ACT 107   H. B. 202.

A Bill for an Act Relating to Shoplifting and Providing a Defense for Merchants and Others.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 246, Revised Laws of Hawaii 1955, is amended by adding a new section to be numbered and to read as follows:

"**Sec. 246-1.1. Defense of lawful detention.** In any action for false arrest, false imprisonment, unlawful detention, defamation of character, assault, trespass or invasion of civil rights, brought by any person by reason of having been detained on or in the immediate vicinity of the premises of a retail mercantile establishment for the purpose of investigation or questioning as to the ownership of any merchandise, it shall be a defense to 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 police officer or by the owner of the retail mercantile establishment, his authorized employee or agent, and that such police officer, owner, employee or agent had reasonable grounds to believe that the person so detained was committing or attempting to commit larceny of merchandise on the premises. As used in this section, "reasonable grounds" includes, but is not limited to, knowledge that a person has concealed possession of unpurchased merchandise of the retail mercantile establishment, and a "reasonable time" means 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.

For the purpose of this section, the term "retail mercantile establishment"

means a place where goods, wares or merchandise are offered to the public for sale.

This section applies to legal action resulting from detentions occurring on and after the date it becomes effective."

SECTION 2. This Act shall take effect upon its approval.
(Approved May 22, 1967.)