

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 conducts, promotes, or facilitates an activity in which the person receives, possesses, conceals, stores, barter, sells, or disposes 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 Class C misdemeanor if the total value of the merchandise involved in the activity is less than \$20;

(2) a Class B misdemeanor if the total value of the merchandise involved in the activity is \$20 or more but less than \$500;

(3) a Class A misdemeanor if the total value of the merchandise involved in the activity is \$500 or more but less than \$1,500;

1 (4) a state jail felony if the total value of the
2 merchandise involved in the activity is \$1,500 or more but less than
3 \$20,000;

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

7 (6) a felony of the second degree if the total value of
8 the merchandise involved in the activity is \$100,000 or more but
9 less than \$200,000; or

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

12 (d) An offense described for purposes of punishment by
13 Subsections (c)(1)-(6) is increased to the next higher category of
14 offense if it is shown on the trial of the offense that the person
15 organized, supervised, financed, or managed one or more other
16 persons engaged in an activity described by Subsection (b).

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

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

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

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