



HOUSE BILL 384: Increase Penalties/Organized Retail Theft.

2017-2018 General Assembly

Committee:		Date:	August 29, 2017
Introduced by:		Prepared by:	Jennifer H. Bedford Staff Attorney
Analysis of:	S.L. 2017-162		

OVERVIEW: *S.L. 2017-162 expands the organized retail theft statutes and addresses gift cards and merchandise cards in existing law. This act becomes effective December 1, 2017, and applies to offenses committed on or after that date.*

CURRENT LAW: Larceny from a merchant is a Class H felony. (G.S. 14-72.11).

Organized retail theft is when a person conspires with another to steal property from merchants worth a total of \$1,500 or more in a 90 day period, with the intent to sell the property and then fences that property, or a person receives such property knowing or having reasonable grounds to believe the property was stolen. It is a Class H felony. (G.S. 14-86.6).

"Itinerant merchant" is defined as: A person, other than a merchant with an established retail store in the county, who transports an inventory of goods to a building, vacant lot, or other location in a county and who, at that location, displays the goods for sale and sells the goods at retail or offers the goods for sale at retail. (G.S. 66-250(1)).

BILL ANALYSIS:

Section 1 of this act amends larceny from a merchant by:

- Eliminating the need for a sign on exit doors describing the felony offense and punishment for larceny from a merchant.
- Prohibiting the exchanging of stolen property for cash, a gift card, a merchandise card, or item of value.

Section 2 of this act amends organized retail theft, to create a new Class G felony for either of the following:

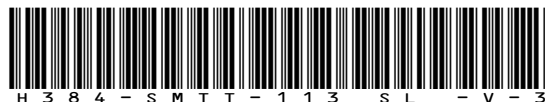
- Conspiring with another person to commit retail theft in excess of \$20,000.00 aggregated over 90 days and multiple counties.
- Conspiring with two or more other people to commit Organized retail theft as an organizer, supervisor, financier, leader, or manager

Section 3 of this act addresses gift cards and merchandise cards in existing Pawnbrokers and Cash Converters law, and defines e-buyer, a currency converter engaged in the business of purchasing gift cards or merchandise cards online.

Section 4 of this act creates record-keeping requirements for cash converters that purchase gift cards and merchandise cards online.

EFFECTIVE DATE: This act becomes effective December 1, 2017, and applies to offenses committed on or after that date.

Karen Cochrane-Brown
Director



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Legislative Analysis
Division
919-733-2578