

Assembly Bill No. 85—Committee on Judiciary

CHAPTER.....

AN ACT relating to crimes against property; making various changes to provisions concerning a merchant taking a person into custody and detaining him; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 597.850 is hereby amended to read as follows:

597.850 1. As used in this section and in NRS 597.860 and 597.870:

(a) “Merchandise” means any personal property, capable of manual delivery, displayed, held or offered for sale by a merchant.

(b) “Merchant” means an owner or operator, and the agent, consignee, employee, lessee, or officer of an owner or operator, of any merchant’s premises.

(c) “Premises” means any establishment or part thereof wherein merchandise is displayed, held or offered for sale.

2. Any merchant may request any person on his premises to place or keep in full view any merchandise the person may have removed, or which the merchant has reason to believe he may have removed, from its place of display or elsewhere, whether for examination, purchase or for any other purpose. No merchant is criminally or civilly liable on account of having made such a request.

3. Any merchant who has reason to believe that merchandise has been wrongfully taken by a person and that he can recover the merchandise by taking the person into custody and detaining him may, for the purpose of attempting to effect such recovery or for the purpose of informing a peace officer of the circumstances of such detention, take the person into custody and detain him, on the premises, in a reasonable manner and for a reasonable length of time. *A merchant is presumed to have reason to believe that merchandise has been wrongfully taken by a person and that he can recover the merchandise by taking the person into custody and detaining him if the merchant observed the person concealing merchandise while on the premises.* Such taking into custody and detention by a merchant does not render the merchant criminally or civilly liable for false arrest, false imprisonment, slander or unlawful detention unless the taking into custody and detention are unreasonable under all the circumstances.

4. No merchant is entitled to the immunity from liability provided for in this section unless there is displayed in a conspicuous place on his premises a notice in boldface type clearly legible and in substantially the following form:

Any merchant or his agent who has reason to believe that merchandise has been wrongfully taken by a person may detain such person on the premises of the merchant for the purpose of recovering the property or notifying a peace officer. An adult or the parents or legal guardian of a minor, who steals merchandise is civilly liable for its value and additional damages. NRS 597.850, 597.860 and 597.870.

The notice must be prepared and copies thereof supplied on demand by the superintendent of the state printing division of the department of administration. The superintendent may charge a fee based on the cost for each copy of the notice supplied to any person.

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