



# House of Representatives

**File No. 676**

General Assembly

February Session, 2010

**(Reprint of File Nos. 101 and 618)**

Substitute House Bill No. 5223  
As Amended by House Amendment  
Schedule 'A'

Approved by the Legislative Commissioner  
April 30, 2010

## **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, 2010*) (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, including applicable taxes; and

7 (3) 'Retail property fence' means a person who buys retail property  
8 when such person knows or should know the property is stolen and  
9 with the intent to unlawfully distribute the property or to promote,  
10 manage, carry on or facilitate a violation of subsection (b) of this  
11 section.

12 (b) Any person who, for financial gain and in conjunction with one  
13 or more other persons, commits larceny by shoplifting, as defined in

14 section 53a-119 of the general statutes, of retail property having an  
 15 aggregate value exceeding two thousand dollars and (1) wrongfully  
 16 takes such property during a period of one hundred eighty days, or (2)  
 17 sells, delivers or otherwise transfers such property to a retail property  
 18 fence, shall have committed the offense of organized retail theft.

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

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

31 (e) Any person who violates subsection (b) or (c) of this section shall  
 32 be guilty of a class D felony, except that, if such person derives a  
 33 financial benefit of ten thousand dollars or more as a result of such  
 34 violation, 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, 2010	New section

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 11 \$	FY 12 \$
Judicial Dpt (Probation)	GF - Revenue Gain	Potential Minimal	Potential Minimal
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.

As it is anticipated that relatively few fines would be imposed on an annual basis, 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 \$47,425 to incarcerate the offender.

“House A” makes a clarifying change to the statutes regarding ‘retail property fence’ and does not result in a fiscal impact.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****sHB 5223 (as amended by House "A")\******AN ACT CONCERNING ORGANIZED RETAIL THEFT.*****SUMMARY:**

This bill establishes two new crimes, organized retail theft and accessory to organized retail theft. A person commits organized retail theft when, for financial gain he or she, works with at least one other person to shoplift retail property that has an aggregate value of more than \$2,000 and (1) does it during a 180-day period or (2) sells, delivers, or otherwise transfers it to a retail property fence.

A "retail property fence" is a person who buys retail property that he or she knows or should know is stolen with the intent to (1) unlawfully distribute or (2) promote, manage, carry on, or facilitate the crime of organized retail theft. Retail property is any new article, product, commodity, item, or component intended to be sold in retail commerce.

A person commits accessory to organized theft if he or she receives, possesses, conceals, stores, barter, sells, or otherwise disposes of the stolen property intending to (1) distribute the proceeds or (2) promote, manage, carry on, or facilitate organized retail theft. A claim that the property was not stolen is not a defense if the property was explicitly represented as being obtained through the commission of organized retail theft.

The penalty is the same for committing both crimes. Violators are guilty of a class C felony (punishable by one to 10 years in prison, a fine of up to \$10,000, or both) if the financial benefit is \$10,000 or more and a class D felony (punishable by up to five years in prison, a fine of

up to \$5,000, or both) if the benefit is less than \$10,000.

\*House Amendment "A" changes the definition of "retail property fence."

EFFECTIVE DATE: October 1, 2010

**BACKGROUND**

***Shoplifting***

By law, shoplifting is a type of larceny, which a person commits by intentionally taking any goods, wares, or merchandise offered or exposed for sale by a mercantile establishment without paying for it. The penalty for shoplifting depends on the value of the property taken. Second-degree larceny, a class C felony, is the taking of property or services over \$10,000. Third-degree larceny, a class D felony, is the taking of property or services over \$2,000.

***Legislative History***

On April 5, the House referred the bill (File 101) to the Judiciary Committee, which favorably reported a substitute with changes to the elements of organized retail theft and accessory to organized theft.

**COMMITTEE ACTION**

General Law Committee

Joint Favorable Substitute  
Yea 18 Nay 0 (03/09/2010)

Judiciary Committee

Joint Favorable Substitute  
Yea 40 Nay 0 (04/12/2010)