

**HB1239/448078/1**

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1239  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “– Repeal”; strike beginning with “repealing” in line 3 down through “theft” in line 4 and substitute “altering requirements for certain demand letters relating to alleged acts of shoplifting or employee theft; providing that a responsible person who prevails in a certain civil action is entitled to an award of court costs and reasonable attorney’s fees, under certain circumstances; requiring a court to reduce the amount of restitution awarded in a certain criminal proceeding by an amount equal to certain damages and civil penalties; making stylistic changes”; and strike in their entirety lines 6 through 11, inclusive, and substitute:

“BY repealing and reenacting, without amendments,

Article – Courts and Judicial Proceedings

Section 3-1301, 3-1302, 3-1304, 3-1307, and 3-1308

Annotated Code of Maryland

(2013 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 3-1303, 3-1305, and 3-1306

Annotated Code of Maryland

(2013 Replacement Volume and 2014 Supplement)”.

AMENDMENT NO. 2

On page 1 in lines 15 and 16, on page 2 in lines 27 and 28, on page 3 in lines 9 and 10, on page 4 in lines 23, 24, 28, and 29, and on page 5 in lines 3, 4, 9, 10, 16, 17, and 20, in each instance, strike the bracket.

(Over)

AMENDMENT NO. 3

On page 3, in line 24, after “committed” insert “, INCLUDING THE DATE AND TIME THE ACT IS ALLEGED TO HAVE OCCURRED;”

(II) SPECIFY THE BASIS ON WHICH THE RESPONSIBLE PERSON OR, IF APPLICABLE, THE CHILD OF THE RESPONSIBLE PERSON HAS BEEN ACCUSED OF THE ACT OF SHOPLIFTING OR EMPLOYEE THEFT”.

On page 3 in lines 25, 27, and 29, and on page 4 in lines 1 and 5, strike “(ii)”, “(iii)”, “(iv)”, “(v)”, and “(vi)”, respectively, and substitute “(III)”, “(IV)”, “(V)”, “(VI)”, and “(VII)”, respectively.

On page 4, in line 4, strike “and”; in line 7, after “letter” insert “; AND”

(VIII) SPECIFY THAT, IF THE RESPONSIBLE PERSON DISPUTES LIABILITY FOR THE ALLEGED ACT OF SHOPLIFTING OR EMPLOYEE THEFT:

1. THE RESPONSIBLE PERSON MAY REFUSE TO PAY THE DAMAGES AND CIVIL PENALTY; AND

2. IF THE RESPONSIBLE PERSON PREVAILS IN A CIVIL SUIT FOR DAMAGES AND PENALTIES ARISING FROM THE ALLEGED ACT OF SHOPLIFTING OR EMPLOYEE THEFT, THE RESPONSIBLE PARTY IS ENTITLED TO AN AWARD OF COURT COSTS AND REASONABLE ATTORNEY’S FEES”;

after line 7, insert:

“(3) IF APPLICABLE, THE MERCHANT SHALL CAUSE A COPY OF ANY POLICE REPORT CONCERNING THE ALLEGED ACT OF SHOPLIFTING OR EMPLOYEE THEFT TO BE ATTACHED TO THE INITIAL DEMAND LETTER.”;

and in line 13, strike “(v)” and substitute “(VIII)”.

On page 5, in line 1, after “(b)” insert “IN A CIVIL ACTION BROUGHT UNDER THIS SUBTITLE, THE MERCHANT SHALL SUBMIT PROOF TO THE COURT THAT THE MERCHANT COMPLIED WITH ALL REQUIREMENTS UNDER § 3-1303 OF THIS SUBTITLE CONCERNING DEMAND LETTERS.”

(C)”;

and after line 3, insert:

“(D) IF THE RESPONSIBLE PERSON PREVAILS IN A CIVIL ACTION BROUGHT UNDER THIS SUBTITLE, THE RESPONSIBLE PERSON SHALL BE ENTITLED TO AN AWARD OF COURT COSTS AND REASONABLE ATTORNEY’S FEES, TO BE ASSESSED WITHOUT REGARD TO THE ABILITY OF THE MERCHANT TO PAY.”

AMENDMENT NO. 4

On page 5, in line 8, strike “However, the” and substitute:

“(C) THE”;

and after line 9, insert:

“(D) A COURT SHALL REDUCE THE AMOUNT OF ANY RESTITUTION AWARDED IN A CRIMINAL PROCEEDING REGARDING AN ACT FOR WHICH A RESPONSIBLE PERSON HAS PAID DAMAGES AND CIVIL PENALTIES UNDER THIS SUBTITLE BY AN AMOUNT EQUAL TO THOSE DAMAGES AND CIVIL PENALTIES.”