

SECOND REGULAR SESSION

HOUSE BILL NO. 2563

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ROBERTS (161).

5346H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

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

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 known as section 570.035, to read as follows:

570.035. 1. As used in this section, the following terms mean:

(1) "Internet or network site", any identifiable site on the internet or on a network including, but not limited to:

(a) A website or other similar site on the world wide web;

(b) A site that is identifiable through a uniform resource locator;

(c) A site on a network that is owned, operated, administered, or controlled by a provider of internet service;

(d) An electronic bulletin board;

(e) A list server;

(f) A newsgroup; or

(g) A chat room;

(2) "Merchant", an owner or operator, and the agent, consignee, employee, lessee, or officer of an owner or operator, of any merchant's premises.

2. A person commits the offense of organized retail theft if he or she, while alone or with any other person or persons, commits 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:

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.

- 18 **(1) Return the merchandise to the merchant for value; or**
19 **(2) Resell, trade, or barter the merchandise for value in any manner including, but**
20 **not limited to, through the use of an internet or network site.**
- 21 **3. The offense of organized retail theft is a class C felony if the aggregated value of**
22 **the property or services involved in all thefts committed in the organized retail theft in this**
23 **state during a period of one hundred twenty days is no less than one thousand five hundred**
24 **dollars and no more than ten thousand dollars.**
- 25 **4. The offense of organized retail theft is a class B felony if the aggregated value of**
26 **the property or services involved in all thefts committed in the organized retail theft in this**
27 **state during a period of one hundred twenty days is ten thousand dollars or more.**
- 28 **5. In addition to any other penalty, the court shall order a person who violates this**
29 **section to pay restitution.**
- 30 **6. For the purposes of this section, in determining the aggregated value of the**
31 **property or services involved in all thefts committed in the organized retail theft in this**
32 **state during a period of one hundred twenty days:**
- 33 **(1) The amount involved in a single theft shall be deemed to be the highest value,**
34 **by any reasonable standard, of the property or services that are obtained; and**
- 35 **(2) The amounts involved in all thefts committed by all participants in the**
36 **organized retail theft shall be aggregated.**
- 37 **7. In any prosecution for a violation of this section, the violation shall be deemed**
38 **to have been committed and may be prosecuted in any jurisdiction in this state in which**
39 **any theft committed by any participant in the organized retail theft was committed**
40 **regardless of whether the defendant was ever physically present in such jurisdiction.**

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