

SECOND REGULAR SESSION

# HOUSE BILL NO. 1652

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE ROBERTS.

3813H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To amend chapter 570, RSMo, by adding thereto one new section relating to the offense of organized retail theft, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 570, RSMo, is amended by adding thereto one new section, to be  
2 known as section 570.036, to read as follows:

**570.036. 1. A person commits the offense of organized retail theft if he or she,  
2 while alone or with any other person or persons, commits a series of thefts of retail  
3 merchandise against one or more persons either on the premises of a merchant or  
4 through the use of an internet or network site in this state with the intent to:**

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

6 **(2) Resell, trade, or barter the merchandise for value in any manner including,  
7 but not limited to, through the use of an internet or network site.**

8 **2. The offense of organized retail theft is a class C felony if the aggregated value  
9 of the property or services involved in all thefts committed in this state during a period  
10 of one hundred twenty days is no less than one thousand five hundred dollars and no  
11 more than ten thousand dollars.**

12 **3. The offense of organized retail theft is a class B felony if the aggregated value  
13 of the property or services involved in all thefts committed in this state during a period  
14 of one hundred twenty days is more than ten thousand dollars.**

15 **4. In addition to any other penalty, the court shall order a person who violates  
16 this section to pay restitution.**

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17           **5. For the purposes of this section, in determining the aggregated value of the**  
18 **property or services involved in all thefts committed in this state during a period of one**  
19 **hundred twenty days:**

20           **(1) The amount involved in a single theft shall be deemed to be the highest value,**  
21 **by any reasonable standard, of the property or services that are obtained; and**

22           **(2) The amounts involved in all thefts committed by all participants in the**  
23 **organized retail theft shall be aggregated.**

24           **6. In any prosecution for a violation of this section, the violation shall be deemed**  
25 **to have been committed and may be prosecuted in any jurisdiction in this state in which**  
26 **any theft committed by any participant in the organized retail theft was committed**  
27 **regardless of whether the defendant was ever physically present in such jurisdiction.**

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