HOUSE . . . . No. 00409

The Commonwealth of Massachusetts

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PRESENTED BY:

William N. Brownsberger

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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 passage of the accompanying bill:

An Act relative to penalties for shoplifting.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:
William N. Brownsberger	*24th Middlesex*

HOUSE . . . . No. 00409

By Mr. William N. Brownsberger of Belmont, petition (accompanied by bill, House, No. 00409) of William N. Brownsberger for legislation relative to penalties for shoplifting. Joint Committee on the Judiciary.

The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven

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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:

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

2 paragraphs:

3 Any correspondence by a merchant, its agents or attorneys that asserts a claim against an

4 individual arising under this section shall identify in detail all of the pertinent information on

5 which the merchant bases its claim.

6 Except where a merchant has actually commenced an action for recovery of damages pursuant to

7 this section and has obtained a civil damage award, the merchant, its agents or attorneys shall not

8 solicit payment in reliance on this section (including by means of an offer of settlement) for an

9 amount that exceeds the actual value of the merchandise not recovered and the reduction in

10 saleable value of any recovered merchandise, plus fifty dollars, unless the person whose payment

11 is solicited has been convicted, in connection with the same incident, of a criminal offense under

12   section thirty A of chapter two hundred and sixty-six. Any person who solicits payment that

13   exceeds this limitation shall be subject to a fine of not more than $500