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SENATE BILL 513

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

STUART INGLE

AN ACT

RELATING TO CRIME; PROVIDING FOR PARENTAL CIVIL LIABILITY IN  
CERTAIN CIRCUMSTANCES; PROVIDING FOR PUNITIVE DAMAGES FOR  
SHOPLIFTING BY A MINOR.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-16-21 NMSA 1978 (being Laws 1977,  
Chapter 104, Section 1) is amended to read:

"30-16-21. CIVIL LIABILITY OF ~~[ADULT]~~ SHOPLIFTER PARENT OR  
GUARDIAN-- DAMAGES-- PENALTY.--

A. Any ~~[person who has reached the age of majority~~  
~~and who has been convicted of shoplifting under Section~~  
40A-16-20 NMSA 1953] adult or emancipated minor who commits an  
act of shoplifting, as defined in Section 30-16-20 NMSA 1978,  
may be civilly liable for the retail value of the merchandise,  
punitive damages of not less than ~~[one hundred dollars (\$100)]~~

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1 ~~nor~~ two hundred dollars (\$200) or more than [two hundred fifty  
2 dollars (\$250)] five hundred dollars (\$500), costs of the suit  
3 and reasonable ~~[attorney's]~~ attorney fees. However, the  
4 merchant shall not be entitled to recover damages for the retail  
5 value of any recovered undamaged merchandise.

6 B. The court may order the parents or legal guardian  
7 of an unemancipated minor who commits an act of shoplifting, as  
8 defined in Section 30-16-20 NMSA 1978, to make restitution up to  
9 the retail value of the merchandise, to pay punitive damages of  
10 not less than two hundred dollars (\$200) or more than five  
11 hundred dollars (\$500) and to pay reasonable costs and attorney  
12 fees.

13 C. A conviction under Section 30-16-20 NMSA 1978 is  
14 not a condition precedent for the maintenance of an action under  
15 this section.

16 D. A merchant who has suffered a loss as a result of  
17 a violation of Section 30-16-20 NMSA 1978 may demand, in  
18 writing, restitution and damages from the parents or guardian of  
19 an unemancipated minor, prior to the commencement of any action  
20 under this section.

21 E. Claims and judgments arising under this section  
22 may be assigned. "

1 FORTY-THIRD LEGISLATURE

2 FIRST SESSION, 1997

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5  
6 February 19, 1997

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8 Mr. President:

9  
10 Your PUBLIC AFFAIRS COMMITTEE, to whom has been  
11 referred

12  
13 SENATE BILL 513

14  
15 has had it under consideration and reports same with  
16 recommendation that it DO PASS, and thence referred to the  
17 JUDICIARY COMMITTEE.  
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19  
20 Respectfully submitted,

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25 \_\_\_\_\_  
Shannon Robinson, Chairman

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

1 (Chief Clerk)

(Chief Clerk)

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4 Date \_\_\_\_\_

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7 The roll call vote was 5 For 0 Against

8 Yes: 5

9 No: 0

10 Excused: Feldman, Garcia, Rodarte, Smith

11 Absent: None

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14 S0513PA1

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