

1 IN THE SENATE

BY YOUNG

2 SENATE BILL NO. 123

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to detention of suspected shoplifters,
7 and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 11.20 is amended by adding a new section to read:

10 Sec. 11.20.277. REASONABLE DETENTION AS DEFENSE. (a) In a
11 civil or criminal action brought by a person having been detained on
12 or in the immediate vicinity of the premises of a mercantile establish-
13 ment for the purpose of investigation or questioning as to the owner-
14 ship of merchandise, it shall be a defense that the person was detained
15 in a reasonable manner and for not more than a reasonable time to
16 permit investigation or questioning by a peace officer or by the owner
17 of the mercantile establishment, his authorized employee or agent,
18 and that the peace officer, owner, employee or agent had reasonable
19 grounds to believe that the person detained was committing or attempting
20 to commit a crime as defined in sec. 275 of this chapter.

21 (b) As used in this section reasonable grounds includes knowledge
22 that a person has concealed upon or about his person unpurchased
23 merchandise of the mercantile establishment, and reasonable time means
24 the time necessary to permit the person detained to make a statement
25 or to refuse to make a statement, and also the time necessary to
26 examine employees and records of the mercantile establishment relative
27 to the ownership of the merchandise.

28 * Sec. 2. This Act takes effect on the day after its passage and approval
29 or on the day it becomes law without approval.