

Regular Session, 2014

SENATE BILL NO. 268

BY SENATOR CLAITOR

LIABILITY. Provides relative to civil liability for theft of goods from a merchant. (8/1/14)

1 AN ACT
2 To amend and reenact R.S. 9:2799.1, relative to civil liability for theft of goods from a
3 merchant; to provide relative to liability; to provide for recovery of merchandise; to
4 provide for restitution; and to provide for related matters.
5 Be it enacted by the Legislature of Louisiana:
6 Section 1. R.S. 9:2799.1 is hereby amended and reenacted to read as follows:
7 §2799.1. Civil liability for theft of goods from merchant
8 A. Any person who unlawfully takes merchandise from a merchant's
9 premises shall be liable to the merchant for the retail value of the merchandise taken,
10 if not recovered in merchantable condition, plus damages of not less than fifty nor
11 more than five hundred dollars.
12 B. The provisions of this Section shall not be construed to prohibit or limit
13 any other cause of action which a merchant may have against a person who
14 unlawfully takes merchandise from the merchant's premises.
15 **C. Any damages under this Section shall be reduced by the amount**
16 **recovered from the offender as restitution to the merchant as a condition of**
17 **sentence.**

The original instrument was prepared by Jerry G. Jones. The following digest, which does not constitute a part of the legislative instrument, was prepared by Ann S. Brown.

DIGEST

Claitor (SB 268)

Present law provides relative to civil liability for theft of goods from a merchant.

Present law provides that any person who unlawfully takes merchandise from a merchant's premises shall be liable to the merchant for the retail value of the merchandise taken, if not recovered in merchantable condition, plus damages of not less than \$50 nor more than \$500.

Present law also provides that its provisions shall not be construed to prohibit or limit any other cause of action which a merchant may have against a person who unlawfully takes merchandise from the merchant's premises.

Proposed law retains present law and further provides that any damages awarded in a civil action shall be reduced by the amount recovered from the offender as restitution to the merchant as a condition of sentence in the criminal case.

Effective August 1, 2014.

(Amends R.S. 9:2799.1)

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Provides for reduction of damages in the civil action when restitution by the offender is a condition of sentence, in the criminal case.