

Introduced: 5/4/79  
Referred: Judiciary

1 IN THE SENATE

BY STIMSON

2 SENATE BILL NO. 287

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to civil liability for shoplifting;  
7 and providing for an effective date."

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

9 \* Section 1. AS 09.65.110 is repealed and re-enacted to read:

10 Sec. 09.65.110. CIVIL LIABILITY FOR SHOPLIFTING. (a) An adult or  
11 emancipated minor who shoplifts merchandise is, in addition to any  
12 criminal penalty provided by law, liable in a civil action to the owner  
13 or seller of the merchandise for all of the following:

14 (1) actual damages;

15 (2) a penalty equal to the retail value of the merchandise or  
16 \$1,000, whichever is less; and

17 (3) a penalty of not less than \$100 or more than \$200.

18 (b) A natural person having legal custody of an unemancipated  
19 minor who shoplifts merchandise is liable in a civil action to the owner  
20 or seller of the merchandise for both of the following:

21 (1) a penalty equal to the retail value of the merchandise or  
22 \$500, whichever is less; and

23 (2) a penalty of not less than \$100 or more than \$200.

24 (c) It is a condition precedent to maintaining an action under  
25 this section that the owner or seller of the merchandise send a notice  
26 demanding the relief authorized to the defendant by first class mail at  
27 his last known address 15 days or more before the action is commenced.  
28 The Department of Law may adopt regulations prescribing the form of this  
29 notice. It is not a condition precedent to maintaining an action under

1 this section that the person who shoplifted merchandise was charged or  
2 convicted under any statute or ordinance.

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

5 (e) For purposes of this section, a person "shoplifts merchandise"  
6 if, without authority and with intent to deprive the owner of the mer-  
7 chandise,

8 (1) he removes the merchandise of a commercial establishment,  
9 not purchased by the person, from the premises of the commercial estab-  
10 lishment; or

11 (2) he knowingly conceals on or about his person the merchan-  
12 dise of a commercial establishment, not purchased by the person, while  
13 still upon the premises of the commercial establishment.

14 (f) Merchandise found concealed on or about the person which has  
15 not been purchased by the person is prima facie evidence of a knowing  
16 concealment for purposes of (e)(2) of this section.

17 (g) As used in this section, "emancipated minor" means a minor  
18 whose disabilities have been removed for general purposes under AS 09.-  
19 55.590.

20 \* Sec. 2. The liability of a person for damages and penalties under  
21 AS 09.65.110, as re-enacted in sec. 1 of this Act, is in addition to liabil-  
22 ity for an award of a reasonable attorney fee which may be made to the pre-  
23 vailing party in a civil action under Rule 82 of the Rules of Civil Proce-  
24 dure.

25 \* Sec. 3. This Act takes effect July 1, 1980.