

BILL ANALYSIS

S.B. 1901
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Organized retail theft is distinct from petty shoplifting in that it involves professional theft rings that move quickly from community to community and across county lines to steal large amounts of merchandise. This criminal activity requires many thieves (boosters) organized by a central figure (fence) that pays the boosters pennies on the dollar, then repackages and resells the merchandise through alternate distribution channels to the general public. Nationally, the FBI estimates that monetary loss due to theft attributable to organized retail crime is \$37 billion annually. The Food Marketing Institute estimates that Texas businesses annually lose over \$2.5 billion and the state loses over \$150 million in sales tax revenue.

S.B. 1901 adds a new offense entitled "Organized Retail Theft" to the theft provisions of the Penal Code and provides specific criminal penalties for persons charged with engaging in these activities. This bill also increases the penalty for those supervising, organizing, financing, or managing one or more individuals engaged in organized retail theft. This bill authorizes an organized retail theft case to be prosecuted in any county in which an underlying theft could have been prosecuted as a separate offense.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1901 adds Section 31.16 (Organized Retail Theft) to the Penal Code which defines "retail merchandise" to mean one or more items of tangible personal property displayed, held, stored, or offered for sale in a retail establishment. Provides that a person commits an offense if the person intentionally conducts, promotes, or facilitates an activity in which the person receives, possesses, conceals, stores, barter, sells, or disposes of stolen retail merchandise or merchandise explicitly represented to the person as being stolen retail merchandise, the total value of which is not less than \$1,500.

An offense under organized retail theft is a state jail felony if the total value of the merchandise involved is \$1,500 or more but less than \$20,000; a felony of the third degree if the total value is \$20,000 or more but less than \$100,000; a felony of the second degree if the total value is \$100,000 or more but less than \$200,000; or a felony of the first degree if the total value is \$200,000 or more. An offense is increased to the next higher category of offense if it is shown on the trial of the offense that the person organized, supervised, financed, or managed one or more other persons engaged in an activity described under Section 31.16(b), Penal Code.

Amends Article 13.08, Code of Criminal Procedure, to authorize an offense under Section 31.16, Penal Code, to be prosecuted in any county in which an underlying theft could have been prosecuted as a separate offense.

EFFECTIVE DATE

September 1, 2007.

S.B. 1901 80(R)

