

§ 1-538.2. Civil liability for larceny, shoplifting, theft by employee, organized retail theft, embezzlement, obtaining property by false pretense, and other offenses.

(a) Any person, other than an unemancipated minor, who commits an act that is punishable under G.S. 14-72, 14-72.1, 14-72.11, 14-74, 14-86.6, 14-86.7, 14-90, or 14-100 is liable for civil damages to the owner of the property. In any action brought by the owner of the property, the owner 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 theft or embezzlement or fraud of an employee. The owner of the property is also entitled to recover for loss to real or personal property caused in the commission of the act. 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. The total consequential damages awarded to a plaintiff against a defendant under this section shall not be less than one hundred fifty dollars (\$150.00) and shall not exceed three thousand dollars (\$3,000) except an act punishable under G.S. 14-74, 14-86.6, 14-86.7, or 14-90 shall have no maximum limit under this section.

(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, 14-72.1, 14-72.11, 14-74, 14-86.6, 14-86.7, 14-90, or 14-100, 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. The total consequential damages awarded to a plaintiff against the parent or legal guardian shall not be less than one hundred fifty dollars (\$150.00) and shall not exceed three thousand dollars (\$3,000).

(c) 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.

(c1) For the purposes of this section, consequential damages shall include, but shall not be limited to:

- (1) The salary paid to any employee for investigation, reporting, testifying, or any other time related to the investigation or prosecution for any violation under subsection (a) of this section; and
- (2) Any costs, such as mileage, postage, stationery, or telephone expenses that were incurred as a result of the violation.

(c2) Repealed by Session Laws 2022-30, s. 5, effective December 1, 2022, and applicable to offenses committed on or after that date.

(c3) Repealed by Session Laws 2022-30, s. 5, effective December 1, 2022, and applicable to offenses committed on or after that date.

(c4) Repealed by Session Laws 2022-30, s. 5, effective December 1, 2022, and applicable to offenses committed on or after that date.

(d) Nothing contained in this act shall prohibit recovery upon any other theory in the law. (1987, c. 519, s. 1; 1987 (Reg. Sess., 1988), c. 1081, s. 4.1; 1995, c. 185, s. 1; 1995 (Reg. Sess., 1996), c. 742, s. 3; 2022-30, s. 5.)