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SURVEY OF STATE CIVIL SHOPLIFTING STATUTES

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Acts of shoplifting cost retailers billions of dollars each year. In an effort to reduce the frequency and economic impact of this type of theft, all 50 states and the District of Columbia have enacted civil shoplifting statutes. These statutes, which operate independently of and in addition to the respective state's criminal statutes, provide retailers a special civil remedy against individuals who shoplift from their stores. Most civil shoplifting statutes permit a retailer to recover from the shoplifter not only the actual damages suffered as a result of the incident of shoplifting, but also a substantial civil penalty. In Mississippi, for instance, a retailer is entitled to recover actual damages incurred (e.g., the cost of replacing the item stolen), plus a civil penalty of three times the value of the item, or up to \$200, whichever is greater. The additional civil penalty is meant to reimburse the retailer for general overhead costs associated with its loss prevention program. The theory is that the shoplifter, as opposed to the retailer or its paying customers, should bear responsibility for the costs associated with shoplifting.

In the adoption of these statutes, many states sought to decriminalize shoplifting by providing retailers an *alternative* to criminal prosecution as a means to restitution. In practice, however, most large retailers pursue criminal charges *and* a civil remedy. Retailers rarely file suit to collect under the civil shoplifting statute, but instead rely on the statute as authority for demanding money from shoplifters through a series of demand letters. Often, these letters are sent while the criminal charges are pending, leading many recipients to believe payment will result in the charges being dismissed, which it will not.

Many merchants engage the services of independent collection firms to harvest civil penalties from those accused of shoplifting. One such firm, which represents several large retailers, reported sending over 1 million civil demand letters a year. While civil shoplifting statutes have developed into lucrative profit centers for retailers and collection firms, there is little evidence to indicate they have had any positive impact on reducing incidents of shoplifting, stabilizing the price of consumer goods, or decriminalizing acts of petty theft.

Critics argue the statutes unfairly subject shoplifters to two penalties for the same offense: a criminal penalty paid to the state, and a second penalty paid to the retailer. Others have scrutinized the proportionality of the amount demanded compared to the actual direct damage incurred. In most states, a stolen candy bar can result in a civil penalty of over \$100, in addition to any criminal penalty imposed by the state. Furthering this criticism is the fact that many states allow for a substantial civil penalty even when the item is immediately returned to the shelf in merchantable condition. Some scholars have also expressed concern that the statutes unfavorably impact the poor.

Although a number of common themes can be identified among state civil shoplifting statutes, no two statutes are the same. This chapter provides and compares the significant components of each state's statute, specifically as it pertains to 1) actual damages recoverable, 2) additional penalties, 3) attorney's fees, 4) pre-suit demand letters, and 5) the impact of a

conviction on a retailer's ability to recover a civil remedy under the statute. The following sections highlight significant themes and anomalies among the state statutes:

Actual Damages

Every state's civil shoplifting statute allows for the recovery of actual damages (or at least includes actual damages in the calculation of compensatory damages). Most states limit actual damages if the merchandise is recovered in a merchantable condition.¹ Some states, however, provide no limits on actual damages.² Nine states' statutes expressly provide that actual damages may include incidental or consequential damages.³ Of those states, four exclude from incidental damages lost time or wages,⁴ while two specifically permit recovery of those particular expenses.⁵

Additional Penalties

Every state except Nebraska grants retailers authority to collect penalties in addition to direct damage sustained from the incident. Most statutes set forth the maximum penalty recoverable:

- Three states have a maximum penalty of \$50.⁶
- Eight states have a maximum penalty between \$100 and \$200.⁷
- Nine states have a maximum penalty between \$250 and \$300.⁸
- Eight states have a maximum penalty between \$350 and \$500.⁹
- Eight states have a maximum penalty between \$550 and \$1000.¹⁰
- Two states have a maximum penalty in excess of \$1000.¹¹

Of the states that do not provide a specific dollar limit on civil penalties, most fix the penalty as a multiple of an unlimited retail value of the stolen merchandise, or an unlimited retail value of the stolen merchandise in addition to a specified penalty.¹²

Three states require civil penalties be reduced by the amount of court-ordered restitution received by the retailer.¹³ Only four states reduce the amount recoverable based on whether the merchandise was recovered or the condition of the merchandise recovered.¹⁴ Oklahoma allows for the performance of community service in lieu of paying the additional penalty.

