

# State of South Dakota

SEVENTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 1997

841A0685      **HOUSE JUDICIARY COMMITTEE ENGROSSED NO.**  
**HB1170 - 2/10/97**

Introduced by: Representatives Cutler, Schaunaman, and Sperry and Senators Dennert and Lawler

1    FOR AN ACT ENTITLED, An Act to revise certain provisions regarding shoplifting.

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

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

4        22-30A-19.1. Any adult or emancipated minor as defined in § 25-5-24 or the parents or  
5    guardian of any unemancipated minor who takes possession of any goods, wares, or merchandise  
6    displayed or offered for sale by the store or other mercantile establishment without the consent  
7    of the owner or seller and with the intention of converting the goods to the person's own use  
8    without having paid the purchase price is liable to the owner or seller for the retail value of the  
9    merchandise, regardless of whether the merchandise has been recovered in undamaged condition  
10   by the merchant. In addition, the merchant is entitled to a penalty of ~~three~~ four times the retail  
11   value of the merchandise, or ~~fifty~~ one hundred dollars, whichever is greater.

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

13        22-30A-19.4. If the person to whom a written demand is made under § 22-30A-19.3  
14   complies ~~with~~ by making full payment of the amount required by the written demand within thirty  
15   days after its receipt, that person incurs no further civil liability to the merchant. However, if the

1 person to whom a written demand is made fails to ~~respond~~ make full payment pursuant to a that  
2 written demand then the penalty allowed in § 22-30A-19.1 may be doubled.

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

4 22-30A-19.3. Any person who is the victim of retail theft may make a written demand for  
5 the amount for which the person who committed the act is liable under § 22-30A-19.1. Except  
6 for a sole proprietorship, a member of management other than the initial detaining person, shall  
7 evaluate the validity of the accusation that the person committed the act and shall approve the  
8 accusation ~~in writing~~ before a written demand for payment is issued. The demand for payment  
9 shall be mailed by certified mail to the person from whom payment is demanded or served  
10 personally on the person from whom payment is demanded. Personal service shall be  
11 accomplished in the same manner as the service of a summons.

1 **BILL HISTORY**

2 1/29/97 First read in House and referred to Judiciary. H.J. 199

3 2/7/97 Scheduled for Committee hearing on this date.

4 2/7/97 Judiciary Do Pass Amended, AYES 10, NAYS 3. H.J. 360