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HOUSE BILL 57

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

William "Bill" R. Rehm and Randall T. Pettigrew

AN ACT

RELATING TO TORTS; PROVIDING IMMUNITY FROM LIABILITY FOR TORT CLAIMS PERTAINING TO DAMAGES OR INJURIES RELATING TO APPREHENSION OF A PERSON SUSPECTED OF SHOPLIFTING IN LIMITED CIRCUMSTANCES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] TORT CLAIMS--IMMUNITY FROM LIABILITY FOR DAMAGES OR INJURIES RELATING TO APPREHENSION OF A PERSON SUSPECTED OF SHOPLIFTING.--

A. A merchant shall not be liable for a breach of duty of care when damages or injury are alleged to result from the detention and interrogation of a person suspected of shoplifting pursuant to Section 30-16-20 NMSA 1978 by the merchant if the merchant uses reasonable means to detain the person.

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B. As used in this section:

(1) "merchant" means a person or business that sells goods to the public for use or consumption rather than for resale; and

(2) "reasonable means" means detention of a person on a merchant's premises for an appropriate period of time when the merchant has reason to believe that the person:

(a) willfully took possession of merchandise with the intention of converting the merchandise without paying for the merchandise;

(b) willfully concealed merchandise with the intention of converting the merchandise without paying for the merchandise;

(c) willfully altered a label, price tag or marking upon merchandise with the intention of depriving the merchant of all or some part of the value of the merchandise; or

(d) willfully transferred merchandise from the container in or on which the merchandise is displayed to another container with the intention of depriving the merchant of all or some part of the value of the merchandise.