HOUSE DOCKET, NO. 158 FILED ON: 1/11/2011

HOUSE . . . . . No. 409

The Commonwealth of Massachusetts

PRESENTED BY:

William N. Brownsberger

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to penalties for shoplifting.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
William N. Brownsberger	

HOUSE DOCKET, NO. 158 FILED ON: 1/11/2011

HOUSE . . . . . No. 409

By Mr. Brownsberger of Belmont, a petition (accompanied by bill, House, No. 409) of William N. Brownsberger for legislation relative to penalties for shoplifting. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to penalties for shoplifting.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 85R1/2 of the General Laws is hereby amended by adding the following two new paragraphs:

Any correspondence by a merchant, its agents or attorneys that asserts a claim against an individual arising under this section shall identify in detail all of the pertinent information on which the merchant bases its claim.

Except where a merchant has actually commenced an action for recovery of damages pursuant to this section and has obtained a civil damage award, the merchant, its agents or attorneys shall not solicit payment in reliance on this section (including by means of an offer of settlement) for an amount that exceeds the actual value of the merchandise not recovered and the reduction in saleable value of any recovered merchandise, plus fifty dollars, unless the person whose payment is solicited has been convicted, in connection with the same incident, of a criminal offense under section thirty A of chapter two hundred and sixty-six. Any person who solicits payment that exceeds this limitation shall be subject to a fine of not more than $500