¹ Alabama, Arkansas, California, Connecticut, Delaware, District of Columbia, Iowa, Kansas, Louisiana, Maine, Maryland, Michigan, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Vermont, West Virginia, Wisconsin, Wyoming.

² Alaska, Colorado, Florida, Hawaii, Indiana, Kentucky, Massachusetts, Mississippi, Montana, Oregon, Texas, Utah, Washington.

³ Georgia, Indiana, Maryland, Missouri, New Jersey, North Carolina, North Dakota, Pennsylvania, West Virginia.

⁴ Maryland, New Jersey, Pennsylvania, West Virginia.

⁵ Indiana, North Carolina.

⁶ Iowa, Kansas, Minnesota.

⁷ Alaska, Arkansas, Iowa, Michigan, Mississippi, New Jersey, Ohio, Rhode Island.

⁸ Arizona, Colorado, Connecticut, Idaho, Missouri, Nevada, New Mexico, North Dakota, Vermont.

⁹ California, Hawaii, Louisiana, Maine, Massachusetts, New Hampshire, New York, South Carolina.

¹⁰ Illinois, Kentucky, Maryland, Montana, North Carolina, Oregon, Texas, Wyoming.

¹¹ Utah, Washington.

¹² Delaware, District of Columbia, Florida, Georgia, Indiana, Minnesota, Mississippi, Pennsylvania, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin.

¹³ Iowa, Louisiana, Wisconsin.

¹⁴ Kansas, Tennessee, Virginia, Wisconsin.

Attorney's Fees

A majority of states' statutes specifically provide for the recovery of a reasonable attorney's fee.¹⁵ Only three states put a monetary cap on attorney's fees recoverable,¹⁶ and only seven specifically require that the retailer be the prevailing party to recover reasonable attorney's fees.¹⁷ Two states expressly require suit be filed (after all statutory demand letter procedures are followed) in order to recover reasonable attorney's fees.¹⁸

Pre-Suit Demand Letters

Most states' statutes expressly authorize, condone, or require retailers to send civil demand letters to alleged shoplifters prior to, or instead of, filing suit. Nineteen states explicitly reserve a statutory right for retailers to send a civil demand letter to an alleged shoplifter.¹⁹ Eleven states list the sending of a demand letter as a condition precedent to maintaining a civil action under the state's civil shoplifting statute.²⁰ The remaining twenty states and the District of Columbia make no mention of a demand letter in their civil shoplifting statutes.²¹

Only two states require a copy of the civil shoplifting statute be sent with a demand letter.²² Nine states specify how much time a recipient shall have to pay the demand in order to avoid a civil action—ranging from 15 to 30 days.²³

Criminal Conviction

Interestingly, most state statutes specifically permit collection of shoplifting civil penalties even where no criminal conviction was obtained. In fact, thirty-three states provide that no conviction is required,²⁴ seventeen are silent on the issue,²⁵ and only one state requires a conviction in order to impose the civil penalty.²⁶ In two states, although a conviction is not required, efforts to obtain civil recovery must be stayed during the pendency of any criminal action.²⁷

¹⁵ Alabama, Alaska, Arkansas, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Maryland, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming.

¹⁶ Alabama, Virginia, Wisconsin.

¹⁷ Alaska, Kansas, Maryland, New Jersey, Texas, Virginia, West Virginia.

¹⁸ Georgia, Ohio.

¹⁹ Alabama, Delaware, Hawaii, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Nebraska, New York, North Carolina, Ohio, Oregon, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia.

