

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE
Revised

House Bill 242

(Delegate K. Kelly, *et al.*)

Judiciary

Judicial Proceedings

Shoplifting and Employee Theft - Civil Penalties

This bill increases, from \$500 to \$1,000, the maximum civil penalty that a merchant may be awarded against a responsible person for shoplifting and employee theft. The increased penalty is prohibited from being applied to a cause of action arising before October 1, 2001.

Fiscal Summary

State Effect: None. Increasing the allowable civil penalty awards for these offenses would not directly impact governmental operations or finances.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law: Under provisions governing *Civil Penalties for Shoplifting and Employee Theft*, a responsible person is civilly liable to a merchant: (1) to restore the merchandise or, if it is not recoverable, has been damaged, or otherwise has lost all or part of its value, to pay the merchant an amount equal to the stated sales price; (2) to pay the merchant for any other actual damages, not including the loss of time or wages connected to the apprehension or prosecution of the shoplifter or employee; and (3) subject to the merchant's compliance with certain procedures, to pay the merchant a civil penalty equal to twice the stated sales price, but not less than \$50 nor more than \$500.

Additional Information

Prior Introductions: None.

Cross File: SB 265 (Senator Jimeno, *et al.*) – Judicial Proceedings.

Information Source(s): Department of Legislative Services

Fiscal Note History: First Reader – February 28, 2001
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