

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 certain terms, conditions,  
4 procedures, requirements, and effects; 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. The provisions of this Section shall not be applicable when the**  
16 **merchandise taken has been recovered in merchantable condition or when**  
17 **restitution by the offender to the merchant has been ordered as a condition of**

1 **sentence.**

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jerry G. Jones.

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#### 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 adds that the provisions of the present law shall not be applicable when the merchandise taken has been recovered in merchantable condition or when restitution by the offender to the merchant has been ordered as a condition of sentence.

Effective August 1, 2014.

(Amends R.S. 9:2799.1)