

HOUSE BILL NO. 323

INTRODUCED BY JACK MOORE, SWIFT, THAYER, COBB

IN THE HOUSE

January 22, 1985	Introduced and referred to Committee on Judiciary.
February 5, 1985	Committee recommend bill do pass as amended. Report adopted.
February 6, 1985	Bill printed and placed on members' desks.
February 7, 1985	Second reading, do pass as amended.
February 8, 1985	Correctly engrossed.
February 9, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 11, 1985	Introduced and referred to Committee on Judiciary.
March 12, 1985	Committee recommend bill be concurred in as amended. Report adopted.
March 14, 1985	Second reading, concurred in.
March 16, 1985	Third reading, concurred in. Ayes, 45; Noes, 2. Returned to House with amendments.

IN THE HOUSE

March 16, 1985	Received from Senate.
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April 4, 1985

Second reading, amendments
concurrent in.

April 5, 1985

Third reading, amendments
concurrent in.

Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 323
 2 INTRODUCED BY Thorn Swift Stacy
 3 Webb

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING A CIVIL
 5 PENALTY FOR SHOPLIFTING."
 6

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

8 Section 1. Civil penalty for shoplifting. (1) An
 9 adult or emancipated minor who takes possession of any
 10 goods, wares, or merchandise displayed or offered for sale
 11 by any store or other mercantile establishment without the
 12 consent of the owner or seller and with the intention of
 13 converting the goods to his own use without having paid the
 14 purchase price thereof is liable to the owner or seller for
 15 a penalty, in the amount of the retail value of the goods,
 16 not to exceed \$1,000. This amount is in addition to actual
 17 damages plus an additional penalty of not less than \$100 or
 18 more than \$200.

19 (2) The parent or legal guardian having custody of an
 20 unemancipated minor who takes possession of any goods,
 21 wares, or merchandise displayed or offered for sale by any
 22 store or other mercantile establishment without the consent
 23 of the owner or seller and with the intention of converting
 24 the goods to his own use without having paid the purchase
 25 price thereof is liable to the owner or seller for a penalty

1 equal to the retail value of the goods, not to exceed \$500,
 2 plus an additional penalty of not less than \$100 or more
 3 than \$200. For the purposes of this subsection (2),
 4 liability may not be imposed upon any governmental or
 5 private agency that has been assigned responsibility for the
 6 minor child pursuant to court order or action of the
 7 department of social and rehabilitation services.

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

10 (4) A conviction for violation of 45-6-301 is not a
 11 condition precedent to maintenance of a civil action under
 12 this section.

-End-



APPROVED BY COMMITTEE
ON JUDICIARY

HOUSE BILL NO. 323

INTRODUCED BY MOORE, SWIFT, THAYER, COBB

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING A CIVIL
PENALTY FOR SHOPLIFTING."

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

Section 1. Civil penalty for shoplifting. (1) An adult
or emancipated minor, AS DEFINED IN 20-25-501, who takes
possession of any goods, wares, or merchandise displayed or
offered for sale by any store or other mercantile
establishment without the consent of the owner or seller and
with the intention of converting the goods to his own use
without having paid the purchase price thereof is liable to
the owner or seller for a penalty, in the amount of the
retail value of the goods, not to exceed \$1,000. This amount
is in addition to actual damages plus an additional penalty
of not ~~less-than-\$100-or~~ more than \$200.

(2) ~~The parent or legal guardian having custody of~~
WHEN an unemancipated minor ~~who~~ takes possession of any
goods, wares, or merchandise displayed or offered for sale
by any store or other mercantile establishment without the
consent of the owner or seller and with the intention of
converting the goods to his own use without having paid the
purchase price thereof, THE MINOR'S PARENT OR LEGAL GUARDIAN

HAVING CUSTODY OF THE MINOR is liable to the owner or seller
for a penalty equal to the retail value of the goods, not to
exceed \$500, plus an additional penalty of not ~~less-than~~
~~\$100--or~~ more than \$200. For the purposes of this subsection
(2), liability may not be imposed upon any governmental or
private agency that has been assigned responsibility for the
minor child pursuant to court order or action of the
department of social and rehabilitation services.