²⁰ Alaska, Arkansas, Florida, Georgia, Kansas, Maryland, Mississippi, New Jersey, Pennsylvania, Utah, Washington.

²¹ Arizona, California, Colorado, Connecticut, District of Columbia, Idaho, Illinois, Indiana, Iowa, Louisiana, Missouri, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, Wyoming.

²² Maine, Minnesota.

²³ Alabama, Alaska, Arkansas, Delaware, Maryland, Mississippi, New Jersey, Ohio, Pennsylvania.

²⁴ Alabama, Arizona, Arkansas, Colorado, Connecticut, Delaware, Hawaii, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Minnesota, Missouri, Montana, Nevada, New Jersey, New York, North Carolina, North Dakota, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming.

²⁵ Alaska, California, District of Columbia, Florida, Georgia, Idaho, Iowa, Louisiana, Massachusetts, Michigan, Mississippi, Nebraska, New Hampshire, Ohio, Oklahoma, South Dakota, Texas.

²⁶ New Mexico.

²⁷ North Dakota, Virginia.

Civil Shoplifting Statutes

STATE	STATUTE	ACTUAL DAMAGES	ADDITIONAL PENALTIES	ATTORNEY'S FEES	PRE-SUIT DEMAND LETTER	CRIMINAL CONVICTION
Alabama	ALA. CODE § 6-5-270 ET SEQ. (enacted in 1993)	Full retail value of merchandise if not recovered in merchantable condition	Expenses for recovery of merchandise in amount of \$200	Reasonable attorney's fees and court costs recoverable in civil action (not to exceed \$1000)	Statutory right to demand letter; Letter must be sent at least 30 days before filing of action; Statute requires certain contents in demand letter	Conviction not condition precedent to maintaining action
Alaska	ALASKA STAT. § 09.68.110 (enacted in 1974)	Actual damages recoverable (not defined in statute)	Lesser of retail value or \$1000, plus additional penalty not less than \$100 nor more than \$200	Reasonable attorney's fees may be awarded to prevailing party in a civil action	Demand letter is condition precedent to maintaining an action (unless individual is charged or convicted); Letter must be sent at least 15 days before filing of action	
Arizona	ARIZ. REV. STAT. § 12-691 ET SEQ. (enacted in 1993)	Actual damages recoverable (not defined in statute)	Retail value of merchandise, plus additional minimum penalty of \$250			Conviction not condition precedent to maintaining action; Person convicted for shoplifting precluded from denying essential allegations of the offense in any civil recovery action under this article
Arkansas	ARK. CODE ANN. § 16-122-101 ET SEQ. (enacted in 1993)	Full retail value of merchandise if not recovered in merchantable condition	\$200 (collectable with demand letter); or up to \$1000 in civil penalties may be awarded in civil action	Reasonable attorney's fees and court costs recoverable in civil action	Demand letter is condition precedent to maintaining an action; Letter must be sent at least 30 days before filing of action	Conviction not condition precedent to maintaining action

STATE	STATUTE	ACTUAL DAMAGES	ADDITIONAL PENALTIES	ATTORNEY'S FEES	PRE-SUIT DEMAND LETTER	CRIMINAL CONVICTION
California	CAL. PENAL CODE § 490.5 (enacted in 1976)	Full retail value of merchandise if not recovered in merchantable condition	Not less than \$50 nor more than \$500			
Colorado	COLO. REV. STAT. § 13-21-107.5 (enacted in 1998)	Actual damages recoverable (not defined in statute)	Not less than \$100 nor more than \$250; or \$100 (if theft of shopping cart)			Conviction not condition precedent to maintaining action
Connecticut	CONN. GEN. STAT. §§ 52-564A, 52-572 (enacted in 1990)	Full retail value of merchandise if not recovered in merchantable condition	Up to \$300	Reasonable attorney's fees and court costs recoverable in civil action		Conviction not condition precedent to maintaining action
Delaware	DEL. CODE ANN. tit. 10, § 8143 (enacted in 2005)	Full retail value of merchandise if not recovered in merchantable condition	Greater of retail value or \$150	Reasonable attorney's fees recoverable (no apparent requirement that suit must be filed)	Statutory right to demand letter; Letter may be sent at least 20 days before filing of action; No civil action may be maintained if demand letter is complied with within 20 days	Conviction not condition precedent to maintaining action
District of Columbia	D.C. CODE § 27-102 (enacted in 1992)	The greater of the full retail value of merchandise if not recovered; the loss of value of merchandise if not recovered in merchantable condition, or \$50	Treble amount of actual damages			

