



House of Representatives

General Assembly

File No. 49

February Session, 2008

House Bill No. 5761

House of Representatives, March 19, 2008

The Committee on General Law reported through REP. STONE of the 9th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING ORGANIZED RETAIL THEFT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2008*) (a) As used in this
2 section:

3 (1) "Retail property" means any new article, product, commodity,
4 item or component intended to be sold in retail commerce;

5 (2) "Value" means the retail value of an item as advertised by the
6 affected retail establishment, to include applicable taxes; and

7 (3) "Retail property fence" means a person or business that buys
8 retail property knowing that the property is stolen.

9 (b) Any person who, with the intent of monetary gain, in
10 conjunction with another person and within a one-hundred-eighty-day
11 period, takes possession of, carries away, transfers or causes retail
12 property having a value exceeding one thousand dollars to be carried

13 away or takes or causes such property having a value exceeding one
14 thousand dollars to be moved to or placed in the control of a retail
15 property fence shall have committed the offense of organized retail
16 theft.

17 (c) Any person who receives, possesses, conceals, stores, barter,
18 sells or disposes of any retail property acquired in violation of
19 subsection (b) of this section, with the intent to distribute the proceeds
20 or otherwise promote, manage, carry on or facilitate a violation of said
21 subsection, shall have committed the offense of accessory to organized
22 retail theft.

23 (d) It shall not be a defense to a charge of accessory to organized
24 retail theft in violation of subsection (c) of this section that the retail
25 property was obtained by means other than through a violation of said
26 subsection if the property was explicitly represented to the person
27 charged under said subsection (c) as being obtained through the
28 commission of organized retail theft.

29 (e) Any person who violates subsection (b) of this section shall be
30 guilty of a class D felony, except that, if such person derives a financial
31 benefit of five thousand dollars or more as a result of such violation,
32 such person shall be guilty of a class C felony.

33 (f) Any person who violates subsection (c) of this section shall be
34 guilty of a class D felony, except that, if such person derives a financial
35 benefit of five thousand dollars or more as a result of such violation,
36 such person shall be guilty of a class C felony.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2008	New section

GL *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$
Judicial Dept.	GF - Revenue Gain	Potential Minimal	Potential Minimal
Judicial Department (Probation); Correction, Dept.	GF - Cost	Potential	Potential

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill establishes new crimes of “organized retail theft” and “accessory to organized retail theft.” To the extent that these changes increase the likelihood that offenders would be prosecuted or receive harsher penalties than currently provided for under the larceny statutes, a potential revenue gain from criminal fines and potential cost for incarceration and/or probation supervision in the community would result. It is anticipated that relatively few fines would be imposed on an annual basis, and, consequently, any revenue gain under the bill is expected to be minimal.

On average, it costs the state \$3,736 to supervise an offender on probation in the community as compared to \$44,165 to incarcerate the offender.

The Out Years

The annualized cost identified above would continue into the future subject to inflation. The annualized revenue would remain constant into the future since criminal fines are set by statute.

OLR Bill Analysis**HB 5761*****AN ACT CONCERNING ORGANIZED RETAIL THEFT.*****SUMMARY:**

This bill establishes a new crime of “organized retail theft,” which it defines as, with the intent of monetary gain, in conjunction with another, and within 180 days, (1) taking, carrying away, transferring or causing retail property having a value of more than \$1,000 to be carried away or (2) taking or causing such property to be moved to or placed under the control of a retail property fence. A “retail property fence” is a person or business that buys retail property knowing that it is stolen. The bill makes a violation a class D felony (punishable by up to five years in prison, a fine of up to \$5,000, or both) if the financial benefit is less than \$5,000 and a class C felony (punishable by one to 10 years in prison, a fine of up to \$10,000, or both) if the benefit is more.

The bill also establishes a new crime of “accessory to organized retail theft,” which it defines as receiving, possessing, concealing, storing, bartering, selling, or disposing of retail property acquired in violation of its provisions, with intent to distribute the proceeds or otherwise promote, manage, carry on, or facilitate a violation. The bill makes a violation a class D felony if the financial benefit is less than \$5,000 and a class C felony if the benefit is more. The bill provides that it is not a defense that the property was obtained by means other than organized retail theft if it was explicitly represented as being obtained through such theft.

EFFECTIVE DATE: October 1, 2008

COMMITTEE ACTION

General Law Committee

Joint Favorable

Yea 19 Nay 0 (03/07/2008)