

TITLE 48
MONOPOLIES AND TRADE PRACTICES

CHAPTER 7
SHOPLIFTING

48-701. LIABILITY FOR REMOVING OR CONCEALING MERCHANDISE -- RETAIL THEFT. Any person who knowingly removes merchandise from a merchant's premises without paying therefor, or knowingly conceals merchandise to avoid paying therefor, or knowingly commits retail theft, shall be civilly liable to the merchant for the retail value of the merchandise, plus damages of not less than one hundred dollars (\$100) nor more than two hundred fifty dollars (\$250), costs of suit and reasonable attorneys' fees.

[48-701, added 1974, ch. 245, sec. 1, p. 1620; am. 1980, ch. 243, sec. 1, p. 563.]

48-702. LIABILITY FOR ACTS OF MINORS. The parent having legal custody, of a minor who knowingly removes merchandise from a merchant's premises without paying therefor, or knowingly conceals merchandise to avoid paying therefor, or knowingly commits retail theft, shall be civilly liable to the merchant for the retail value of the merchandise, plus damages of not less than one hundred dollars (\$100) nor more than two hundred fifty dollars (\$250), costs of suit and reasonable attorney's fees. Recovery under this section is not limited by any other provision of law which limits the liability of a parent for the tortious conduct of a minor. The liability of parents and of the minor under this chapter is joint and several.

A parent not having legal custody of a minor shall not be liable for the conduct of the minor proscribed by this act.

[48-702, added 1974, ch. 245, sec. 1, p. 1621; am. 1980, ch. 243, sec. 2, p. 563.; am. 2012, ch. 257, sec. 12, p. 717.]

48-703. DEFINITIONS. As used in this chapter:

(a) "Merchandise" means any personal property displayed, held or offered for sale by a merchant.

(b) "Merchant" means an owner or operator, and the agent, consignee, employee, lessee, or officer of an owner or operator, of any merchant's premises.

(c) "Premises" means any establishment or part thereof wherein merchandise is displayed, held or offered for sale.

(d) "Minor" means any person less than eighteen (18) years of age.

(e) "Retail theft" means the alteration, transfer, or removal of any label, price tag, marking, indicia of value or any other markings which aid in the determination of value of any merchandise displayed, held, stored, or offered for sale, in a retail mercantile establishment, for the purpose of attempting to purchase such merchandise either personally or in consort with another, at less than the retail value with the intention of depriving the merchant of the value of such merchandise.

[48-703, added 1974, ch. 245, sec. 1, p. 1620; am. 1980, ch. 243, sec. 3, p. 563.]

48-704. AUTHORIZED ACTIONS OF MERCHANTS. (a) Any merchant may request a person on his premises to place or keep in full view any merchandise such person may have removed, or which the merchant has reason to believe he may have removed, from its place of display or elsewhere, whether for examination, purchase or for any other purpose. No merchant shall be criminally or civilly liable on account of having made such a request.

(b) Any merchant who has reason to believe that merchandise has been taken by a person in violation of this act and that he can recover such merchandise by taking such a person into custody and detaining him may, for the purpose of attempting to effect such recovery or for the purpose of informing a peace officer of the circumstances of such detention, take the person into custody and detain him, in a reasonable manner and for a reasonable length of time.

[48-704, added 1974, ch. 245, sec. 1, p. 1620.]

48-705. NOTICE OF RIGHT OF DETENTION. No merchant shall be entitled to immunity from liability provided for in this act unless there is displayed in a conspicuous place on his premises a notice not less than thirteen (13) inches wide and twenty-one (21) inches long, clearly legible and in substantially the following form:

ANY MERCHANT OR HIS AGENT WHO HAS REASON TO BELIEVE THAT MERCHANDISE HAS BEEN REMOVED OR CONCEALED BY A PERSON IN VIOLATION OF THIS ACT MAY DETAIN SUCH PERSON FOR THE PURPOSE OF RECOVERING THE PROPERTY OR NOTIFYING A PEACE OFFICER. A PERSON OR THE PARENTS OR LEGAL GUARDIAN OF A MINOR WHO KNOWINGLY REMOVES MERCHANDISE WITHOUT PAYING THEREFOR, OR CONCEALS MERCHANDISE TO AVOID PAYING THEREFOR, IS CIVILLY LIABLE FOR ITS VALUE, AND ADDITIONAL DAMAGES.

[48-705, added 1974, ch. 245, sec. 1, p. 1620.]