

ASSEMBLY BILL NO. 85—COMMITTEE ON JUDICIARY

(ON BEHALF OF ATTORNEY GENERAL)

FEBRUARY 4, 1999

Referred to Committee on Judiciary

SUMMARY—Makes various changes concerning taking into custody and detention of person suspected of shoplifting. (BDR 52-595)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

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:

- 1 **Section 1.** NRS 597.850 is hereby amended to read as follows:
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3 597.850 1. As used in this section and in NRS 597.860 and 597.870:
4 (a) “Merchandise” means any personal property, capable of manual
5 delivery, displayed, held or offered for sale by a merchant.
6 (b) “Merchant” means an owner or operator, and the agent, consignee,
7 employee, lessee, or officer of an owner or operator, of any merchant’s
8 premises.
9 (c) “Premises” means any establishment or part thereof wherein
10 merchandise is displayed, held or offered for sale.
11 2. Any merchant may request any person on his premises to place or
12 keep in full view any merchandise the person may have removed, or which
13 the merchant has reason to believe he may have removed, from its place of
14 display or elsewhere, whether for examination, purchase or for any other
15 purpose. No merchant is criminally or civilly liable on account of having
16 made such a request.
17 3. Any merchant who has reason to believe that merchandise has been
18 wrongfully taken by a person and that he can recover the merchandise by

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

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

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19 Any merchant or his agent who has reason to believe that
20 merchandise has been wrongfully taken by a person may detain
21 such person on the premises of the merchant for the purpose of
22 recovering the property or notifying a peace officer. An adult or the
23 parents or legal guardian of a minor, who steals merchandise is
24 civilly liable for its value and additional damages. NRS 597.850,
25 597.860 and 597.870.

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