

GENERAL ASSEMBLY OF NORTH CAROLINA  
1987 SESSION

CHAPTER 519  
SENATE BILL 818

AN ACT CREATING A CIVIL CAUSE OF ACTION AGAINST SHOPLIFTERS  
AND EMPLOYEES WHO STEAL FROM THEIR EMPLOYERS.

The General Assembly of North Carolina enacts:

Section 1. Article 43 of Chapter 1 of the General Statutes is amended by adding a new section to read:

"§ 1-538.2. **Civil liability for shoplifting and theft by employee.**—(a) Any person, other than an unemancipated minor, who commits an act that is punishable under G.S. 14-72.1 or G.S. 14-74 is liable for civil damages to the owner of the property. In any action brought by the owner of the property he is entitled to recover the value of the goods or merchandise, if the goods or merchandise have been destroyed, or any loss of value to the goods or merchandise, if the goods or merchandise were recovered, or the amount of any money lost by reason of the embezzlement or fraud of an employee. In addition to the above, the owner of the property is entitled to recover any consequential damages, and punitive damages, together with reasonable attorneys fees. If damages are assessed against the defendant, in favor of the plaintiff, the amount established for actual or consequential damages shall be trebled. The total of all damages awarded to a plaintiff against a defendant in an action under this section shall not exceed one thousand dollars (\$1,000).

(b) The parent or legal guardian, having the care, custody and control of an unemancipated minor who commits an act punishable under G.S. 14-72.1 or G.S. 14-74, is civilly liable to the owner of the property obtained by the act if such parent or legal guardian knew or should have known of the propensity of the child to commit such an act; and had the opportunity and ability to control the child, and made no reasonable effort to correct or restrain the child. In an action brought against the parent or legal guardian by the owner, the owner is entitled to recover the amounts specified in subsection (a) except punitive damages.

(c) A person may not be found liable under this section unless a sign was conspicuously displayed in the place of business at the time the act alleged in the action occurred stating that civil liability for shoplifting and for theft by an employee is authorized under this section. An action may be brought under this section regardless of whether a criminal action is brought or a criminal conviction is obtained for the act alleged in the civil action."

(d) Nothing contained in this act shall prohibit recovery upon any other theory in the law.

Sec. 2. This act shall become effective October 1, 1987, and applies to acts committed on or after that date.

In the General Assembly read three times and ratified this the 30th day of June, 1987.