STATE	STATUTE	ACTUAL DAMAGES	ADDITIONAL PENALTIES	ATTORNEY'S FEES	PRE-SUIT DEMAND LETTER	CRIMINAL CONVICTION
Florida	FLA. STAT. §§ 772.11, 772.104 (enacted in 1986)	Actual damages recoverable (not defined in statute)	Greater of treble amount of actual damages or \$200	Reasonable attorney's fees and court costs recoverable in civil action	Demand letter is condition precedent to maintaining an action; Statute requires certain contents in demand letter	
Georgia	GA. CODE ANN. § 51-10-6 (enacted in 1988)	Actual damages recoverable (includes value of property and "any other loss sustained as a result of the willful damage or theft offense")	If actual damages is less than \$5,000, may recover: Greater of treble of actual damages or \$300	Reasonable attorney's fees and court costs recoverable in civil action (if statutory demand letter procedures are followed)	Demand letter is condition precedent to maintaining an action; Statute requires certain contents in demand letter	
Hawaii	HAW. REV. STAT. § 663A-2 (enacted in 1985)	Actual damages recoverable (not defined in statute)	\$75 (collectable with demand letter); plus additional civil penalty may be awarded by court: not less than \$50 nor more than \$500		Statutory right to demand letter; Lack of demand letter reduces amount recoverable for civil penalty	Conviction not condition precedent to maintaining action
Idaho	IDAHO CODE ANN. §§ 48-701, 48-702 (enacted in 1974)	Full retail value of merchandise (no apparent limitation on whether it is recovered)	Not less than \$100 nor more than \$250	Reasonable attorney's fees and costs recoverable (no apparent requirement that suit must be filed)		
Illinois	720 ILL. COMP. STAT. § 5/16-27 (effective in 2012)	Full retail value of merchandise (no apparent limitation on whether it is recovered)	Not less than \$100 nor more than \$1000 [2015 Ill. HB 2496 introduced that may change additional penalty to lesser of \$500 or treble amount of retail value]	Reasonable attorney's fees and court costs recoverable (no apparent requirement that suit must be filed)		Conviction not condition precedent to maintaining action
Indiana	IND. CODE § 34-24-3-1 ET SEQ.	Actual damages recoverable	Up to treble amount of actual damages	Reasonable attorney's fees and court costs		Conviction not condition precedent to maintaining

STATE	STATUTE	ACTUAL DAMAGES	ADDITIONAL PENALTIES	ATTORNEY'S FEES	PRE-SUIT DEMAND LETTER	CRIMINAL CONVICTION
	(enacted in 1998)	(irrebuttable presumption that damages is at least \$100 if actual damages is not greater than \$100); plus actual expenses for loss of time and wages in recovery		recoverable in civil action		action; Lack of conviction bars recovery of punitive damages
Iowa	IOWA CODE §§ 645.3, 613.16 (enacted in 1989)	Full retail value of merchandise if not recovered; or loss of value of merchandise if not recovered in merchantable condition	Greater of \$50 or actual damages (not to exceed \$200); Damages reduced by amount received by owner pursuant to court-ordered restitution			
Kansas	KAN. STAT. ANN. § 60-3331 (enacted in 1993)	Recovery of merchandise in merchantable condition	If merchandise not recovered in merchantable condition: greater of \$50 or double the retail value; or if merchandise recovered in merchantable condition: greater of \$50 or half of retail value (not to exceed \$350)	Reasonable attorney's fees may be awarded to prevailing party in a civil action	Demand letter is condition precedent to maintaining an action; If demand includes threat of criminal prosecution, retailer is precluded from civil recovery	Conviction not condition precedent to maintaining action
Kentucky	KY. REV. STAT. ANN. § 411.095 (enacted in 1990)	Actual damages recoverable (not defined in statute)	Retail value of merchandise (not to exceed \$500) plus not less than \$100 nor more than \$250		Statutory right to demand letter	Conviction not condition precedent to maintaining action