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

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

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 9 or emancipated minor, AS DEFINED IN 20-25-501, who takes
 10 possession of any goods, wares, or merchandise displayed or
 11 offered for sale by any store or other mercantile
 12 establishment without the consent of the owner or seller and
 13 with the intention of converting the goods to his own use
 14 without having paid the purchase price thereof is liable to
 15 the owner or seller for a penalty, in the amount of the
 16 retail value of the goods, not to exceed \$1,000. This amount
 17 is in addition to actual damages plus an additional penalty
 18 of not ~~less-than-\$100-or~~ LESS THAN \$25 OR more than \$200.

19 ~~The-parent-or-legal-guardian--having--custody--of~~
 20 WHEN an unemancipated minor who takes possession of any
 21 goods, wares, or merchandise displayed or offered for sale
 22 by any store or other mercantile establishment without the
 23 consent of the owner or seller and with the intention of
 24 converting the goods to his own use without having paid the
 25 purchase price thereof, THE MINOR'S PARENT OR LEGAL GUARDIAN

1 HAVING CUSTODY OF THE MINOR is liable to the owner or seller
 2 for a penalty equal to the retail value of the goods, not to
 3 exceed \$500, plus an additional penalty of not ~~less--than~~
 4 ~~\$100-or~~ LESS THAN \$25 OR more than \$200. For the purposes of
 5 this subsection (2), liability may not be imposed upon any
 6 governmental or private agency that has been assigned
 7 responsibility for the minor child pursuant to court order
 8 or action of the department of social and rehabilitation
 9 services.

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

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

-End-



STANDING COMMITTEE REPORT

SENATE

March 12 19 85

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration HOUSE BILL No. 323

third reading copy (blue)
color

(Senator Towe)

CIVIL PENALTY FOR SHOPLIFTING

Respectfully report as follows: That HOUSE BILL No. 323

be amended as follows:

1. Page 1, line 15.
Following: "penalty,"
Insert: "whether or not the goods have been returned undamaged,"
2. Page 1, line 16.
Following: "exceed"
Strike: "\$1,000"
Insert: "\$500"
3. Page 1, lines 17 and 18.
Following: "damages" on line 17
Strike: remainder of line 17 through "\$200" on line 18
4. Page 2, line 2.
Following: "penalty"
Insert: ", whether or not the goods have been returned undamaged,"
5. Page 2, lines 3 and 4.
Following: "\$500" on line 3
Strike: remainder of line 3 through \$200" on line 4

AND AS AMENDED

BE CONCURRED IN

~~REPORT~~

~~REPORT~~



Senator Joe Mazurek

Chairman.

HOUSE BILL NO. 323

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING A CIVIL PENALTY FOR SHOPLIFTING."

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

Section 1. Civil penalty for shoplifting. (1) An adult or emancipated minor, AS DEFINED IN 20-25-501, who takes possession of any goods, wares, or merchandise displayed or offered for sale by any store or other mercantile establishment without the consent of the owner or seller and with the intention of converting the goods to his own use without having paid the purchase price thereof is liable to the owner or seller for a penalty, WHETHER OR NOT THE GOODS HAVE BEEN RETURNED UNDAMAGED, in the amount of the retail value of the goods, not to exceed \$1,000 \$500. This amount is in addition to actual damages plus-an-additional-penalty of-not-less-than-\$100-or LESS-THAN-\$25-OR more-than-\$200.

(2) The-parent-or-legal-guardian--having--custody--of WHEN an unemancipated minor who takes possession of any goods, wares, or merchandise displayed or offered for sale by any store or other mercantile establishment without the consent of the owner or seller and with the intention of converting the goods to his own use without having paid the

purchase price thereof, THE MINOR'S PARENT OR LEGAL GUARDIAN HAVING CUSTODY OF THE MINOR is liable to the owner or seller for a penalty, WHETHER OR NOT THE GOODS HAVE BEEN RETURNED UNDAMAGED, equal to the retail value of the goods, not to exceed \$500, plus-an-additional-penalty-of-not-less-than \$100-or LESS-THAN-\$25-OR more-than-\$200. For the purposes of this subsection (2), liability may not be imposed upon any governmental or private agency that has been assigned responsibility for the minor child pursuant to court order or action of the department of social and rehabilitation services.

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

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

-End-

REFERENCE BILL

