

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 AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
DECEMBER 12, 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~~; AND ESTABLISHING THE OFFICE OF <--
6 DEPUTY ATTORNEY GENERAL FOR ORGANIZED RETAIL CRIME THEFT.

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

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

12 § 3929.3. Organized retail theft.

13 * * *

14 (b) Grading.--

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

1 ~~third degree.~~

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

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

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

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

18 (1) IF THE RETAIL VALUE OF THE STOLEN MERCHANDISE IN THE <--
19 POSSESSION OF OR UNDER THE CONTROL OF THE ORGANIZED RETAIL
20 THEFT ENTERPRISE IS AT LEAST [\$5,000] \$2,500, BUT NOT MORE
21 THAN [\$19,999] \$9,999, THE OFFENSE IS A FELONY OF THE THIRD
22 DEGREE.

23 (2) IF THE RETAIL VALUE OF THE STOLEN MERCHANDISE IN THE
24 POSSESSION OF OR UNDER THE CONTROL OF THE ORGANIZED RETAIL
25 THEFT ENTERPRISE IS AT LEAST [\$20,000] \$10,000, BUT NOT MORE
26 THAN \$49,999, THE OFFENSE IS A FELONY OF THE SECOND DEGREE.

27 (3) IF THE RETAIL VALUE OF THE STOLEN MERCHANDISE IN THE
28 POSSESSION OF OR UNDER THE CONTROL OF THE ORGANIZED RETAIL
29 THEFT ENTERPRISE IS AT LEAST \$50,000, THE OFFENSE IS A FELONY
30 OF THE FIRST DEGREE.

1 (b.1) Enforcement.--

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

5 (2) In addition to the authority conferred upon the
6 Attorney General by the act of October 15, 1980 (P.L.950,
7 No.164), known as the Commonwealth Attorneys Act, the
8 Attorney General shall have the authority to investigate and
9 to institute criminal proceedings for a violation of this
10 section or a series of related violations involving more than
11 one county of this Commonwealth or involving a county of this
12 Commonwealth and another state.

13 (3) No person charged with a violation of this section
14 by the Attorney General shall have standing to challenge the
15 authority of the Attorney General to investigate or prosecute
16 the case and, if a challenge is made, the challenge shall be
17 dismissed and no relief shall be available in the courts of
18 the Commonwealth to the person.

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

21 (1) The Office of Deputy Attorney General for Organized
22 Retail Crime Theft is established ~~AT SUCH TIME AS THE GENERAL~~ <--
23 ~~ASSEMBLY APPROPRIATES MONEY SPECIFICALLY FOR THE OFFICE~~ and
24 shall include five prosecuting attorneys to have
25 geographically concurrent jurisdiction in this Commonwealth.
26 The following shall be the geographic districts of the
27 prosecuting attorneys:

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

30 (ii) District 2 shall include Berks, Bradford,

1 Carbon, Columbia, Lackawanna, Lehigh, Luzerne, Lycoming,
2 Monroe, Montour, Northampton, Northumberland, Pike,
3 Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union,
4 Wayne and Wyoming Counties.

5 (iii) District 3 shall include Adams, Bedford,
6 Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon,
7 Juniata, Lancaster, Lebanon, Mifflin, Perry and York
8 Counties.

9 (iv) District 4 shall include Armstrong, Butler,
10 Cameron, Centre, Clarion, Clearfield, Clinton, Crawford,
11 Elk, Erie, Forest, Indiana, Jefferson, Lawrence, McKean,
12 Mercer, Potter, Venango and Warren Counties.

13 (v) District 5 shall include Allegheny, Beaver,
14 Cambria, Fayette, Greene, Somerset, Washington and
15 Westmoreland Counties.

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

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

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

24 "Merchant." An owner or operator of a retail mercantile
25 establishment or an agent, employee, lessee, consignee, officer,
26 director, franchise or independent contractor of such owner or
27 operator.

28 "Organized retail theft enterprise." A corporation,
29 partnership or any other type of association, whether or not
30 legally formed, operated for the purpose of engaging in

1 violations of the provisions of section 3925 (relating to
2 receiving stolen property) or 3929 (relating to retail theft)
3 with intent to resell or re-enter the merchandise into commerce.

4 "Retail value." A merchant's stated or advertised price of
5 merchandise. If merchandise is not traceable to a specific
6 merchant, the stated or advertised price of the merchandise by
7 merchants in the same geographical region.

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