1-1 By: Bhojani, et al. (Senate Sponsor - Whitmire)   H.B. No. 4779
1-2   (In the Senate - Received from the House May 8, 2023;
1-3 May 15, 2023, read first time and referred to Committee on Criminal
1-4 Justice; May 19, 2023, reported favorably by the following vote:
1-5 Yeas 7, Nays 0; May 19, 2023, sent to printer.)

1-6   COMMITTEE VOTE

1-7		Yea	Nay	Absent	PNV
1-8	Whitmire	X			
1-9	Flores	X			
1-10	Bettencourt	X			
1-11	Hinojosa	X			
1-12	Huffman	X			
1-13	King	X			
1-14	Miles	X			

1-15   A BILL TO BE ENTITLED
1-16   AN ACT

1-17 relating to the prosecution of the criminal offense of organized
1-18 retail theft.
1-19   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-20   SECTION 1. Section 31.16, Penal Code, is amended to read as
1-21 follows:
1-22   Sec. 31.16. ORGANIZED RETAIL THEFT. (a) [(b)] A person
1-23 commits an offense if, with the intent to support, facilitate, or
1-24 engage in the acquisition of stolen retail merchandise and the
1-25 redistribution of that merchandise into the supply chain, the
1-26 person [intentionally] conducts, promotes, or facilitates an
1-27 activity in which the person receives, possesses, conceals, stores,
1-28 barters, sells, or disposes of a total value of not less than $100
1-29 of:
1-30   (1)   stolen retail merchandise; or
1-31   (2)   merchandise explicitly represented to the person
1-32 as being stolen retail merchandise.
1-33   (b) [(c)] An offense under this section is:
1-34   (1) [a Class C misdemeanor if the total value of the
1-35 merchandise involved in the activity is less than $100;
1-36   [(2)] a Class B misdemeanor if the total value of the
1-37 merchandise involved in the activity is $100 or more but less than
1-38 $750;
1-39   (2) [(3)] a Class A misdemeanor if the total value of
1-40 the merchandise involved in the activity is $750 or more but less
1-41 than $2,500;
1-42   (3) [(4)] a state jail felony if the total value of the
1-43 merchandise involved in the activity is $2,500 or more but less than
1-44 $30,000;
1-45   (4) [(5)] a felony of the third degree if the total
1-46 value of the merchandise involved in the activity is $30,000 or more
1-47 but less than $150,000;
1-48   (5) [(6)] a felony of the second degree if the total
1-49 value of the merchandise involved in the activity is $150,000 or
1-50 more but less than $300,000; or
1-51   (6) [(7)] a felony of the first degree if the total
1-52 value of the merchandise involved in the activity is $300,000 or
1-53 more.
1-54   (c) [(d)] An offense described for purposes of punishment
1-55 by Subsections (b)(1)-(5) [(c)(1)-(6)] is increased to the next
1-56 higher category of offense if it is shown on the trial of the
1-57 offense that:
1-58   (1)   the person organized, supervised, financed, or
1-59 managed one or more other persons engaged in an activity described
1-60 by Subsection (a) [(b)]; or
1-61   (2)   during the commission of the offense, a person

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2-1 engaged in an activity described by Subsection (a) [(b)]
2-2 intentionally, knowingly, or recklessly:
2-3   (A) caused a fire exit alarm to sound or
2-4 otherwise become activated;
2-5   (B) deactivated or otherwise prevented a fire
2-6 exit alarm or retail theft detector from sounding; or
2-7   (C) used a shielding or deactivation instrument
2-8 to prevent or attempt to prevent detection of the offense by a
2-9 retail theft detector.
2-10   SECTION 2. The change in law made by this Act applies only
2-11 to an offense committed on or after the effective date of this Act.
2-12 An offense committed before the effective date of this Act is
2-13 governed by the law in effect on the date the offense was committed,
2-14 and the former law is continued in effect for that purpose. For
2-15 purposes of this section, an offense was committed before the
2-16 effective date of this Act if any element of the offense occurred
2-17 before that date.
2-18   SECTION 3. This Act takes effect September 1, 2023.

2-19   * * * * *