

115TH CONGRESS
2D SESSION

S. 3651

To require the Attorney General to study the effectiveness of retail theft rehabilitation programs and to clarify that such programs are permissible under Federal law.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 15, 2018

Mr. HATCH introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To require the Attorney General to study the effectiveness of retail theft rehabilitation programs and to clarify that such programs are permissible under Federal law.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Retail Justice Review
5 Act of 2018”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act—

8 (1) the term “potential program participant”
9 means an individual who a retailer has probable

1 cause to believe stole or attempted to steal property
2 from the retailer;

3 (2) the term “program participant” means an
4 individual who—

5 (A) a retailer has probable cause to believe
6 stole or attempted to steal property from the
7 retailer; and

8 (B) participates in a retail theft rehabilita-
9 tion program offered by the retailer;

10 (3) the term “retail theft rehabilitation pro-
11 gram” means an education program that a retailer
12 offers, directly or through a third party, to a poten-
13 tial program participant instead of making or filing
14 a report of theft with a law enforcement agency; and

15 (4) the term “retailer” means a person that is
16 engaged in the business of selling goods at retail.

17 **SEC. 3. STUDY AND REPORT.**

18 (a) STUDY.—

19 (1) IN GENERAL.—The Attorney General shall
20 conduct a study that examines the effectiveness of
21 retail theft rehabilitation programs.

22 (2) REQUIREMENTS.—In conducting the study
23 under paragraph (1), the Attorney General shall—

24 (A) consider any information the Attorney
25 General considers relevant to examining the ef-

1 fectiveness of retail theft rehabilitation pro-
2 grams, including the effect of the programs
3 on—

4 (i) the number of calls made to law
5 enforcement agencies due to retail theft;

6 (ii) the burden of retail theft on law
7 enforcement agencies, prosecutors, courts,
8 and other justice system agencies;

9 (iii) the recovery of restitution or civil
10 remedies by retailers; and

11 (iv) recidivism among program par-
12 ticipants;

13 (B) evaluate the fairness of retail theft re-
14 habilitation programs, including whether the ef-
15 fects of the programs are discriminatory on the
16 basis of race, age, sex, or income;

17 (C) include case studies of retail theft re-
18 habilitation programs in effect as of the date on
19 which the study is initiated, including, to the
20 extent practicable, case studies drawn from geo-
21 graphically diverse regions of the United States;
22 and

23 (D) consult with—

24 (i) program participants;

- 1 (ii) retailers who have implemented
2 retail theft rehabilitation programs;
- 3 (iii) Federal, State, local, and tribal
4 law enforcement agencies; and
- 5 (iv) third-party providers of retail
6 theft rehabilitation programs.

7 (b) REPORT.—Not later than 1 year after the date
8 of enactment of this Act, the Attorney General shall sub-
9 mit to Congress and make publicly available a report con-
10 taining—

11 (1) findings from the study conducted under
12 subsection (a); and

13 (2) final recommendations based on the find-
14 ings under paragraph (1) of this subsection.

15 **SEC. 4. APPLICABILITY OF FEDERAL LAW.**

16 Notwithstanding any other provision of Federal law,
17 a retailer may offer a retail theft rehabilitation program
18 in accordance with State, local, and tribal law.

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