

**2007 Regular Legislative Session
FISCAL ANALYSIS OF PROPOSED LEGISLATION
Prepared by the Oregon Legislative Fiscal Office**

MEASURE NUMBER: SB 331 **STATUS:** A Engrossed
SUBJECT: Creates the crime of organized retail theft.
GOVERNMENT UNIT AFFECTED: Oregon Judicial Department, Department of Justice,
Department of Corrections, Public Defense Services Commission
PREPARED BY: Tim Walker
REVIEWED BY: Robin LaMonte, Doug Wilson
DATE: April 10, 2007

	<u>2007-2009</u>	<u>2009-2011</u>
EXPENDITURES: See Comments		

REVENUES:
See Comments

EFFECTIVE DATE: January 1, 2008

GOVERNOR'S BUDGET: This bill is not anticipated by the Governor's recommended budget.

LOCAL GOVERNMENT MANDATE: This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

COMMENTS: This bill creates the crime of organized retail theft when a person acts in concert with another person and the aggregate value of merchandise exceeds \$5,000 in a 90 day period. This crime is classified as a Class B felony.

The fiscal impact of this bill indeterminate. It is not possible to accurately predict the number of new cases that may be charged under this bill. Under current law, these activities can be charged as Theft I or under Oregon's Racketeer Influenced Corrupt Organization (RICO) statutes. In addition, a crime that fits the definition of organized retail theft could be prosecuted under the Repeat Offender or RICO statute and possibly be sentenced to a longer prison sentence than under the organized retail theft crime. It is not clear whether District Attorneys would choose to use the organized retail theft law when other options, with potentially greater sanctions, are available. The Criminal Justice Commission does not anticipate a prison bed impact due to this bill.