STATE	STATUTE	ACTUAL DAMAGES	ADDITIONAL PENALTIES	ATTORNEY'S FEES	PRE-SUIT DEMAND LETTER	CRIMINAL CONVICTION
Louisiana	LA. REV. STAT. ANN. § 9:2799.1 (enacted in 1985)	Full retail value of merchandise if not recovered in merchantable condition	Not less than \$50 nor more than \$500; Damages reduced by amount recovered from offender as court-ordered restitution			
Maine	ME. REV. STAT. tit. 14, § 8302 (enacted in 1995)	Full retail value of merchandise if not recovered in merchantable condition	Treble amount of retail value (not less than \$50 nor more than \$500)		Statutory right to demand letter; Demand letter must include copy of civil recovery statute	Conviction not condition precedent to maintaining action
Maryland	MD. CODE ANN., CTS. & JUD. PROC. § 3-1302 ET SEQ. (enacted in 1991)	Full retail value of merchandise if not recovered in merchantable condition; Plus actual damages (not including loss of time or wages incurred in connection with apprehension or prosecution of shoplifter)	Double amount of retail value (not less than \$50 nor more than \$1000)	Reasonable attorney's fees may be awarded to prevailing party in a civil action	Demand letter is condition precedent to maintaining an action; First demand letter must be sent at least 15 days before filing of action and second demand letter must be sent at least 10 days before filing of action; Statute requires certain contents in demand letter	Conviction not condition precedent to maintaining action
Massachusetts	MASS. GEN. LAWS ch. 231, §§ 85R ½, 85G (enacted in 1986)	Actual damages recoverable (not defined in statute)	If retail value more than \$50 but less than \$250: not more than \$50; or if retail value more than \$250 but less than \$500: not more than \$500		Statutory right to demand letter; Statute requires certain contents in demand letter	
Michigan	MICH. COMP. LAWS SERV. § 600.2953	Full retail value of merchandise if not recovered in	Ten times the retail value (not less than \$50 nor more than \$200)	Reasonable attorney's fees and court costs recoverable (no	Statutory right to demand letter; Statute requires certain	

STATE	STATUTE	ACTUAL DAMAGES	ADDITIONAL PENALTIES	ATTORNEY'S FEES	PRE-SUIT DEMAND LETTER	CRIMINAL CONVICTION
	(enacted in 1961)	merchandise condition		apparent requirement that suit must be filed)	contents in demand letter	
Minnesota	MINN. STAT. §§ 604.14, 540.18 (enacted in 1988)	Full retail value of merchandise (no apparent limitation on whether it is recovered; full retail value is that at time of theft)	Greater of \$50 or full retail value; Conspicuous notice of civil liability prerequisite to recovery		Statutory right to demand letter; Statute requires certain contents in demand letter; Demand letter must include copy of civil recovery statute	Conviction not condition precedent to maintaining action
Mississippi	MISS. CODE ANN. § 97-23-96 (enacted in 1991)	Actual damages recoverable (not defined in statute); statute specifically provides that "recovery of stolen goods regardless of condition shall not affect the right to the minimum recovery"	Greater of \$200 or treble actual damages; "In no event shall punitive damages be awarded under this section"	Reasonable attorney's fees and court costs recoverable in civil action	Demand letter is condition precedent to maintaining an action; Letter must be sent at least 30 days before filing of action; Statute requires certain contents in demand letter	
Missouri	MO. REV. STAT. § 570.087 (enacted in 1990)	Full retail value of merchandise (no apparent limitation on whether it is recovered); plus any "incidental costs" to owner (not to exceed \$100)	Not less than \$100 nor more than \$250	Reasonable attorney's fees and court costs recoverable (no apparent requirement that suit must be filed)		Conviction not condition precedent to maintaining action
Montana	MONT. CODE ANN. § 27-1-718 (enacted in 1985)	Actual damages recoverable (not defined in statute)	Greater of \$100 or retail value (not to exceed \$1000)			Conviction not condition precedent to maintaining action

