anderson* *Frank* *Burdett*

A BILL FOR AN ACT ENTITLED: *AN ACT TO AMEND SECTION*

95-611.1, R.C.M. 1947, TO MAKE THE PARENTS OR LEGAL GUARDIAN OF A MINOR FOUND SHOPLIFTING LIABLE FOR THE MERCHANDISE TAKEN AND PROVIDING FOR PUNITIVE DAMAGES, COSTS, AND REASONABLE ATTORNEY'S FEES."

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

Section 1. Section 95-611.1, R.C.M. 1947, is amended to read as follows:

"95-611.1. Definitions: As---used---in---this---act: Concealment, shoplifting, liability for acts of minors.

(1) "Concealment" means any act or deception done purposely or knowingly upon or outside the premises of a wholesale or retail store or other mercantile establishment with the intent to deprive the merchant of all or part of the value of the merchandise. The following acts or deceptive conduct shall be prima facie evidence of concealment: concealing merchandise upon the person, or in a container, or otherwise removing such merchandise from full view while upon the premises; or removing, changing, or altering any price tag; or transferring or moving any merchandise upon the premises to obtain a lower price than

the merchandise was offered for sale by the merchant; or abandoning or disposing of any merchandise in such a manner that the merchant will be deprived of all or part of the value of the merchandise.

(2) "Shoplifting" means the theft of any goods offered for sale by a wholesale or retail store or other mercantile establishment.

(3) The parents or legal guardian, as the case may be, of a minor who knowingly removes merchandise from a merchant's premises without paying therefor or knowingly conceals merchandise to avoid paying therefor shall be civilly liable to the merchant for the retail value of the merchandise, plus damages of not less than one hundred dollars (\$100) nor more than two hundred fifty dollars (\$250), costs of suit, and reasonable attorneys' fees. Recovery under this section is not limited by section 61-113.1 or any other provision of law which limits the liability of a parent or legal guardian for the tortious conduct of a minor. The liability of parents or legal guardian and of the minor under this chapter is joint and several."

-End-

Objection Raised to
Adverse Committee Report

1 HOUSE BILL NO. 348
 2 INTRODUCED BY BABCOCK, SCHYE, LOCKREM, ELLERD, ELLIS,
 3 LORY, C. R. ANDERSON, JOHN ANDERSON, FINLEY, SIVERTSEN,
 4 BARDANOUVE, BARRETT, DRISCOLL, LYNCH, QUILICI,
 5 GOULD, JACK MOORE, KVAALEN
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7 A BILL FOR AN ACT ENTITLED: "AN ACT ~~TO AMEND SECTION~~
 8 ~~95-611.1, RECM-1947~~, TO MAKE THE PARENTS OR LEGAL GUARDIAN
 9 OF A MINOR FOUND SHOPLIFTING LIABLE FOR THE MERCHANDISE
 10 TAKEN AND PROVIDING FOR ~~PUNITIVE~~ DAMAGES, COSTS, AND
 11 REASONABLE ATTORNEY'S FEES."
 12

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

14 Refer to Introduced Bill

15 (Strike everything after the enacting clause and insert:)

16 Section 1. The parents or legal guardian of a minor
 17 who knowingly removes merchandise from a merchant's premises
 18 without paying therefor or who knowingly conceals
 19 merchandise to avoid paying therefor shall be civilly liable
 20 to the merchant for the retail value of the merchandise
 21 removed or concealed, costs of suit and a reasonable
 22 attorney's fee. Recovery under this subsection is not
 23 limited by section 61-112.1 or any other provision of law
 24 which limits liability of a parent or legal guardian for the
 25 tortious conduct of a minor. In the discretion of the

1 district court the proceeding under this section may be
 2 confidential.

-End-

SECOND READING
Corrected 2/24/75