

ASSEMBLY BILL NO. 421—ASSEMBLYWOMEN WEBER
AND KIRKPATRICK (BY REQUEST)

MARCH 19, 2007

Referred to Committee on Judiciary

SUMMARY—Establishes the crime of participating in an organized retail theft ring. (BDR 15-1292)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to crimes; establishing the crime of participating in an organized retail theft ring; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law provides that a person commits the crime of theft if the person: (1)
2 controls any property of another person with the intent to deprive that person of the
3 property; (2) converts, makes an unauthorized transfer of an interest in, or without
4 authorization controls any property of another person; (3) obtains real, personal or
5 intangible property or the services of another person by a material
6 misrepresentation with intent to deprive that person of the property or services; (4)
7 comes into control of lost, mislaid or misdelivered property of another person and
8 appropriates that property; (5) controls property of another person knowing or
9 having reason to know that the property was stolen; (6) obtains services or parts,
10 products or other items related to such services which he knows are available only
11 for compensation without paying or agreeing to pay compensation; (7) takes,
12 destroys, conceals or disposes of property in which another person has a security
13 interest, with intent to defraud that person; (8) commits any act that is declared to
14 be theft by a specific statute; (9) draws or passes a check, and in exchange obtains
15 property or services, if he knows that the check will not be paid when presented; or
16 (10) obtains gasoline or other fuel or automotive products which are available only
17 for compensation without paying or agreeing to pay compensation. (NRS
18 205.0832) A person who commits theft is guilty of: (1) a misdemeanor, if the value
19 of the property or services involved in the theft is less than \$250; (2) a category C
20 felony if the value of the property or services involved in the theft is \$250 or more
21 but less than \$2,500; or (3) a category B felony, punishable by imprisonment for a
22 minimum term of not less than 1 year and a maximum term of not less than 10
23 years, if the value of the property or services involved in the theft is \$2,500 or
24 more. (NRS 205.0835)



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Section 1 of this bill provides that a person who participates in an organized retail theft ring is guilty of a category B felony, punishable by imprisonment for: (1) a minimum term of not less than 1 year and a maximum term of not more than 10 years, if the aggregated value of the property or services involved in all thefts committed by the organized retail theft ring during a period of 90 days is at least \$2,500 but less than \$10,000; or (2) a minimum term of not less than 2 years and a maximum term of not more than 15 years, if the aggregated value of the property or services involved in all thefts committed by the organized retail theft ring during a period of 90 days is \$10,000 or more. Under **section 1**, an organized retail theft ring is defined as three or more persons who associate for the purpose of engaging in the conduct of committing a series of thefts of retail merchandise against more than one merchant in this State or against one merchant but at more than one location of a retail business of the merchant in this State.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 205 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who participates in an organized retail theft ring is guilty of a category B felony and shall be punished by imprisonment in the state prison for:

(a) If the aggregated value of the property or services involved in all thefts committed by the organized retail theft ring in this State during a period of 90 days is at least \$2,500 but less than \$10,000, a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than \$10,000.

(b) If the aggregated value of the property or services involved in all thefts committed by the organized retail theft ring in this State during a period of 90 days is \$10,000 or more, a minimum term of not less than 2 years and a maximum term of not more than 15 years, and by a fine of not more than \$20,000.

2. In addition to any other penalty, the court shall order a person who violates this section to pay restitution.

3. For the purposes of this section, in determining the aggregated value of the property or services involved in all thefts committed by an organized retail theft ring in this State during a period of 90 days:

(a) The amount involved in a single theft shall be deemed to be the highest value, by any reasonable standard, of the property or services which are obtained; and

(b) The amounts involved in all thefts committed by all participants in the organized retail theft ring must be aggregated.

4. In any prosecution for a violation of this section, the violation shall be deemed to have been committed and may be prosecuted in any jurisdiction in this State in which any theft



1 *committed by any participant in an organized retail theft ring was*
2 *committed, regardless of whether the defendant was ever*
3 *physically present in that jurisdiction.*

4 5. As used in this section:

5 (a) "Merchant" has the meaning ascribed to it in
6 NRS 597.850.

7 (b) "Organized retail theft ring" means three or more persons
8 who associate for the purpose of engaging in the conduct of
9 committing a series of thefts of retail merchandise against more
10 than one merchant in this State or against one merchant but at
11 more than one location of a retail business of the merchant in this
12 State.

13 Sec. 2. NRS 205.0821 is hereby amended to read as follows:

14 205.0821 As used in NRS 205.0821 to 205.0835, inclusive,
15 *and section 1 of this act*, unless the context otherwise requires, the
16 words and terms defined in NRS 205.0822 to 205.0831, inclusive,
17 have the meanings ascribed to them in those sections.

18 Sec. 3. NRS 205.0833 is hereby amended to read as follows:

19 205.0833 1. Conduct denominated theft in NRS 205.0821 to
20 205.0835, inclusive, *and section 1 of this act* constitutes a single
21 offense embracing the separate offenses commonly known as
22 larceny, receiving or possessing stolen property, embezzlement,
23 obtaining property by false pretenses, issuing a check without
24 sufficient money or credit, and other similar offenses.

25 2. A criminal charge of theft may be supported by evidence
26 that an act was committed in any manner that constitutes theft
27 pursuant to NRS 205.0821 to 205.0835, inclusive, *and section 1 of*
28 *this act* notwithstanding the specification of a different manner in
29 the indictment or information, subject to the power of the court to
30 ensure a fair trial by granting a continuance or other appropriate
31 relief if it determines that, in a specific case, strict application of the
32 provisions of this subsection would result in prejudice to the defense
33 by lack of fair notice or by surprise.

34 Sec. 4. NRS 205.0835 is hereby amended to read as follows:

35 205.0835 1. Unless a greater penalty is imposed by a specific
36 statute *and unless the provisions of section 1 of this act apply*
37 *under the circumstances*, a person who commits theft in violation
38 of any provision of NRS 205.0821 to 205.0835, inclusive, *and*
39 *section 1 of this act* shall be punished pursuant to the provisions of
40 this section.

41 2. If the value of the property or services involved in the theft
42 is less than \$250, the person who committed the theft is guilty of a
43 misdemeanor.

44 3. If the value of the property or services involved in the theft
45 is \$250 or more but less than \$2,500, the person who committed the



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1 theft is guilty of a category C felony and shall be punished as
2 provided in NRS 193.130.

3 4. If the value of the property or services involved in the theft
4 is \$2,500 or more, the person who committed the theft is guilty of a
5 category B felony and shall be punished by imprisonment in the
6 state prison for a minimum term of not less than 1 year and a
7 maximum term of not more than 10 years, and by a fine of not more
8 than \$10,000.

9 5. In addition to any other penalty, the court shall order the
10 person who committed the theft to pay restitution.

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