

Amendment No. 556

Assembly Amendment to Assembly Bill No. 421

(BDR 15-1292)

Proposed by: Assembly Committee on Judiciary**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) ***green bold italic underlining*** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) ***green bold*** is newly added transitory language.

AMI/RBL



Date: 4/18/2007

A.B. No. 421—Establishes the crime of participating in an organized retail theft ring. (BDR 15-1292)



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:

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

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 ~~(2 years)~~ **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 ~~(180)~~ **90** days is **at least \$2,500 but** less than \$10,000; or (2) a minimum term of not less than ~~(2)~~ **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 ~~(180)~~ **90** days is \$10,000 or more. Under **section 1**, an organized retail theft ring is defined as ~~["an association of"]~~ three or more persons

who ~~engage~~ **associate for the purpose of engaging** in the conduct of ~~for are associated for the purpose of~~ committing a series of thefts **of retail merchandise** against more than one merchant in this State ~~for~~ **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 ~~180~~ 90 days is at least \$2,500 but less than \$10,000, a minimum term of not less than ~~12 years~~ 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 ~~180~~ 90 days is \$10,000 or more, a minimum term of not less than ~~12~~ 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 ~~180~~ 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 committed by any participant in an organized retail theft ring was committed, regardless of whether the defendant was ever physically present in that jurisdiction.

5. As used in this section:

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

(b) "Organized retail theft ring" means ~~an association of~~ three or more persons who ~~engage~~ **associate for the purpose of engaging in the conduct of ~~for are associated for the purpose of~~ committing a series of thefts **of retail merchandise against more than one merchant in this State ~~for~~ or against one merchant but at more than one location of a retail business of the merchant in this State.****

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

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

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

2 205.0833 1. Conduct denominated theft in NRS 205.0821 to 205.0835,
3 inclusive, *and section 1 of this act* constitutes a single offense embracing the
4 separate offenses commonly known as larceny, receiving or possessing stolen
5 property, embezzlement, obtaining property by false pretenses, issuing a check
6 without sufficient money or credit, and other similar offenses.

7 2. A criminal charge of theft may be supported by evidence that an act was
8 committed in any manner that constitutes theft pursuant to NRS 205.0821 to
9 205.0835, inclusive, *and section 1 of this act* notwithstanding the specification of a
10 different manner in the indictment or information, subject to the power of the court
11 to ensure a fair trial by granting a continuance or other appropriate relief if it
12 determines that, in a specific case, strict application of the provisions of this
13 subsection would result in prejudice to the defense by lack of fair notice or by
14 surprise.

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

16 205.0835 1. Unless a greater penalty is imposed by a specific statute ~~H~~ *and*
17 *unless the provisions of section 1 of this act apply under the circumstances*, a
18 person who commits theft in violation of any provision of NRS 205.0821 to
19 205.0835, inclusive, *and section 1 of this act* shall be punished pursuant to the
20 provisions of this section.

21 2. If the value of the property or services involved in the theft is less than
22 \$250, the person who committed the theft is guilty of a misdemeanor.

23 3. If the value of the property or services involved in the theft is \$250 or more
24 but less than \$2,500, the person who committed the theft is guilty of a category C
25 felony and shall be punished as provided in NRS 193.130.

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

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