

Senate Bill 354

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Increases amount of penalties available to owner of certain stolen items in civil action against adult or emancipated minor who stole items.

A BILL FOR AN ACT

1
2 Relating to damages; creating new provisions; and amending ORS 30.875.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 30.875 is amended to read:

5 30.875. (1) An adult or an emancipated minor who takes possession of any merchandise displayed
6 or offered for sale by any mercantile establishment, or who takes from any real property any agri-
7 cultural produce kept, grown or raised on the property for purposes of sale, without the consent of
8 the owner and with the intention of converting such merchandise or produce to the individual's own
9 use without having paid the purchase price thereof, or who alters the price indicia of such mer-
10 chandise, shall be civilly liable to the owner for actual damages, for a penalty to the owner in the
11 amount of the retail value of the merchandise or produce not to exceed [~~\$500~~] **\$1,000**, and for an
12 additional penalty to the owner of not less than [~~\$100~~] **\$200** nor more than [~~\$250~~] **\$500**.

13 (2) The parents having custody of an unemancipated minor who takes possession of any mer-
14 chandise displayed or offered for sale by any mercantile establishment, or who takes from any real
15 property any agricultural produce kept, grown or raised on the property for purposes of sale, with-
16 out the consent of the owner, and with the intention of converting such merchandise or produce to
17 the minor's own use without having paid the purchase price thereof, or who alters the price indicia
18 of such merchandise or who engages in conduct described in ORS 164.125, 164.132 or 164.373, shall
19 be civilly liable to the owner for actual damages, for a penalty to the owner in the amount of the
20 retail value of the merchandise or produce not to exceed \$250, plus an additional penalty to the
21 owner of not less than \$100 nor more than \$250. Persons operating a foster home certified under
22 ORS 418.625 to 418.645 are not liable under this subsection for the acts of children not related to
23 them by blood or marriage and under their care.

24 (3) A conviction for theft is not a condition precedent to the maintenance of a civil action under
25 this section.

26 (4) A civil liability under this section is not limited by any other law that limits liability of
27 parents of minor children.

28 (5) An action for recovery of damages under this section may be brought in any court of com-
29 petent jurisdiction, including the small claims department of a circuit court if the total damages do
30 not exceed the jurisdictional limit of the small claims department.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (6) The fact that an owner or seller of merchandise or agricultural produce may bring an action
2 against an individual for damages as provided in this section shall not limit the right of the owner
3 or seller to demand, in writing, that a person who is liable for damages under this section remit said
4 damages prior to the commencement of any legal action.

5 (7) Judgments, but not claims, arising under this section may be assigned.

6 (8) An action under this section may not be brought based on a dishonored check, draft or order
7 for payment of money if an action can be brought on the dishonored check, draft or order under
8 ORS 30.701.

9 (9) An action under this section must be commenced within three years after the merchandise
10 or agricultural produce is taken.

11 **SECTION 2. The amendments to ORS 30.875 by section 1 of this 2015 Act apply only to**
12 **causes of action that arise on or after the effective date of this 2015 Act.**

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