

CRIMES CODE (18 PA.C.S.) - OFFENSE OF ORGANIZED RETAIL THEFT
Act of Jun. 16, 2010, P.L. 212, No. 33 Cl. 18
Session of 2010
No. 2010-33

HB 1720

AN ACT

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in theft and related offenses, providing for the offense of organized retail theft.

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

Section 1. Title 18 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 3929.3 Organized retail theft.

(a) **Offense defined.--**A person commits organized retail theft if the person organizes, coordinates, controls, supervises, finances or manages any of the activities of an organized retail theft enterprise.

(b) **Grading.--**

(1) If the retail value of the stolen merchandise in the possession of or under the control of the organized retail theft enterprise is at least \$5,000, but not more than \$19,999, the offense is a felony of the third degree.

(2) If the retail value of the stolen merchandise in the possession of or under the control of the organized retail theft enterprise is at least \$20,000, the offense is a felony of the second degree.

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

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

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

"Organized retail theft enterprise." A corporation, partnership or any other type of association, whether or not legally formed, operated for the purpose of engaging in violations of the provisions of section 3925 (relating to receiving stolen property) or 3929 (relating to retail theft).

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

Section 2. This act shall take effect in 60 days.

APPROVED--The 16th day of June, A.D. 2010.

EDWARD G. RENDELL