



General Assembly

February Session, 2006

**Raised Bill No. 646**

LCO No. 3080

\*03080\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

**AN ACT CONCERNING CIVIL LIABILITY FOR SHOPLIFTING.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 52-564a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2006*):

3 (a) Any person [eighteen years of age or older or an emancipated  
4 minor] who takes possession of goods or merchandise displayed or  
5 offered for sale by any mercantile establishment, or who takes from  
6 any real property any agricultural produce kept, grown or raised on  
7 the property for purposes of sale, without the consent of the owner  
8 and with the intention of converting such goods, merchandise or  
9 produce to his or her own use without having paid the purchase price  
10 thereof, or who alters the price indicia of such goods or merchandise,  
11 shall be liable in a civil action to the owner of the goods, merchandise  
12 or produce for (1) the actual and reasonable costs of maintaining the  
13 action, including court costs and a reasonable attorney's fee, (2) the  
14 retail value of the goods, merchandise or produce taken, if not  
15 recovered by the time of the commencement of the action or if  
16 recovered in an unmerchantable condition, and (3) punitive damages

17 in an amount not to exceed the retail value of such goods, merchandise  
18 or produce or three hundred dollars, whichever is greater. If such  
19 person is an unemancipated minor, the parent or parents or guardian,  
20 other than a temporary guardian appointed pursuant to section 45a-  
21 622, of such minor shall be jointly and severally liable with such minor  
22 to such owner for the amounts set forth in subdivisions (1) to (3),  
23 inclusive, of this subsection, and the provisions of section 52-572 shall  
24 not apply to an action brought under this subsection.

25 (b) (1) Before an action is commenced pursuant to subsection (a) of  
26 this section, the owner of the goods, merchandise or produce taken, or  
27 the goods or merchandise with respect to which the price indicia has  
28 been altered, may send a notice, by certified mail, return receipt  
29 requested, to the person who has taken, or who has altered the price  
30 indicia of, such goods, merchandise or produce, at his or her last  
31 known address, requesting that such person make payment of the  
32 applicable amount set forth in subdivision (2) of this subsection not  
33 later than twenty days after the date such notice is received. If such  
34 person is an unemancipated minor, such owner may send any such  
35 notice to the parent or parents or guardian, other than a temporary  
36 guardian appointed pursuant to section 45a-622, of such minor in the  
37 manner provided in this subdivision.

38 (2) No action may be maintained pursuant to subsection (a) of this  
39 section if, not later than twenty days after receipt of a notice sent  
40 pursuant to subdivision (1) of this subsection, such person, or if such  
41 person is an unemancipated minor, such parent or parents or guardian  
42 of such minor, pays to such owner: (A) If such goods, merchandise or  
43 produce has not been recovered in merchantable condition, an amount  
44 equal to the retail value of such goods, merchandise or produce plus a  
45 penalty in the amount of the retail value of such goods, merchandise or  
46 produce or one hundred fifty dollars, whichever is greater; or (B) if  
47 such goods, merchandise or produce has been recovered in  
48 merchantable condition, a penalty in the amount of the retail value of  
49 such goods, merchandise or produce or one hundred fifty dollars,

50 whichever is greater.

51 (3) If payment of the applicable amount set forth in subdivision (2)  
52 of this subsection is made by such person, or if such person is an  
53 unemancipated minor, by such parent or parents or guardian of such  
54 minor, within the time period specified in said subdivision, such  
55 owner shall provide to such person and, if applicable, to such parent or  
56 parents or guardian, a written release from any further civil liability  
57 for the specific act of such person with respect to such goods,  
58 merchandise or produce.

59 [(b) A] (c) The submission of a police report or a charge or  
60 conviction of larceny by shoplifting, as defined in subdivision (9) of  
61 section 53a-119, as amended, shall not be a condition precedent to the  
62 maintenance of a civil action under subsection (a) of this section.

63 [(c)] (d) In any action brought pursuant to subsection (a) of this  
64 section, if the plaintiff does not prevail, the court may award to the  
65 defendant his or her costs, including a reasonable attorney's fee, and  
66 damages not to exceed three hundred dollars.

67 [(d)] (e) No action shall be brought pursuant to subsection (a) of this  
68 section but within two years from the date of the act complained of.

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|---|-----------------|---------|
| This act shall take effect as follows and shall amend the following sections: |                 |         |
| Section 1   | October 1, 2006 | 52-564a |

**Statement of Purpose:**

To assist small business owners in recovering costs incurred as a result of shoplifting and to help reduce occurrences of shoplifting.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*