

## 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, HARKINS,  
MARSHALL AND MENSCH, JUNE 16, 2009

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,  
JUNE 30, 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~~ TAKES possession of, carries away, transfers ←  
11 or causes to be carried away or transferred any quantity of  
12 merchandise displayed, held, stored or offered for sale by  
13 any store or other retail mercantile establishment with the  
14 intention of depriving the merchant of the possession, use or

benefit of such merchandise without paying the full retail value thereof and for the purpose of selling the merchandise to a person in the business of buying or selling stolen property-;

(2) ~~Is~~ IS employed by or associates with any organized retail theft enterprise, or conducts or participates, directly or indirectly, in the activities of such enterprise-;

(3) ~~Organizes~~ ORGANIZES, coordinates, controls, supervises, finances or manages the activities of an organized retail theft enterprise-;

(4) ~~Acquires~~ ACQUIRES or maintains, directly or indirectly, any interest in any organized retail theft enterprise-; OR

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

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

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

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

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

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