

Organized Retail Crime

This legislation allows for the amount of goods stolen to be aggregated into one charge before a defendant goes to trial. The Act also allows grouping multiple offenses together to meet a threshold that imposes stiffer charges on people who commit organized retail theft. This legislation requires establishments which accept large amounts of items for resale to make a reasonable attempt to determine if the items are stolen.

Submitted as:

Delaware

[HB 121](#)

Status: Enacted into law in 2007.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act shall be cited as “The Organized Retail Crime Act.”

2
3 Section 2. [*Legislative Intent.*]

4 (a) It is the intent of the [Legislature] in enacting this statute to define Organized Retail
5 Crime and to help law enforcement, prosecutorial authorities, and the judiciary understand the
6 nature of Organized Retail Crime and also provide them with additional tools to help stop
7 Organized Retail Crime.

8 (b) It is the intent of the [Legislature] in enacting this statute to facilitate cooperation
9 among law enforcement and prosecutorial authorities by removing jurisdictional barriers and
10 allowing cooperation and assistance across jurisdictions.

11 (c) It is the intent of the [Legislature] in enacting this statute to limit or remove the ability
12 of criminals engaged in Organized Retail Crime to take advantage of monetary and/or geographic
13 jurisdictional requirements, and the anonymity provided by internet-based or other marketplaces.
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15 Section 3. [*Organized Retail Crime Defined.*]

16 (a) A person is guilty of “Theft: Organized Retail Crime” when the person takes, exercises
17 control over, or obtains retail merchandise of another person intending to deprive that person of it,
18 or receives stolen property in quantities that would not normally be purchased for personal use or
19 consumption, with the intent to appropriate or to resell or re-enter the merchandise into commerce.

20 (b) The first violation of Theft: Organized Retail Crime is a [Class A misdemeanor].

21 (c) A series of organized retail crime thefts committed by a person or group of people may
22 be aggregated into one count or charge, with the sum of the value of all the retail merchandise
23 being the value considered in determining the degree of Theft: Organized Retail Crime.

24 (d) If a defendant has been convicted of Theft: Organized Retail Crime [two or more
25 times], the offense of Theft: Organized Retail Crime is a [Class E felony].
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27 Section 4. [*Severability.*] [Insert severability clause.]

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29 Section 5. [*Repealer.*] [Insert repealer clause.]
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31 Section 6. [*Effective Date.*] [Insert effective date.]