

REVENUE: No revenue impact
FISCAL: Fiscal statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	4 - 0 - 1
Yeas:	Beyer, Kruse, Walker, Burdick
Nays:	0
Exc.:	Prozanski
Prepared By:	Darian Stanford, Counsel
Meeting Dates:	1/30, 4/9

WHAT THE MEASURE DOES: Creates new Class B felony of organized retail theft.

ISSUES DISCUSSED:

- High cost of organized theft to retailers/merchants

EFFECT OF COMMITTEE AMENDMENT: Narrows scope of bill from 180-day time period to 90-day time period; raises requisite dollar threshold from \$1,000 to \$5,000; clarifies that element involving intent to resell merchandise can be satisfied through defendant or through persons acting in concert with defendant; specifically places organized retail theft within Oregon's Racketeer Influenced and Corrupt Organizations (RICO) statute; eliminates element of having intent to resell merchandise

BACKGROUND: Oregon presently divides most theft offenses by dollar value. First-degree theft, a Class C felony, applies for stolen items valued at or over \$750; second-degree theft, a Class A misdemeanor, applies for stolen items valued at or between \$50 and \$750, and third-degree theft, a Class C misdemeanor, applies for stolen items valued at less than \$50. There is also aggravated first-degree theft, a Class B felony, which applies for stolen items in a single or aggregate transaction(s) at \$10,000 or higher.

Retail merchants have recently reported organized thefts involving multiple persons (often persons involved with methamphetamine) in which persons steal various items (often items like batteries or baby formula) from stores with the purpose of later reselling these items at venues such as flea markets. The persons intentionally keep the value of the items stolen from a particular store on a particular day at or below \$750 (to stay as misdemeanors). The persons would then hit the same or a different store the following day or week (again staying below the \$750 level). Then, all of the stolen items are sold to the secondary market.

SB 331 creates a new crime of "organized retail theft" to capture this conduct and punish it at the felony level. To be guilty of organized retail theft, the state must establish that: (1) the person stole merchandise; (2) from a mercantile establishment; (3) the person acted in concert with another person; and *either* (4) the aggregate value of the merchandise within a 180-day period is \$1,000 or (5) the person intends to resell the merchandise.