

Sec. 3. Nothing in this section shall be construed as extending the period now permitted by law for bringing any kind of action. Construction of act.

Passed the House March 8, 1967.

Passed the Senate March 7, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 76.

[Engrossed House Bill No. 376.]

SHOPLIFTING—DETENTION—DEFENSES.

AN ACT relating to commerce; prescribing civil and criminal defenses; amending section 1, chapter 229, Laws of 1959 and RCW 9.78.010; repealing section 3, chapter 229, Laws of 1959 and RCW 9.78.030; adding a new section to chapter 249, Laws of 1909 to chapter 9.01 RCW; adding a new section to Title 4 RCW; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 1, chapter 229, Laws of 1959 and RCW 9.78.010 are each amended to read as follows: RCW 9.78.010 amended.

A person who wilfully takes possession of any goods, wares or merchandise of the value of less than seventy-five dollars offered for sale by any wholesale or retail store or other mercantile establishment without the consent of the seller, with the intention of converting such goods, wares or merchandise to his own use without having paid the purchase price thereof, is guilty of a gross misdemeanor of shoplifting. Upon a first conviction therefor, he shall be punished by a fine of not less than fifty dollars and not more than one thousand dollars, or by imprisonment in the county jail for not less than five days and not more than six months, or both such fine and imprisonment. Upon each subsequent conviction he shall be punished by a fine of Crimes—Shoplifting—Penalty.

Criminal procedure.

not less than five hundred dollars and not more than one thousand dollars, or by imprisonment in the county jail for not less than thirty days and not more than one year, or both such fine and imprisonment.

New section.

Sec. 2. There is added to chapter 249, Laws of 1909 and to chapter 9.01 RCW a new section to read as follows:

Shoplifting—
Detention—
Defenses
against criminal charge of
false imprisonment.

In any criminal action brought by reason of any person having been detained on or in the immediate vicinity of the premises of a mercantile establishment for the purpose of investigation or questioning as to the ownership of any merchandise, it shall be a defense of such action that the person was detained in a reasonable manner and for not more than a reasonable time to permit such investigation or questioning by a peace officer or by the owner of the mercantile establishment, his authorized employee or agent, and that such peace officer, owner, employee or agent had reasonable grounds to believe that the person so detained was committing or attempting to commit larceny or shoplifting on such premises of such merchandise. As used in this section, "reasonable grounds" shall include, but not be limited to, knowledge that a person has concealed possession of unpurchased merchandise of a mercantile establishment, and a "reasonable time" shall mean the time necessary to permit the person detained to make a statement or to refuse to make a statement, and the time necessary to examine employees and records of the mercantile establishment relative to the ownership of the merchandise.

New section.

Sec. 3. There is added to Title 4 RCW a new section to read as follows:

In any civil action brought by reason of any person having been detained on or in the immediate vicinity of the premises of a mercantile establish-

ment for the purpose of investigation or questioning as to the ownership of any merchandise, it shall be a defense of such action that the person was detained in a reasonable manner and for not more than a reasonable time to permit such investigation or questioning by a peace officer or by the owner of the mercantile establishment, his authorized employee or agent, and that such peace officer, owner, employee or agent had reasonable grounds to believe that the person so detained was committing or attempting to commit larceny or shoplifting on such premises of such merchandise. As used in this section, "reasonable grounds" shall include, but not be limited to, knowledge that a person has concealed possession of unpurchased merchandise of a mercantile establishment, and a "reasonable time" shall mean the time necessary to permit the person detained to make a statement or to refuse to make a statement, and the time necessary to examine employees and records of the mercantile establishment relative to the ownership of the merchandise.

Shoplifting.
Defenses
against civil
action for false
imprisonment.

Sec. 4. Section 4, chapter 229, Laws of 1959 and RCW 9.78.030 are hereby repealed.

Passed the House February 10, 1967.

Passed the Senate March 6, 1967.

Approved by the Governor March 21, 1967.