

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. Senate Bill 596

PRINTER NO. 1146

AMOUNT

See Fiscal Impact

FUND

General Fund

DATE INTRODUCED

April 17, 2023

PRIME SPONSOR

Senator Argall

DESCRIPTION

Senate Bill 596 amends Title 18 (Crimes and Offenses) further providing for the offense of organized retail theft and establishing the Office of Deputy Attorney General for Organized Retail Crime Theft.

This legislation lowers the grading threshold amounts for organized retail theft enterprises. For a felony of the third degree, the threshold with regard to the retail value of stolen merchandise is lowered from between \$5,000 and \$19,999 to between \$300 and \$1,199. For a felony of the second degree, the threshold is lowered from at least \$20,000 to at least \$1,200.

Senate Bill 596 adds language to provide for the enforcement of organized retail theft. County district attorneys shall have authority to investigate and institute criminal proceedings for related violations. In addition to the authority conferred by the Commonwealth Attorneys Act, the Attorney General shall have the authority to investigate and institute criminal proceedings for violations or a series of related violations involving more than one county of the Commonwealth or involving a county of the Commonwealth and another state. No individual charged in relation to organized retail theft law shall have standing to challenge the authority of the Attorney General to investigate or prosecute a case.

The bill establishes the Office of the Deputy Attorney General for Organized Retail Crime Theft. The office shall include five prosecuting attorneys to have geographically concurrent jurisdiction in the Commonwealth. Each prosecuting attorney may employ no more than two special agents. The geographic districts of the prosecuting attorneys shall be as follows:

- District 1 shall include Bucks, Chester, Delaware, Montgomery and Philadelphia Counties;
- District 2 shall include Berks, Bradford, Carbon, Columbia, Lackawanna, Lehigh, Luzerne, Lycoming, Monroe, Montour, Northampton, Northumberland, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne and Lycoming Counties;
- District 3 shall include Adams, Bedford, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry and York Counties;

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- District 4 shall include Armstrong, Butler, Cameron, Centre, Clarion, Clearfield, Clinton, Crawford, Elk, Erie, Forest, Indiana, Jefferson, Lawrence, McKean, Mercer, Potter, Venango and Warren Counties; and
- District 5 shall include Allegheny, Beaver, Cambria, Fayette, Greene, Somerset, Washington and Westmoreland Counties.

The bill also amends the definition “organized retail theft enterprise” to include the intent to resell or re-enter stolen merchandise into commerce.

This act shall take effect July 1, 2024, or immediately, whichever is later.

FISCAL IMPACT:

According to information provided by the Office of the Attorney General, it is estimated that the cost to create a new dedicated office for organized retail crime theft will be approximately \$2.35 million annually. Additionally, there are estimated startup costs of \$371,560 for a grand total of \$2.72 million for the first full fiscal year.