

BILL ANALYSIS

Senate Research Center
80R13115 KEL-D

H.B. 3584
By: Pena (Van de Putte)
Criminal Justice
5/21/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Organized retail theft is a highly organized criminal activity that depends on many thieves organized by a central "fence" who collects the stolen merchandise and then resells it to the general public. Last year, it was estimated that organized retail theft cost retailers and the American public more than \$37 billion and Texans \$100 million in sales tax revenues.

H.B. 3584 adds a new offense entitled "Organized Retail Theft" to the theft provisions of the Penal Code and provides specific criminal penalties for persons charged with engaging in these activities. This bill also increases the penalty for those supervising one or more individuals engaged in organized retail theft. This bill provides that the case can be prosecuted in any county in which any theft occurred.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 31, Penal Code, by adding Section 31.16, as follows:

Sec. 31.16. ORGANIZED RETAIL THEFT. (a) Defines "retail merchandise."

(b) Provides that a person commits an offense if 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 \$1,500 of stolen retail merchandise or merchandise explicitly represented to the person as being stolen retail merchandise.

(c) Sets forth the classifications and associated penalties for an offense under this section.

(d) Provides that an offense described for purposes of punishment by Subsections (c)(1)-(3) is increased to the next higher category if it is shown on the trial of the offense that the person organized, supervised, financed, or managed one or more other persons engaged in activity described by Subsection (b).

SECTION 2. Amends Article 13.08, Code of Criminal Procedure, as follows:

Art. 13.08. New heading: THEFT; ORGANIZED RETAIL THEFT. (a) Creates this subsection from existing text.

(b) Authorizes an offense under Section 31.16, Penal Code, to be prosecuted in any county in which an underlying theft could have been prosecuted as a separate offense.

SECTION 3. Effective date: September 1, 2007.