

1-1 By: Van de Putte S.B. No. 1901
1-2 (In the Senate - Filed March 9, 2007; March 22, 2007, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 27, 2007, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 0; April 27, 2007,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1901 By: Seliger

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the creation of the offense of organized retail theft.
1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-12 SECTION 1. Chapter 31, Penal Code, is amended by adding
1-13 Section 31.16 to read as follows:
1-14 Sec. 31.16. ORGANIZED RETAIL THEFT. (a) In this section,
1-15 "retail merchandise" means one or more items of tangible personal
1-16 property displayed, held, stored, or offered for sale in a retail
1-17 establishment.
1-18 (b) A person commits an offense if the person intentionally
1-19 conducts, promotes, or facilitates an activity in which the person
1-20 receives, possesses, conceals, stores, barter, sells, or disposes
1-21 of a total value of not less than \$1,500 of:
1-22 (1) stolen retail merchandise; or
1-23 (2) merchandise explicitly represented to the person
1-24 as being stolen retail merchandise.
1-25 (c) An offense under this section is:
1-26 (1) a state jail felony if the total value of the
1-27 merchandise involved in the activity is \$1,500 or more but less than
1-28 \$20,000;
1-29 (2) a felony of the third degree if the total value of
1-30 the merchandise involved in the activity is \$20,000 or more but less
1-31 than \$100,000;
1-32 (3) a felony of the second degree if the total value of
1-33 the merchandise involved in the activity is \$100,000 or more but
1-34 less than \$200,000; or
1-35 (4) a felony of the first degree if the total value of
1-36 the merchandise involved in the activity is \$200,000 or more.
1-37 (d) An offense described for purposes of punishment by
1-38 Subsections (c)(1), (2), and (3) is increased to the next higher
1-39 category of offense if it is shown on the trial of the offense that
1-40 the person organized, supervised, financed, or managed one or more
1-41 other persons engaged in an activity described by Subsection (b).
1-42 SECTION 2. Article 13.08, Code of Criminal Procedure, is
1-43 amended to read as follows:
1-44 Art. 13.08. THEFT; ORGANIZED RETAIL THEFT. (a) Where
1-45 property is stolen in one county and removed by the offender to
1-46 another county, the offender may be prosecuted either in the county
1-47 where he took the property or in any other county through or into
1-48 which he may have removed the same.
1-49 (b) An offense under Section 31.16, Penal Code, may be
1-50 prosecuted in any county in which an underlying theft could have
1-51 been prosecuted as a separate offense.
1-52 SECTION 3. This Act takes effect September 1, 2007.

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