



HOUSE COMMITTEE ON APPROPRIATIONS

2009-10 Legislative Session

FISCAL NOTE

HOUSE BILL: 1720

PRINTER'S NO: 2246

PRIME SPONSOR: Caltagirone

FISCAL IMPACT SUMMARY	FY 2008/09	FY 2009/10
Expenditure Increase/(Decrease):		
General Fund	*See Analysis	*See Analysis

OVERVIEW:

House Bill 1720 amends Title 18 (Crimes and Offenses) by adding a new section providing definitions and penalties for the offense of organized retail theft.

The offense of organized retail theft is graded as a felony of the second degree if a person organizes, coordinates, controls, supervises, finances, or manages the activities of an organized retail theft enterprise. A second degree felony is punishable by up to 10 years imprisonment and/or a fine up to \$25,000.

The offense of organized retail theft is graded as a felony of the third degree if a person:

- takes possession of, carries away, transfers or causes to be carried away or transferred, any quantity of merchandise from a retail establishment with the intention of depriving the merchant of the possession, use or benefit of such merchandise without paying the full retail value and for the purpose of selling the merchandise to a person in the business of buying or selling stolen property;
- is employed by or associates with any organized retail theft enterprise, or conducts or participates, directly or indirectly, in the activities of such enterprise;
- acquires or maintains, directly or indirectly, any interest in any organized retail theft enterprise; or
- conspires to violate, or solicits another person to violate, any of the foregoing provisions.

A third degree felony is punishable by up to seven years imprisonment and/or a fine up to \$15,000.

This act takes effect in 60 days.

ANALYSIS:

The average cost in 2008 for incarcerating an offender in a state correctional institution is almost \$35,000 per year (including health care). According to the Board of Probation and Parole, in 2008, the average cost for state parole supervision was \$3,139 per year. The average cost in 2008 for incarceration in a county jail is approximately \$50 per day or \$18,250 per year. The average cost for supervising a county adult offender in 2007 was \$680 per year.

While this legislation is expected to have minimal fiscal impact, if considered in conjunction with other legislation that increases the grading of penalties or creates new penalties, the impact to state and/or local governments may be substantial.

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House Appropriations Committee, (D)

DATE: June 29, 2009

General Note and Disclaimer: *This Fiscal Note was prepared pursuant to House Rule 19(a), and the elements considered and reported above are required by Section 5 of the rule. Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*