STATE	STATUTE	ACTUAL DAMAGES	ADDITIONAL PENALTIES	ATTORNEY'S FEES	PRE-SUIT DEMAND LETTER	CRIMINAL CONVICTION
Nebraska	NEB. REV. STAT. § 25-21,194 (enacted in 1987)	“Actual property damage or loss sustained as a direct result of the incident of shoplifting, which may include, but shall not be limited to, full retail value, cost of repair, or cost of replacement of the merchandise”		Reasonable attorney’s fees and court costs recoverable in civil action (if claim is not in Small Claims Court)	Statutory right to demand letter	
Nevada	NEV. REV. STAT. §§ 597.860, 597.870 (enacted in 1973)	Full retail value of merchandise (no apparent limitation on whether it is recovered)	Not less than \$100 nor more than \$250	Reasonable attorney’s fees and costs recoverable (no apparent requirement that suit must be filed)		Conviction not condition precedent to maintaining action
New Hampshire	N.H. REV. STAT. ANN. §§ 507:8-f, 544-C:1 (enacted in 1986)	Full retail value of merchandise if not recovered in merchantable condition	Up to \$400			
New Jersey	N.J. REV. STAT. § 2A:61C-1 (enacted in 1993)	The value of merchandise, not to exceed \$500, if merchandise not recovered in merchantable condition; plus additional damages arising from incident (not to include any loss of time or wages	Up to \$150	Reasonable attorney’s fees may be awarded to prevailing party in a civil action	Demand letter is condition precedent to maintaining an action; Letter must be sent at least 20 days before filing of action	Conviction not condition precedent to maintaining action

STATE	STATUTE	ACTUAL DAMAGES	ADDITIONAL PENALTIES	ATTORNEY'S FEES	PRE-SUIT DEMAND LETTER	CRIMINAL CONVICTION
		incurred)				
New Mexico	N.M. STAT. ANN. § 30-16-21 (enacted in 1977)	Full retail value of merchandise if not recovered in merchantable condition	Not less than \$100 nor more than \$250	Reasonable attorney's fees and costs recoverable (no apparent requirement that suit must be filed)		Conviction of shoplifting under § 30-16-20 is a prerequisite to civil liability
New York	N.Y. GEN. OBLIG. LAW § 11-105 (enacted in 1991)	Full retail value of merchandise (not to exceed \$1500) if not recovered in merchantable condition	Greater of \$75 or five times retail value (not to exceed \$500)		Statutory right to demand letter	Conviction not condition precedent to maintaining action
North Carolina	N.C. GEN. STAT. § 1-538.2 (enacted in 1987)	Full retail value of merchandise if not recovered; or loss of value of merchandise if not recovered in merchantable condition; plus "consequential damages" (to include lost wages in recovery)	Not less than \$150 nor more than \$1000	Reasonable attorney's fees recoverable in civil action	Statutory right to demand letter; Statute requires certain contents in demand letter	Conviction not condition precedent to maintaining action
North Dakota	N.D. CENT. CODE § 51-21-05 (enacted in 1975)	Full retail value of merchandise (no apparent limitation on whether it is recovered)	Up to \$250 in exemplary damages	Reasonable attorney's fees and costs recoverable (no apparent requirement that suit must be filed)		Conviction not condition precedent to maintaining action; if criminal theft charge is filed, merchant may not pursue civil damages until completion of criminal action
Ohio	OHIO REV. CODE ANN. §§	Full retail value of property	May elect to recover either:	Reasonable attorney's fees and court costs	Statutory right to demand letter;	

