

Amendment No. 120

Assembly Amendment to Assembly Bill No. 102

(BDR 15-153)

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 underlining* is newly added transitory language.

NCA/BAW



Date: 4/5/2013

A.B. No. 102—Revises provisions relating to the crime of participation in an organized retail theft ring. (BDR 15-153)



ASSEMBLY BILL NO. 102—ASSEMBLYMEN CARRILLO,
FIORE, DALY; AND MARTIN

FEBRUARY 13, 2013

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to the crime of participation in an organized retail theft ring. (BDR 15-153)

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; revising provisions relating to the crime of participation in an organized retail theft ring; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) defines the crime of participation in an organized retail theft ring 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; and (2) provides that a person who participates in an organized retail theft ring is guilty of a category B felony, punishable by imprisonment for 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 \$3,500 but less than \$10,000. (NRS 205.08345) This bill replaces the crime of participation in an organized retail theft ring with the crime of organized retail theft and provides that such a crime may be committed by one or more persons who ~~intentionally~~ conduct a series of thefts of retail merchandise at one or more merchants in this State. ~~This bill also reduces the threshold amount, from \$3,500 to \$2,500, for purposes of determining whether the crime of organized retail theft has been committed.~~ with the intent to return the merchandise for value or resell, trade or barter the merchandise for value.

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

Section 1. NRS 205.08345 is hereby amended to read as follows:
205.08345 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~~ *in* the organized retail theft ~~ring~~ in this State during a period of 90

days is at least \$3,500 ~~/\$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~~ in 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~~ in the 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 committed by any participant in ~~an~~ the 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 ~~{three or more persons who associate for the purpose of engaging in the conduct of}~~ ~~intentionally~~ committing , either alone or with any other person or persons, 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}~~ one or more merchants in this State. with the intent to:

(1) Return the merchandise to the merchant for value; or

(2) Resell, trade or barter the merchandise for value.