



HOUSE BILL 384: Increase Penalties/Organized Retail Theft.

2017-2018 General Assembly

Committee:	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	Date:	June 14, 2017
Introduced by:	Reps. Fraley, Jordan, Warren, Wray	Prepared by:	Jennifer H. Bedford
Analysis of:	PCS to Second Edition H384-CSTT-32		Committee Counsel

OVERVIEW: House Bill 384 would expand the organized retail theft statutes, and address gift cards and merchandise cards in existing law.

[As introduced, this bill was identical to S409, as introduced by Sens. Curtis, Meredith, Britt, which is currently in Senate Rules and Operations of the Senate.]

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 would amend 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 would amend 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 would address gift cards and merchandise cards in existing Pawnbrokers and Cash Converters law, and would define e-buyer, a currency converter engaged in the business of purchasing gift cards or merchandise cards online.

Section 4 would create record-keeping requirements for cash converters that purchase gift cards and merchandise cards online.

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

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Legislative Analysis
Division
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