

*Senate* BILL NO. *332*

INTRODUCED BY *Rasmussen Brown Lockren Low Packer*  
*Limahl, Durr, Dunkel, Hays*

1 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR A CIVIL  
2 CAUSE OF ACTION AGAINST SHOPLIFTERS OR THEIR PARENTS OR  
3 GUARDIANS; TO PROVIDE FOR PENAL DAMAGES IN SUCH AN ACTION;  
4 AND TO PROVIDE THAT CLAIMS IN SUCH ACTIONS ARE NOT  
5 ASSIGNABLE."

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

7 Section 1. Civil action against shoplifters or their  
8 parents -- penal damages. (1) The owner or seller of  
9 merchandise displayed or offered for sale by a wholesale or  
10 retail store or other mercantile establishment has a civil  
11 cause of action against an adult or emancipated minor who  
12 takes possession of such merchandise without the consent of  
13 the owner or seller and with the intention of converting it  
14 to his own use without having paid its purchase price. In  
15 such an action, the owner or seller shall be awarded:

- 16 (a) actual damages;
- 17 (b) penal damages in an amount equal to the retail  
18 value of the merchandise but not exceeding \$1,000; and
- 19 (c) costs of preparing and presenting the action in an  
20 amount not less than \$100 or more than \$200.

21 (2) The owner or seller of merchandise described in

1 subsection (1) has a civil cause of action against the  
2 parent or legal guardian having custody of an unemancipated  
3 minor who takes unauthorized possession of such merchandise,  
4 as described in subsection (1). In such an action, the  
5 owner or seller shall be awarded:

- 6 (a) penal damages in an amount equal to the retail  
7 value of the merchandise but not exceeding \$500; and
- 8 (b) costs of preparing and presenting the action in an  
9 amount not less than \$100 or more than \$200.

10 (3) Liability under subsection (2) may not be imposed  
11 on any governmental entity or private agency which has been  
12 assigned responsibility for the minor pursuant to court  
13 order or action of the department of social and  
14 rehabilitation services.

15 (4) Claims arising under this section may not be  
16 assigned. This subsection does not affect the assignability  
17 of any judgment.

18 (5) A conviction in a criminal action is not a  
19 condition precedent to maintenance of a civil action under  
20 this section.

INTRODUCED BILL

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*SB332*