**THE GENERAL ASSEMBLY OF PENNSYLVANIA**

# SENATE BILL

## No. 596 Session of 2023

INTRODUCED BY ARGALL, STEFANO, BARTOLOTTA, AUMENT, REGAN AND COSTA, APRIL 17, 2023

REFERRED TO JUDICIARY, APRIL 17, 2023

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2    Consolidated Statutes, in theft and related offenses, further
3    providing for the offense of organized retail theft;
4    establishing the Office of Deputy Attorney General for
5    Organized Retail Crime Theft; and making an appropriation.

6    The General Assembly of the Commonwealth of Pennsylvania

7 hereby enacts as follows:

8    Section 1.  Section 3929.3(b) and (c) of Title 18 of the

9 Pennsylvania Consolidated Statutes are amended and the section

10 is amended by adding a subsection to read:

11 § 3929.3.  Organized retail theft.

12    * * *

13    (b)  Grading.--

14       (1)  If the retail value of the stolen merchandise in the

15    possession of or under the control of the organized retail

16    theft enterprise is at least [$5,000] $300, but not more than

17    [$19,999] $1,199, the offense is a felony of the third

18    degree.

19       (2)  If the retail value of the stolen merchandise in the

1    possession of or under the control of the organized retail

2    theft enterprise is at least [$20,000] $1,200, the offense is

3    a felony of the second degree.

4    (b.1)  Office of Deputy Attorney General for Organized Retail

5    Crime Theft.--

6        (1)  The Office of Deputy Attorney General for Organized

7    Retail Crime Theft is established and shall include five

8    prosecuting attorneys to have geographically concurrent

9    jurisdiction in this Commonwealth. The following shall be the

10   geographic districts of the prosecuting attorneys:

11           (i)  District 1 shall include Bucks, Chester,

12       Delaware, Montgomery and Philadelphia Counties.

13           (ii)  District 2 shall include Berks, Bradford,

14       Carbon, Columbia, Lackawanna, Lehigh, Luzerne, Lycoming,

15       Monroe, Montour, Northampton, Northumberland, Pike,

16       Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union,

17       Wayne and Wyoming Counties.

18           (iii)  District 3 shall include Adams, Bedford,

19       Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon,

20       Juniata, Lancaster, Lebanon, Mifflin, Perry and York

21       Counties.

22           (iv)  District 4 shall include Armstrong, Butler,

23       Cameron, Centre, Clarion, Clearfield, Clinton, Crawford,

24       Elk, Erie, Forest, Indiana, Jefferson, Lawrence, McKean,

25       Mercer, Potter, Venango and Warren Counties.

26           (v)  District 5 shall include Allegheny, Beaver,

27       Cambria, Fayette, Greene, Somerset, Washington and

28       Westmoreland Counties.

29       (2)  Each prosecuting attorney may have no more than two

30   special agents employed to assist with the duties under this

1  subsection.

2    (3)  The sum of $2,000,000 is appropriated from the

3  General Fund to the Office of Attorney General to be used by

4  the Office of Deputy Attorney General for Organized Retail

5  Crime Theft for duties under this subsection.

6    (c)  Definitions.--The following words and phrases when used

7  in this section shall have the meanings given to them in this

8  subsection:

9    "Merchandise."  Any goods, chattels, foodstuffs or wares of

10  any type and description, regardless of the value thereof.

11    "Merchant."  An owner or operator of a retail mercantile

12  establishment or an agent, employee, lessee, consignee, officer,

13  director, franchise or independent contractor of such owner or

14  operator.

15    "Organized retail theft enterprise."  A corporation,

16  partnership or any other type of association, whether or not

17  legally formed, operated for the purpose of engaging in

18  violations of the provisions of section 3925 (relating to

19  receiving stolen property) or 3929 (relating to retail theft)

20  with intent to resell or re-enter the merchandise into commerce.

21    "Retail value."  A merchant's stated or advertised price of

22  merchandise. If merchandise is not traceable to a specific

23  merchant, the stated or advertised price of the merchandise by

24  merchants in the same geographical region.

25    Section 2.  This act shall take effect in 60 days.