

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 the crime of organized retail theft may be committed by one or more persons who participate directly or indirectly in or engage in conduct in furtherance of the organized retail theft. This bill further provides that the acts constituting organized retail theft may be committed on the premises of a merchant or through the use of an Internet or network site and 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. This bill also revises the period of time, from 90 days to 180 days, for which the value of the property or services involved in the organized retail theft may be aggregated for purposes of determining the criminal penalty.

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 in or engages in conduct in furtherance of* organized retail theft is



* S B 4 3 1 R 1 *

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~~ 180 days is at least \$3,500 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 in the organized retail theft in this State during a period of ~~90~~ 180 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 in the organized retail theft in this State during a period of ~~90~~ 180 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 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 the organized retail theft was committed, regardless of whether the defendant was ever physically present in that jurisdiction.

5. As used in this section:

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

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

~~(b)~~ (c) "Organized retail theft" means committing, either alone or with any other person or persons, a series of thefts of retail merchandise against one or more merchants, *either on the premises of a merchant or through the use of an Internet or network site*, 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 ~~in~~ *in any manner, including, without limitation, through the use of an Internet or network site.*

