

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

SENATOR BAKER, JUDICIARY, AS AMENDED, OCTOBER 3, 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 making an appropriation. <--

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 a subsection SUBSECTIONS to read: <--

11 § 3929.3. Organized retail theft.

12 * * *

13 (b) Grading.--

14 (1) 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 at least [\$5,000] \$300, but not more than
17 [\$19,999] \$1,199, the offense is a felony of the third
18 degree.

19 (2) If the retail value of the stolen merchandise in the

1 possession of or under the control of the organized retail
2 theft enterprise is at least [~~\$20,000~~] \$1,200, the offense is
3 a felony of the second degree.

4 (B.1) ENFORCEMENT.-- <--

5 (1) THE DISTRICT ATTORNEYS OF THE SEVERAL COUNTIES SHALL
6 HAVE AUTHORITY TO INVESTIGATE AND TO INSTITUTE CRIMINAL
7 PROCEEDINGS FOR A VIOLATION OF THIS SECTION.

8 (2) IN ADDITION TO THE AUTHORITY CONFERRED UPON THE
9 ATTORNEY GENERAL BY THE ACT OF OCTOBER 15, 1980 (P.L.950,
10 NO.164), KNOWN AS THE COMMONWEALTH ATTORNEYS ACT, THE
11 ATTORNEY GENERAL SHALL HAVE THE AUTHORITY TO INVESTIGATE AND
12 TO INSTITUTE CRIMINAL PROCEEDINGS FOR A VIOLATION OF THIS
13 SECTION OR A SERIES OF RELATED VIOLATIONS INVOLVING MORE THAN
14 ONE COUNTY OF THIS COMMONWEALTH OR INVOLVING A COUNTY OF THIS
15 COMMONWEALTH AND ANOTHER STATE.

16 (3) NO PERSON CHARGED WITH A VIOLATION OF THIS SECTION
17 BY THE ATTORNEY GENERAL SHALL HAVE STANDING TO CHALLENGE THE
18 AUTHORITY OF THE ATTORNEY GENERAL TO INVESTIGATE OR PROSECUTE
19 THE CASE AND, IF A CHALLENGE IS MADE, THE CHALLENGE SHALL BE
20 DISMISSED AND NO RELIEF SHALL BE AVAILABLE IN THE COURTS OF
21 THE COMMONWEALTH TO THE PERSON.

22 ~~(b.1)~~ (B.2) Office of Deputy Attorney General for Organized <--
23 Retail Crime Theft.--

24 (1) The Office of Deputy Attorney General for Organized
25 Retail Crime Theft is established and shall include five
26 prosecuting attorneys to have geographically concurrent
27 jurisdiction in this Commonwealth. The following shall be the
28 geographic districts of the prosecuting attorneys:

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

1 (ii) District 2 shall include Berks, Bradford,
2 Carbon, Columbia, Lackawanna, Lehigh, Luzerne, Lycoming,
3 Monroe, Montour, Northampton, Northumberland, Pike,
4 Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union,
5 Wayne and Wyoming Counties.

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

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

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

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

20 ~~(3) The sum of \$2,000,000 is appropriated from the~~ <--
21 ~~General Fund to the Office of Attorney General to be used by~~
22 ~~the Office of Deputy Attorney General for Organized Retail~~
23 ~~Crime Theft for duties under this subsection.~~

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

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

29 "Merchant." An owner or operator of a retail mercantile
30 establishment or an agent, employee, lessee, consignee, officer,

1 director, franchise or independent contractor of such owner or
2 operator.

3 "Organized retail theft enterprise." A corporation,
4 partnership or any other type of association, whether or not
5 legally formed, operated for the purpose of engaging in
6 violations of the provisions of section 3925 (relating to
7 receiving stolen property) or 3929 (relating to retail theft)
8 with intent to resell or re-enter the merchandise into commerce.

9 "Retail value." A merchant's stated or advertised price of
10 merchandise. If merchandise is not traceable to a specific
11 merchant, the stated or advertised price of the merchandise by
12 merchants in the same geographical region.

13 Section 2. This act shall take effect ~~in 60 days.~~ JULY 1, <--
14 2024, OR IMMEDIATELY, WHICHEVER IS LATER.