

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, CREIGHTON, PRESTON AND HARKINS, JUNE 16, 2009

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 23, 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 DISPLAYED, HELD, STORED OR OFFERED FOR SALE ←

1 BY ANY STORE OR OTHER RETAIL MERCANTILE ESTABLISHMENT WITH
2 THE INTENTION OF DEPRIVING THE MERCHANT OF THE POSSESSION,
3 USE OR BENEFIT OF SUCH MERCHANDISE WITHOUT PAYING THE FULL
4 RETAIL VALUE THEREOF AND FOR THE PURPOSE OF SELLING THE
5 MERCHANDISE TO A PERSON IN THE BUSINESS OF BUYING OR SELLING
6 STOLEN PROPERTY.

7 (2) Is employed by or associates with any organized
8 retail theft enterprise, or conducts or participates,
9 directly or indirectly, in the activities of such enterprise.

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

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

15 (5) Conspires to violate, or solicits another person to
16 violate, any of the provisions of paragraph (1), (2), (3) or
17 (4).

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

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

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

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

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