

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 596 Session of 2023

INTRODUCED BY ARGALL, STEFANO, BARTOLOTTA, AUMENT, REGAN, COSTA, FARRY AND BROOKS, APRIL 17, 2023

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, DECEMBER 10, 2023

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in theft and related offenses, further
3 providing for the offense of organized retail theft, and <--
4 establishing the Office of Deputy Attorney General for
5 Organized Retail Crime Theft.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Section 3929.3(b) and (c) of Title 18 of the
9 Pennsylvania Consolidated Statutes are amended and the section
10 is amended by adding subsections to read:

11 § 3929.3. Organized retail theft.

12 * * *

13 (b) Grading.--

14 [(1) If the retail value of the stolen merchandise in <--
15 the possession of or under the control of the organized
16 retail theft enterprise is at least +\$5,000+-\$1,000, but not <--
17 more than +\$19,999+-\$4,999, the offense is a felony of the <--
18 third degree.]

1 (2) If the retail value of the stolen merchandise in the
2 possession of or under the control of the organized retail
3 theft enterprise is at least ~~[\$20,000]~~ ~~\$5,000, but not more~~ <--
4 ~~than \$19,999,~~ the offense is a felony of the second degree.] <--

5 ~~(3) If the retail value of the stolen merchandise in the~~ <--
6 ~~possession of or under the control of the organized retail~~
7 ~~theft enterprise is at least \$20,000, the offense is a felony~~
8 ~~of the first degree.~~

9 (3) IF THE RETAIL VALUE OF THE STOLEN MERCHANDISE IN THE <--
10 POSSESSION OF OR UNDER THE CONTROL OF THE ORGANIZED RETAIL
11 THEFT ENTERPRISE IS LESS THAN \$2,000, THE OFFENSE IS A
12 MISDEMEANOR OF THE FIRST DEGREE.

13 (4) IF THE RETAIL VALUE OF THE STOLEN MERCHANDISE IN THE
14 POSSESSION OF OR UNDER THE CONTROL OF THE ORGANIZED RETAIL
15 THEFT ENTERPRISE IS \$2,000 OR MORE, THE OFFENSE IS A FELONY
16 OF THE SECOND DEGREE.

17 (b.1) Enforcement.--

18 (1) The district attorneys of the several counties shall
19 have authority to investigate and to institute criminal
20 proceedings for a violation of this section.

21 (2) In addition to the authority conferred upon the
22 Attorney General by the act of October 15, 1980 (P.L.950,
23 No.164), known as the Commonwealth Attorneys Act, the
24 Attorney General shall have the authority to investigate and
25 to institute criminal proceedings for a violation of this
26 section or a series of related violations involving more than
27 one county of this Commonwealth or involving a county of this
28 Commonwealth and another state.

29 (3) No person charged with a violation of this section
30 by the Attorney General shall have standing to challenge the

1 authority of the Attorney General to investigate or prosecute
2 the case and, if a challenge is made, the challenge shall be
3 dismissed and no relief shall be available in the courts of
4 the Commonwealth to the person.

5 (b.2) Office of Deputy Attorney General for Organized Retail
6 Crime Theft.--

7 (1) The Office of Deputy Attorney General for Organized
8 Retail Crime Theft is established AT SUCH TIME AS THE GENERAL <--
9 ASSEMBLY APPROPRIATES MONEY SPECIFICALLY FOR THE OFFICE and
10 shall include five prosecuting attorneys to have
11 geographically concurrent jurisdiction in this Commonwealth.
12 The following shall be the geographic districts of the
13 prosecuting attorneys:

14 (i) District 1 shall include Bucks, Chester,
15 Delaware, Montgomery and Philadelphia Counties.

16 (ii) District 2 shall include Berks, Bradford,
17 Carbon, Columbia, Lackawanna, Lehigh, Luzerne, Lycoming,
18 Monroe, Montour, Northampton, Northumberland, Pike,
19 Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union,
20 Wayne and Wyoming Counties.

21 (iii) District 3 shall include Adams, Bedford,
22 Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon,
23 Juniata, Lancaster, Lebanon, Mifflin, Perry and York
24 Counties.

25 (iv) District 4 shall include Armstrong, Butler,
26 Cameron, Centre, Clarion, Clearfield, Clinton, Crawford,
27 Elk, Erie, Forest, Indiana, Jefferson, Lawrence, McKean,
28 Mercer, Potter, Venango and Warren Counties.

29 (v) District 5 shall include Allegheny, Beaver,
30 Cambria, Fayette, Greene, Somerset, Washington and

1 Westmoreland Counties.

2 (2) Each prosecuting attorney may have no more than two
3 special agents employed to assist with the duties under this
4 subsection.

5 (c) Definitions.--The following words and phrases when used
6 in this section shall have the meanings given to them in this
7 subsection:

8 "Merchandise." Any goods, chattels, foodstuffs or wares of
9 any type and description, regardless of the value thereof.

10 "Merchant." An owner or operator of a retail mercantile
11 establishment or an agent, employee, lessee, consignee, officer,
12 director, franchise or independent contractor of such owner or
13 operator.

14 "Organized retail theft enterprise." A corporation,
15 partnership or any other type of association, whether or not
16 legally formed, operated for the purpose of engaging in
17 violations of the provisions of section 3925 (relating to
18 receiving stolen property) or 3929 (relating to retail theft)
19 with intent to resell or re-enter the merchandise into commerce.

20 "Retail value." A merchant's stated or advertised price of
21 merchandise. If merchandise is not traceable to a specific
22 merchant, the stated or advertised price of the merchandise by
23 merchants in the same geographical region.

24 Section 2. This act shall take effect July 1, 2024, or
25 immediately, whichever is later.