

**HOUSE BILL NO. 1260**

Introduced by

Representatives Wrangham, Delzer, DeKrey

Senators Erbele, Freborg

1 A BILL for an Act to amend and reenact section 51-21-05 of the North Dakota Century Code,  
2 relating to civil liability for retail theft.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 51-21-05 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **51-21-05. Civil remedy against adult shoplifters or the parent of a minor shoplifter.**

7 1. An adult who commits the offense of theft from a merchant is civilly liable to the  
8 merchant for the retail value of the merchandise, plus exemplary damages of not more  
9 than two hundred fifty dollars, costs of ~~suit~~the civil action, and reasonable attorney's  
10 fees.

11 2. The parent or legal guardian of an unemancipated minor who while living with the  
12 parent or legal guardian commits the offense of theft from a merchant is civilly liable to  
13 the merchant for the retail value of the merchandise, plus exemplary damages of not  
14 more than two hundred fifty dollars, costs of ~~suit~~the civil action, and reasonable  
15 attorney's fees. If the merchant knows or reasonably should know that the individual  
16 believed to have committed theft is a minor, the merchant may not request that the  
17 individual sign an admission of theft or other similar declaration unless the minor's  
18 parent, guardian, or attorney is present. An admission in violation of this subsection is  
19 not valid and is inadmissible in a civil or criminal action.

20 3. A conviction or plea of guilty for the theft is not a prerequisite to the bringing of a ~~suit~~  
21 hereundercivil action under this section. However, if a criminal theft charge is filed  
22 against the individual, the merchant may not pursue civil damages until completion of  
23 the criminal action.

- 1        4. A parent or legal guardian of an unemancipated minor is not civilly liable under this
- 2                    section if it is determined by the court that one of the principal rationales for the
- 3                    shoplifting was a desire on the part of the minor to cause the minor's parent or legal
- 4                    guardian to be liable under this section.