STATE	STATUTE	ACTUAL DAMAGES	ADDITIONAL PENALTIES	ATTORNEY'S FEES	PRE-SUIT DEMAND LETTER	CRIMINAL CONVICTION
	2307.60, 2307.61, 3109.09 (enacted in 1985)	considered in calculation of additional penalties	Retail value of merchandise plus liquidated damages of: \$50 if value of property was \$50 or less at time of theft, \$100 if value of property was more than \$50 but not more than \$100 at time of theft, or \$150, if value of property was more than \$100 at time of theft; or liquidated damages of the greater of \$200 or three times the retail value of the merchandise	recoverable in civil action (if statutory demand letter procedures are followed)	Lack of demand letter precludes recovery of reasonable administrative costs, reasonable attorney's fees and court costs; Not prerequisite to suit but prerequisite to recover reasonable administrative costs, costs of maintaining the civil action and reasonable attorney's fees; Letter must be sent at least 30 days before filing of action; Statute requires certain contents in demand letter	
Oklahoma	OKLA. STAT. tit. 21, § 1731.1 (enacted in 1991)	Full retail value of merchandise if not recovered or loss of value of merchandise if not recovered in merchantable condition	Exemplary damages or community service	Reasonable attorney's fees and court costs recoverable in civil action		
Oregon	OR. REV. STAT. § 30.875 (enacted in 1979)	Actual damages recoverable (not defined in statute)	Retail value (not to exceed \$500); plus not less than \$100 nor more than \$250		Statutory right to demand letter	Conviction not condition precedent to maintaining action
Pennsylvania	42 PA. CONS. STAT. § 8308 (enacted in 1972)	Full retail value of merchandise if not recovered; or loss of value of merchandise if not	Retail value plus \$150	Reasonable attorney's fees and court costs recoverable in civil action	Demand letter is condition precedent to maintaining an action; Letter must be sent at least 20 days before filing	Conviction not condition precedent to maintaining action

STATE	STATUTE	ACTUAL DAMAGES	ADDITIONAL PENALTIES	ATTORNEY'S FEES	PRE-SUIT DEMAND LETTER	CRIMINAL CONVICTION
		recovered in merchantable condition; plus additional damages arising from incident (not to include any loss of time or wages incurred)			of action	
Rhode Island	R.I. GEN. LAWS § 11-41-28 (enacted in 1992)	Full retail value of merchandise if not recovered in merchantable condition	Up to \$100	Court costs recoverable (no apparent requirement that suit must be filed)	Statutory right to demand letter	Conviction not condition precedent to maintaining action
South Carolina	S.C. CODE ANN. § 15-75-40 (enacted in 1994)	Full retail value of merchandise if not recovered in merchantable condition (not to exceed \$1500)	Greater of \$150 or treble retail value (not to exceed \$500)		Statutory right to demand letter; Statute requires certain contents in demand letter	Conviction not condition precedent to maintaining action
South Dakota	S.D. CODIFIED LAWS § 22-30A-19.1 (enacted in 1989)	Full retail value of merchandise (whether it is recovered in merchantable condition or not)	Greater of \$100 or four times retail value			
Tennessee	TENN. CODE ANN. § 39-14-144 (enacted in 1990)	Full retail value of property considered in calculation of compensatory damages	If merchandise is not recovered: greater of \$100 or treble retail value; or merchandise recovered is not in merchantable condition: greater of \$100 or treble the loss		Statutory right to demand letter; Lack of demand letter requires notice to and consent of attorney general to seek civil recovery under this statute	Conviction not condition precedent to maintaining action

