

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 596 Session of 2023

INTRODUCED BY ARGALL, STEFANO, BARTOLOTTA, AUMENT, REGAN, COSTA, FARRY AND BROOKS, APRIL 17, 2023

AS AMENDED ON THIRD CONSIDERATION, NOVEMBER 14, 2023

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in theft and related offenses, further
3 providing for the offense of organized retail theft; and
4 establishing the Office of Deputy Attorney General for
5 Organized Retail Crime Theft.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Section 3929.3(b) and (c) of Title 18 of the
9 Pennsylvania Consolidated Statutes are amended and the section
10 is amended by adding subsections to read:

11 § 3929.3. Organized retail theft.

12 * * *

13 (b) Grading.--

14 (1) If the retail value of the stolen merchandise in the
15 possession of or under the control of the organized retail
16 theft enterprise is at least [\$5,000] \$300 \$1,000, but not <--
17 more than [\$19,999] \$1,199 \$4,999, the offense is a felony of <--
18 the third degree.

19 (2) If the retail value of the stolen merchandise in the

1 possession of or under the control of the organized retail
2 theft enterprise is at least [~~\$20,000~~] ~~\$1,200~~ \$5,000, BUT NOT <--
3 MORE THAN \$19,999, the offense is a felony of the second
4 degree.

5 (3) IF THE RETAIL VALUE OF THE STOLEN MERCHANDISE IN THE <--
6 POSSESSION OF OR UNDER THE CONTROL OF THE ORGANIZED RETAIL
7 THEFT ENTERPRISE IS AT LEAST \$20,000, THE OFFENSE IS A FELONY
8 OF THE FIRST DEGREE.

9 (b.1) Enforcement.--

10 (1) The district attorneys of the several counties shall
11 have authority to investigate and to institute criminal
12 proceedings for a violation of this section.

13 (2) In addition to the authority conferred upon the
14 Attorney General by the act of October 15, 1980 (P.L.950,
15 No.164), known as the Commonwealth Attorneys Act, the
16 Attorney General shall have the authority to investigate and
17 to institute criminal proceedings for a violation of this
18 section or a series of related violations involving more than
19 one county of this Commonwealth or involving a county of this
20 Commonwealth and another state.

21 (3) No person charged with a violation of this section
22 by the Attorney General shall have standing to challenge the
23 authority of the Attorney General to investigate or prosecute
24 the case and, if a challenge is made, the challenge shall be
25 dismissed and no relief shall be available in the courts of
26 the Commonwealth to the person.

27 (b.2) Office of Deputy Attorney General for Organized Retail
28 Crime Theft.--

29 (1) The Office of Deputy Attorney General for Organized
30 Retail Crime Theft is established and shall include five

1 prosecuting attorneys to have geographically concurrent
2 jurisdiction in this Commonwealth. The following shall be the
3 geographic districts of the prosecuting attorneys:

4 (i) District 1 shall include Bucks, Chester,
5 Delaware, Montgomery and Philadelphia Counties.

6 (ii) District 2 shall include Berks, Bradford,
7 Carbon, Columbia, Lackawanna, Lehigh, Luzerne, Lycoming,
8 Monroe, Montour, Northampton, Northumberland, Pike,
9 Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union,
10 Wayne and Wyoming Counties.

11 (iii) District 3 shall include Adams, Bedford,
12 Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon,
13 Juniata, Lancaster, Lebanon, Mifflin, Perry and York
14 Counties.

15 (iv) District 4 shall include Armstrong, Butler,
16 Cameron, Centre, Clarion, Clearfield, Clinton, Crawford,
17 Elk, Erie, Forest, Indiana, Jefferson, Lawrence, McKean,
18 Mercer, Potter, Venango and Warren Counties.

19 (v) District 5 shall include Allegheny, Beaver,
20 Cambria, Fayette, Greene, Somerset, Washington and
21 Westmoreland Counties.

22 (2) Each prosecuting attorney may have no more than two
23 special agents employed to assist with the duties under this
24 subsection.

25 (c) Definitions.--The following words and phrases when used
26 in this section shall have the meanings given to them in this
27 subsection:

28 "Merchandise." Any goods, chattels, foodstuffs or wares of
29 any type and description, regardless of the value thereof.

30 "Merchant." An owner or operator of a retail mercantile

1 establishment or an agent, employee, lessee, consignee, officer,
2 director, franchise or independent contractor of such owner or
3 operator.

4 "Organized retail theft enterprise." A corporation,
5 partnership or any other type of association, whether or not
6 legally formed, operated for the purpose of engaging in
7 violations of the provisions of section 3925 (relating to
8 receiving stolen property) or 3929 (relating to retail theft)
9 with intent to resell or re-enter the merchandise into commerce.

10 "Retail value." A merchant's stated or advertised price of
11 merchandise. If merchandise is not traceable to a specific
12 merchant, the stated or advertised price of the merchandise by
13 merchants in the same geographical region.

14 Section 2. This act shall take effect July 1, 2024, or
15 immediately, whichever is later.