

AN ACT

ENTITLED, An Act to revise certain provisions regarding shoplifting.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 22-30A-19.1 be amended to read as follows:

22-30A-19.1. Any adult or emancipated minor as defined in § 25-5-24 or the parents or guardian of any unemancipated minor who takes possession of any goods, wares, or merchandise displayed or offered for sale by the store or other mercantile establishment without the consent of the owner or seller and with the intention of converting the goods to the person's own use without having paid the purchase price is liable to the owner or seller for the retail value of the merchandise, regardless of whether the merchandise has been recovered in undamaged condition by the merchant. In addition, the merchant is entitled to a penalty of four times the retail value of the merchandise, or one hundred dollars, whichever is greater.

Section 2. That § 22-30A-19.4 be amended to read as follows:

22-30A-19.4. If the person to whom a written demand is made under § 22-30A-19.3 complies by making full payment of the amount required by the written demand within thirty days after its receipt, that person incurs no further civil liability to the merchant. However, if the person to whom a written demand is made fails to make full payment pursuant to that written demand then the penalty allowed in § 22-30A-19.1 may be doubled.

Section 3. That § 22-30A-19.3 be amended to read as follows:

22-30A-19.3. Any person who is the victim of retail theft may make a written demand for the amount for which the person who committed the act is liable under § 22-30A-19.1. Except for a sole proprietorship, a member of management other than the initial detaining person, shall evaluate the validity of the accusation that the person committed the act and shall approve the accusation before a written demand for payment is issued. The demand for payment shall be mailed by certified mail to the person from whom payment is demanded or served personally on

the person from whom payment is demanded. Personal service shall be accomplished in the same manner as the service of a summons.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1170

Chief Clerk

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1170

File No. _____

Chapter No. _____

Received at this Executive Office
this ____ day of _____ ,

19__ at ____ M.

By _____
for the Governor

The attached Act is hereby
approved this _____ day of
_____, A.D., 19__

Governor

STATE OF SOUTH DAKOTA,
SS.
Office of the Secretary of State

Filed _____, 19__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State