

By: Bhojani

H.B. No. 4779

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the criminal offense of organized retail theft.

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

SECTION 1. Section 31.16, Penal Code, is amended to read as follows:

Sec. 31.16. ORGANIZED RETAIL THEFT. (a) ~~[(b)]~~ A person commits an offense if, with the intent to support, facilitate, or engage in the acquisition of stolen retail merchandise and the redistribution of that merchandise into the supply chain, 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 \$2,500 of:

(1) stolen retail merchandise; or

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

(b) ~~[(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 \$100,~~

~~(2) a Class B misdemeanor if the total value of the merchandise involved in the activity is \$100 or more but less than \$750,~~

~~(3) a Class A misdemeanor if the total value of the~~

1 ~~merchandise involved in the activity is \$750 or more but less than~~
2 ~~\$2,500;~~

3 ~~(4)~~ a state jail felony if the total value of the
4 merchandise involved in the activity is \$2,500 or more but less than
5 \$30,000;

6 (2) ~~(5)~~ a felony of the third degree if the total
7 value of the merchandise involved in the activity is \$30,000 or more
8 but less than \$150,000;

9 (3) ~~(6)~~ a felony of the second degree if the total
10 value of the merchandise involved in the activity is \$150,000 or
11 more but less than \$300,000; or

12 (4) ~~(7)~~ a felony of the first degree if the total
13 value of the merchandise involved in the activity is \$300,000 or
14 more.

15 (c) ~~(d)~~ An offense described for purposes of punishment
16 by Subsections (b)(1)-(3) ~~(c)(1)-(6)~~ is increased to the next
17 higher category of offense if it is shown on the trial of the
18 offense that:

19 (1) the person organized, supervised, financed, or
20 managed one or more other persons engaged in an activity described
21 by Subsection (a) ~~(b)~~; or

22 (2) during the commission of the offense, a person
23 engaged in an activity described by Subsection (a) ~~(b)~~
24 intentionally, knowingly, or recklessly:

25 (A) caused a fire exit alarm to sound or
26 otherwise become activated;

27 (B) deactivated or otherwise prevented a fire

1 exit alarm or retail theft detector from sounding; or

2 (C) used a shielding or deactivation instrument
3 to prevent or attempt to prevent detection of the offense by a
4 retail theft detector.

5 SECTION 2. The change in law made by this Act applies only
6 to an offense committed on or after the effective date of this Act.
7 An offense committed before the effective date of this Act is
8 governed by the law in effect on the date the offense was committed,
9 and the former law is continued in effect for that purpose. For
10 purposes of this section, an offense was committed before the
11 effective date of this Act if any element of the offense occurred
12 before that date.

13 SECTION 3. This Act takes effect September 1, 2023.