

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1720 Session of 2009

INTRODUCED BY CALTAGIRONE, MARSICO, BAKER, BRENNAN, CARROLL, FAIRCHILD, FARRY, FLECK, GRELL, HALUSKA, HARHAI, HICKERNELL, JOSEPHS, KAUFFMAN, M. KELLER, KORTZ, KULA, MANN, MILLARD, MILLER, MILNE, MOUL, O'NEILL, PALLONE, PHILLIPS, PICKETT, READSHAW, SCAVELLO, SIPTROTH, SWANGER, TRUE, VEREB, SOLOBAY, VULAKOVICH, D. COSTA, DENLINGER, GEIST, STABACK, HESS, STEVENSON, GINGRICH, PYLE AND CREIGHTON, JUNE 16, 2009

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 16, 2009

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, prohibiting organized retail theft.

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

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

7 § 3929.3 Organized retail theft.

8 (a) Offense defined.--A person commits organized retail
9 theft if he:

10 (1) Takes possession of, carries away, transfers or
11 causes to be carried away or transferred any quantity of
12 merchandise from a retailer for the purpose of selling the
13 merchandise to a person in the business of buying or selling
14 stolen property.

15 (2) Is employed by or associates with any organized

1 retail theft enterprise, or conducts or participates,
2 directly or indirectly, in the activities of such enterprise.

3 (3) Organizes, coordinates, controls, supervises,
4 finances or manages the activities of an organized retail
5 theft enterprise.

6 (4) Acquires or maintains, directly or indirectly, any
7 interest in any organized retail theft enterprise.

8 (5) Conspires to violate, or solicits another person to
9 violate, any of the provisions of paragraph (1), (2), (3) or
10 (4).

11 (b) Grading.--Organized retail theft constitutes a:

12 (1) Felony of the third degree when the offense is a
13 violation of subsection (a)(1), (2), (4) or (5).

14 (2) Felony of the second degree when the offense is a
15 violation of subsection (a)(3).

16 (c) Definition.--For the purposes of this section, the term
17 "organized retail theft enterprise" shall mean a partnership,
18 corporation, association or other legal entity, or a union or
19 group of two or more individuals associated in fact although not
20 a legal entity, including legitimate as well as illegitimate
21 entities, whose association is for the purpose of engaging in a
22 violation of the provisions of section 3925 (relating to
23 receiving stolen property) or 3929 (relating to retail theft).

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