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April 15, 1980

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389

HB 658 by Representative Ward

Provides procedures for detaining persons suspected of taking construction material, making such a theft a third degree felony, and prohibiting transportation of building and construction material at night.

Other References

None

I. Statement of the Problem

Introducer believes that the theft of construction related materials and property has increased and needs to be deterred by allowing contractors and their employees to detain persons reasonably suspected of taking construction material. Prohibiting the transportation of construction material at night will assist law enforcement in deterring such theft.

II. Fiscal Impact

None Apparent

III. Comments

A. Discussion

This bill will authorize a law enforcement officer, an owner of construction related property or employees, or a contractor, subcontractor, or builder or their employees to detain a person in a reasonable manner: (1) where the detaining person has probable cause to believe property has been unlawfully taken from the construction site by the person being taken, and (2) the property can be recovered by taking the person into custody. Such privileged persons are exempt from civil and criminal liability for false arrest, false imprisonment or unlawful detention.

This bill also prohibits the transportation of building or construction related material at night allowing a law enforcement officer to detain such possible violators in order to determine the ownership of the material. A violation of this section is a second degree misdemeanor.

B. Constitutionality

The bill appears to be constitutional.

C. Legislative Intent

Adequately expressed.

D. Legislative History

None

IV. Amendments

None