

SENATE BILL NO. 431—COMMITTEE ON JUDICIARY

MARCH 25, 2019

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to participation in organized retail theft. (BDR 15-1151)

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 organized retail theft; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that the crime of participation in organized retail theft may be committed by one or more persons who conduct a series of thefts of retail merchandise at one or more merchants in this State with the intent to return the merchandise for value or resell, trade or barter the merchandise for value. (NRS 205.08345) This bill provides that participation in organized retail theft may be committed by one or more persons who directly or indirectly engage in such conduct on the premises of a merchant or through the use of an Internet or network site in furtherance of organized retail theft with the intent to return the merchandise for value or resell, trade or barter the merchandise for value, in any manner, including, without limitation, through the use of an Internet or network site.

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~~ *directly or indirectly engages in conduct* in *furtherance of* organized retail theft 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 in the organized retail theft in this State during a period of 90 days is at least \$3,500 but less than \$10,000, a



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1 minimum term of not less than 1 year and a maximum term of not
2 more than 10 years, and by a fine of not more than \$10,000.

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

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

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

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

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

19 4. In any prosecution for a violation of this section, the
20 violation shall be deemed to have been committed and may be
21 prosecuted in any jurisdiction in this State in which any theft
22 committed by any participant in the organized retail theft was
23 committed, regardless of whether the defendant was ever physically
24 present in that jurisdiction.

25 5. As used in this section:

26 (a) *"Internet or network site" has the meaning ascribed to it in*
27 *NRS 205.4744.*

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

29 ~~[(b)]~~ (c) "Organized retail theft" means committing, either
30 alone or with any other person or persons, a series of thefts of retail
31 merchandise against one or more merchants, *either on the premises*
32 *of a merchant or through the use of an Internet or network site*, in
33 this State with the intent to:

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

35 (2) Resell, trade or barter the merchandise for value ~~[(b)]~~ *in*
36 *any manner, including, without limitation, through the use of an*
37 *Internet or network site.*

