

*.As Engrossed: 3/6/91*

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**  
4 **By: Representative Rice**

# A Bill

**HOUSE BILL 1600**

5 *Representatives McGee, K. Wood, Brownlee and Moreland*  
6

## For An Act To Be Entitled

8 "AN ACT TO PROVIDE FOR A CIVIL CAUSE OF ACTION BY OWNERS  
9 OR SELLERS AGAINST PERSONS CAUGHT SHOPLIFTING; AND FOR  
10 OTHER PURPOSES."

11

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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14 SECTION 1. An adult or emancipated minor who takes possession of any  
15 goods, wares or merchandise displayed or offered for sale by any wholesale or  
16 retail store or other mercantile establishment without the consent of the  
17 owner or seller, and with the intention of converting such goods, wares or  
18 merchandise to his own use without having paid the purchase price thereof, *may*  
19 *be liable*, in addition to actual damages, for a penalty to the owner or seller  
20 in the amount of the retail value thereof not to exceed one thousand dollars  
21 (\$1,000), *and/or* an additional penalty of not less than one hundred dollars  
22 (\$100) nor more than two hundred dollars (\$200).

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24 SECTION 2. The parent or legal guardian having the custody of an  
25 unemancipated minor who takes possession of any goods, wares or merchandise  
26 displayed or offered for sale by any wholesale or retail store or other  
27 mercantile establishment without the consent of the owner or seller and with  
28 the intention of converting such goods, wares or merchandise to his own use  
29 without having paid the purchase price thereof, *may be liable* to the owner or  
30 seller, *as a penalty*, an amount equal to the retail value of such goods, wares  
31 or merchandise, *not to exceed five hundred dollars (\$500), and/or an*  
32 *additional* penalty of not less than one hundred dollars (\$100) nor more than  
33 two hundred dollars (\$200). *For the purposes of this section, liability shall*  
34 *not be imposed upon any governmental entity or private agency which has been*  
35 *assigned responsibility for the minor child pursuant to court order or action*

1 of the Department of Human Services.

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3 SECTION 3. Judgements, but not claims, arising under this act may be  
4 assigned.

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6 SECTION 4. A conviction for violation of Ark. Code Ann. §5-36-103 shall  
7 not be a condition precedent to maintenance of a civil action authorized by  
8 this act.

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10 SECTION 5. All provisions of this act of a general and permanent nature  
11 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
12 Revision Commission shall incorporate the same in the Code.

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14 SECTION 6. If any provision of this act or the application thereof to  
15 any person or circumstance is held invalid, such invalidity shall not affect  
16 other provisions or applications of the act which can be given effect without  
17 the invalid provision or application, and to this end the provisions of this  
18 act are declared to be severable.

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20 SECTION 7. All laws and parts of laws in conflict with this act are  
21 hereby repealed.

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23 /s/W. R. Rice, et al

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