

CRIMES CODE (18 PA.C.S.) - OFFENSE OF ORGANIZED RETAIL THEFT
AND ESTABLISHING THE OFFICE OF DEPUTY ATTORNEY GENERAL FOR
ORGANIZED RETAIL CRIME THEFT

Act of Dec. 14, 2023, P.L. 376, No. 42

Cl. 18

Session of 2023
No. 2023-42

SB 596

AN ACT

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in theft and related offenses, further providing for the offense of organized retail theft; and establishing the Office of Deputy Attorney General for Organized Retail Crime Theft.

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

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

§ 3929.3. Organized retail theft.

* * *

(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] **\$2,500**, but not more than [\$19,999] **\$9,999**, 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] **\$10,000**, but not more than **\$49,999**, the offense is a felony of the second degree.

(3) 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 \$50,000, the offense is a felony of the first degree.

(b.1) Enforcement.--

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

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

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

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

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

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

(ii) 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 Wyoming Counties.

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

(iv) 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.

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

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

(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) **with intent to resell or reenter the merchandise into commerce.**

"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 July 1, 2024, or immediately, whichever is later.

APPROVED--The 14th day of December, A.D. 2023.

JOSH SHAPIRO