

By: Representative Baker

To: Judiciary A

HOUSE BILL NO. 1176

1 AN ACT TO PROHIBIT A PERSON FROM KNOWINGLY GAINING ACCESS TO
 2 A NONPUBLIC AREA OF COMMERCIAL PROPERTY AND ENGAGING IN CERTAIN
 3 PROHIBITED CONDUCT; TO PROVIDE DEFINITIONS; TO DESCRIBE THE
 4 PROHIBITED CONDUCT; TO PROVIDED THAT ANY PERSON WHO ASSISTS IN
 5 VIOLATING THIS ACT SHALL BE HELD JOINTLY LIABLE FOR ALL DAMAGES;
 6 TO AUTHORIZE A COURT TO AWARD APPROPRIATE REMEDIES TO A PREVAILING
 7 PARTY; AND FOR RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 **SECTION 1.** (1) As used in this section, the following words
 10 shall have the meaning ascribed herein unless the context
 11 indicates otherwise:

12 (a) "Commercial property" means:

13 (i) A business property;

14 (ii) Agricultural or timber production operations,
 15 including buildings and all outdoor areas that are not open to the
 16 public; and

17 (iii) Residential property used for business
 18 purposes; and

19 (b) "Nonpublic area" means an area not accessible to or
 20 not intended to be accessed by the general public.



21 (2) A person who knowingly gains access to a nonpublic area
22 of any commercial property and engages in any act that exceeds the
23 person's authority to enter the nonpublic area is liable to the
24 owner and operator of the commercial property for any damages
25 sustained by the owner or operator of the property.

26 (3) For purposes of this act, the phrase "exceeds a person's
27 authority" any act to enter a nonpublic area of commercial
28 property, including any act by an employee who knowingly enters a
29 nonpublic area of commercial property for a reason other than a
30 bona fide intent of seeking or holding employment or doing
31 business with the employer and without authorization and
32 subsequently:

33 (a) Captures or removes the employer's data, paper,
34 records, or any other documents and uses the information contained
35 on or in the employer's data, paper, records, or any other
36 documents in a manner that damages the employer;

37 (b) Records images or sound occurring within an
38 employer's commercial property and uses the recording in a manner
39 that damages the employer;

40 (c) Places on the commercial property an unattended
41 camera or electronic surveillance device and uses the unattended
42 camera or electronic surveillance device to record images or data
43 for an unlawful purpose;

44 (d) Conspires in any organized theft of items belonging
45 to the employer; or



46 (e) Commits an act that substantially interferes with
47 the ownership or possession of the commercial property.

48 (4) Any person who knowingly directs or assists another
49 person in violating this section shall be held jointly liable for
50 any damages authorized by subsection (5) of this act.

51 (5) A court may award to a prevailing party in an action
52 brought under this section one or more of the following remedies:

53 (a) Equitable relief;

54 (b) Compensatory damages;

55 (c) Costs and fees, including reasonable attorney's
56 fees; and

57 (d) In a case where compensatory damages cannot be
58 quantified, a court may award additional damages as otherwise
59 allowed by state or federal law in an amount not to exceed Five
60 Thousand Dollars (\$5,000.00) for each day, or portion thereof,
61 which the defendant has violated the provisions of subsection (2)
62 of this section, and that in the court's discretion are comparable
63 with the harm caused to the plaintiff by the defendant's conduct
64 in violation of this section.

65 (6) The provisions of this section shall not be construed
66 to: (a) diminish the protections provided to employees under
67 state or federal law, or (b) limit any other remedy available at
68 common law; or (c) replace any other remedies provided by law for
69 any act listed in subsection (3) of this section.



70 (7) The provisions of this section does not apply to a state
71 agency, a state-funded institution of higher education, a law
72 enforcement officer engaged in a lawful investigation of
73 commercial property or of the owner operator of the commercial
74 property.

75 **SECTION 2.** This act shall take effect and be in force from
76 and after July 1, 2018.