STATE	STATUTE	ACTUAL DAMAGES	ADDITIONAL PENALTIES	ATTORNEY'S FEES	PRE-SUIT DEMAND LETTER	CRIMINAL CONVICTION
			in retail value; or if merchandise is recovered in same condition: greater of \$100 or double retail value; No civil remedy if listed retail value is greater than \$500			
Texas	TEX. CIV. PRAC. & REM. CODE ANN. § 134.001 ET SEQ. (enacted in 1989)	Actual damages recoverable (not defined in statute)	Up to \$1000	Reasonable and necessary attorney's fees may be awarded to prevailing party in a civil action		
Utah	UTAH CODE ANN. § 78B-3-108 (enacted in 1953)	Actual damages recoverable (not defined in statute)	Retail value (not to exceed \$1000); plus additional penalty: not less than \$100 nor more than \$500	Reasonable attorney's fees and court costs recoverable in civil action	Demand letter is condition precedent to maintaining an action; Statute requires certain contents in demand letter	Conviction not condition precedent to maintaining action
Vermont	VT. STAT. ANN. tit. 13, § 2579 (enacted in 1993)	Full retail value of merchandise if not recovered in merchantable condition	Greater of \$25 or double retail value (not to exceed \$300)		Statutory right to demand letter	Conviction not condition precedent to maintaining action
Virginia	VA. CODE ANN. §§ 8.01-44.4, 18.2-103, 18.2-104.1 (enacted in 1992)	Full retail value of property considered in calculation of additional penalty	If merchandise recovered in merchantable condition: up to \$350; or if merchandise not recovered in merchantable condition: greater of \$50 or double retail value	Reasonable and necessary attorney's fees may be awarded to prevailing party in a civil action (not to exceed \$150)	Statutory right to demand letter	Conviction not condition precedent to maintaining action; pendency of criminal prosecution based on same facts precludes civil action

STATE	STATUTE	ACTUAL DAMAGES	ADDITIONAL PENALTIES	ATTORNEY'S FEES	PRE-SUIT DEMAND LETTER	CRIMINAL CONVICTION
Washington	WASH. REV. CODE § 4.24.230 (enacted in 1975)	Actual damages recoverable (not defined in statute)	Retail value (not to exceed \$2850); plus additional penalty: not less than \$100 nor more than \$650	Reasonable attorney's fees and costs expended are recoverable (no apparent requirement that suit must be filed)	Demand letter is condition precedent to maintaining an action; Statute requires certain contents in demand letter	Conviction not condition precedent to maintaining action
West Virginia	W. VA. CODE § 61-3A-5 (enacted in 1981)	Full retail value of merchandise if not recovered in merchantable condition; plus additional damages arising from incident (not to include any loss of time or wages incurred)	Greater of \$50 or double retail value	Reasonable attorney's fees may be awarded to prevailing party in a civil action	Statutory right to demand letter	Conviction not condition precedent to maintaining action
Wisconsin	WIS. STAT. § 943.51 (enacted in 1985)	Full retail value of merchandise if not recovered in merchantable condition	Up to treble amount of retail value; Recovery barred if merchandise recovered undamaged and unused; Recovery reduced by amount recovered from court-ordered restitution involving the same theft	Reasonable attorney's fees and costs recoverable (no apparent requirement that suit must be filed); Total exemplary and reasonable attorney's fees must not exceed \$300)		Conviction not condition precedent to maintaining action
Wyoming	WYO. STAT. ANN. § 1-1-127 (enacted in 1977)	Full retail value of merchandise if not recovered in merchantable condition	Double retail value (not less than \$50 nor more than \$1000)	Reasonable attorney's fees and costs recoverable (no apparent requirement that suit must be filed)	Notice to law enforcement officials prerequisite to civil recovery	Conviction not condition precedent to maintaining action