

Subject Establishing the crime of organized retail theft

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Date February 6, 2023

Overview

This bill establishes a new crime of organized retail theft. It also amends the crimes of burglary in the third and fourth degree and extends the expiration date of certain search warrants.

Summary

Section	Description
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| 1 | Access by government.
Makes a conforming change related to the government's right to access certain financial data. |
| 2 | Release prohibited.
Makes a conforming change related to the situations in which a financial institution may release certain financial data. |
| 3 | Sentence.
Makes a conforming change related to when certain prior offenses can enhance the penalty for a theft offense. |
| 4 | Organized retail theft.
Subd. 1. Definitions. Defines the terms "article surveillance system," "retailer," "retail merchandise," and "value" for the purposes of this new section of law.
Subd. 2. Organized retail theft. Establishes the offense of organized retail theft. Provides that a person who steals or fraudulently obtains retail merchandise from a retailer commits the offense if the person resells or intends to resell the merchandise, advertises or displays the merchandise for sale, returns the merchandise for anything of value, or steals retail merchandise within five years of a conviction under this section. Further provides that a person who receives stolen retail merchandise knowing that it was stolen may be sentenced for the crime of organized retail theft. Also establishes that any person who possesses a |

Section	Description
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device or other gear designed to assist in shoplifting or defeating an electronic article surveillance system with the intent to use the device or gear for that purpose may be sentenced to a felony.

Subd. 3. Sentence. Establishes penalties for committing organized retail theft that include:

- a gross misdemeanor penalty if the property stolen has a value of no more than \$500;
- a felony with a maximum sentence of two years if the property stolen has a value of more than \$500, but not more than \$1,000 or the person has a prior offense;
- a felony with a maximum sentence of seven years if the property stolen has a value of more than \$1,000, but not more than \$5,000 or the person has two prior offenses; and
- a felony with a maximum sentence of 15 years in prison if the value of the property stolen exceeds \$5,000.

Subd. 4. Aggregation. Provides that the value of retail property stolen or received in a six-month period may be aggregated. Further provides that offenses committed in multiple counties may be consolidated.

Subd. 5. Enhanced penalty. Provides that, if the offense creates a reasonably foreseeable risk of bodily harm, a gross misdemeanor offense shall be enhanced to a felony with a maximum sentence of three years, and the maximum penalty for a felony offense shall be increased by 50 percent.

5 **Definitions.**

Defines “financial institution” in the statute that establishes the offense of identity theft.

6 **Release of limited account information to law enforcement authorities.**

Establishes that a financial institution may release certain information to a law enforcement or prosecuting authority that certifies that it is investigating an identity theft crime. Indicates the law enforcement or prosecuting authority to include specific information in the request. Permits the financial institution to release information and provides that the institution is not liable in any criminal or civil proceeding for releasing the information. Classifies the information as criminal investigative data.

Section	Description
7	<p>Burglary in the third degree.</p> <p>Establishes a felony offense for a person who enters a building that is open to the public, other than a building listed in subdivision 2, paragraph (b), if the person does so within:</p> <ol style="list-style-type: none">1) one year of being told to leave the building and not return; and2) five years of being convicted of theft or a related offense. The offense may be punished by imprisonment of up to five years, a fine of up to \$10,000, or both. <p>The buildings listed in subdivision 2, paragraph (b) are: government buildings, religious establishments, historic properties, and school buildings. Violations of subdivision 2 are felonies and may be punished by imprisonment of up to ten years, a fine of up to \$20,000, or both.</p> <p>Theft and related offenses are the offenses that can be used for enhancement purposes under the theft statute: section 609.52, subdivision 3, paragraph (c).</p>
8	<p>Burglary in the fourth degree.</p> <p>Establishes a gross misdemeanor offense for a person who enters a building that is open to the public, other than a building listed in subdivision 2, paragraph (b), if the person does so within one year of being told to leave the building and not return.</p>
9	<p>Execution and return of warrant; time.</p> <p>Provides that a search warrant on a financial institution for financial records is valid for 30 days. Provides that a district court judge may grant an extension of a warrant when a financial institution has not produced financial records within 30 days.</p>



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