

By: Van de Putte

S.B. No. 1901

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the offense of organized retail theft.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 31, Penal Code, is amended by adding Section 31.16 to read as follows:

Sec. 31.16. ORGANIZED RETAIL THEFT. (a) In this section, "retail merchandise" means one or more items of tangible personal property displayed, held, stored, or offered for sale in a retail establishment.

(b) 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 a total value of not less than \$1,500 of:

(1) stolen retail merchandise; or

(2) merchandise explicitly represented to the person as being stolen retail merchandise.

(c) An offense under this section is:

(1) a state jail felony if the total value of the merchandise involved in the activity is \$1,500 or more but less than \$20,000;

(2) a felony of the third degree if the total value of the merchandise involved in the activity is \$20,000 or more but less than \$100,000;

(3) a felony of the second degree if the total value of

1 the merchandise involved in the activity is \$100,000 or more but  
2 less than \$200,000; or

3 (4) a felony of the first degree if the total value of  
4 the merchandise involved in the activity is \$200,000 or more.

5 (d) An offense described for purposes of punishment by  
6 Subsections (c)(1), (2), and (3) is increased to the next higher  
7 category of offense if it is shown on the trial of the offense that  
8 the person organized, supervised, financed, or managed one or more  
9 other persons engaged in an activity described by Subsection (b).

10 SECTION 2. Article 13.08, Code of Criminal Procedure, is  
11 amended to read as follows:

12 Art. 13.08. THEFT; ORGANIZED RETAIL THEFT. (a) Where  
13 property is stolen in one county and removed by the offender to  
14 another county, the offender may be prosecuted either in the county  
15 where he took the property or in any other county through or into  
16 which he may have removed the same.

17 (b) An offense under Section 31.16, Penal Code, may be  
18 prosecuted in any county in which an underlying theft could have  
19 been prosecuted as a separate offense.

20 SECTION 3. This Act takes effect September 1, 2007.