

Original sponsor: Stimson

Offered: 4/1/80
Referred: Rules

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2

CS FOR SENATE BILL NO. 287 (Judiciary) am

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IN THE LEGISLATURE OF THE STATE OF ALASKA

4

ELEVENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

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

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

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 AS 09.65.110 is repealed and re-enacted to read:

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Sec. 09.65.110. CIVIL LIABILITY FOR SHOPLIFTING. (a) A person

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who has attained the age of 18 years or an emancipated minor who shop-

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lifts merchandise is, in addition to any criminal penalty provided by

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law, liable in a civil action to the owner or seller of the merchandise

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for all of the following:

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(1) actual damages;

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(2) a penalty equal to the retail value of the merchandise or

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\$1,000, whichever is less; and

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

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(b) A person having legal custody of an unemancipated minor who

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shoplifts merchandise is liable in a civil action to the owner or seller

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of the merchandise for both of the following:

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(1) a penalty equal to the retail value of the merchandise or

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\$500, whichever is less; and

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

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(c) It is a condition precedent to maintaining an action under

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this section that the owner or seller of the merchandise send a notice

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demanding the relief authorized to the defendant by first class mail at

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his last known address 15 days or more before the action is commenced.

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The Department of Law may adopt regulations prescribing the form of this

1 notice. It is not a condition precedent to maintaining an action under
2 this section that the person who shoplifted merchandise was charged or
3 convicted under any statute or ordinance.

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

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

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

12 (2) he knowingly conceals on, in or about his person the
13 merchandise of a commercial establishment, not purchased by the person,
14 while still upon the premises of the commercial establishment; or

15 (3) he knowingly substitutes or alters a price ticket in
16 order to pay less than the indicated retail price.

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

20 (g) As used in this section, "emancipated minor" means a minor
21 whose disabilities have been removed for general purposes under AS 09.-
22 55.590.

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

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