

HB 687 INTRODUCED BY SIMON, ET AL.
REVISE CIVIL PENALTY FOR SHOPLIFTING

2/10 INTRODUCED
2/10 REFERRED TO JUDICIARY
2/18 HEARING
2/20 TABLED IN COMMITTEE

1 *House* BILL NO. *697 Lynch*
 2 INTRODUCED BY *Simon Lybeck, D. Brewer, J. Russell*
 3 *Carlson, William R. ... Baker*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE CIVIL
 5 PENALTY FOR SHOPLIFTING; AND AMENDING SECTION 27-1-718,
 6 MCA."

7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 9 Section 1. Section 27-1-718, MCA, is amended to read:
 10 "27-1-718. Civil penalty for shoplifting. (1) An adult
 11 or emancipated minor, as defined in 20-25-501, who takes
 12 possession of any goods, wares, or merchandise displayed or
 13 offered for sale by any store or other mercantile
 14 establishment without the consent of the owner or seller and
 15 with the intention of converting the goods to his own use
 16 without having paid the purchase price thereof is liable to
 17 the owner or seller for a penalty, whether or not the goods
 18 have been returned undamaged, in the amount of ~~the retail~~
 19 ~~value-of-the-goods, not-to-exceed-\$500~~ \$250. This amount is
 20 in addition to actual damages.
 21 (2) When an unemancipated minor takes possession of
 22 any goods, wares, or merchandise displayed or offered for
 23 sale by any store or other mercantile establishment without
 24 the consent of the owner or seller and with the intention of
 25 converting the goods to his own use without having paid the

1 purchase price thereof, the minor's parent or legal guardian
 2 having custody of the minor is liable to the owner or seller
 3 for a penalty, whether or not the goods have been returned
 4 undamaged, ~~equal-to-the-retail-value-of-the-goods, not-to-~~
 5 ~~exceed-\$500~~ in the amount of \$250. This amount is in
 6 addition to actual damages. For the purposes of this
 7 subsection (2), liability may not be imposed upon any
 8 governmental or private agency that has been assigned
 9 responsibility for the minor child pursuant to court order
 10 or action of the department of social and rehabilitation
 11 services.
 12 (3) Judgments, but not claims, arising under this
 13 section may be assigned.
 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-

