

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 2,  
2 Section 557.045, Line 15, by inserting after said section and line the following:

3  
4 "570.035. 1. As used in this section, the following terms mean:

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

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

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

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

11 (d) An electronic bulletin board;

12 (e) A list server;

13 (f) A newsgroup; or

14 (g) A chat room;

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

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

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

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

24 3. The offense of organized retail theft is a class C felony if the aggregated value of the  
25 property or services involved in all thefts committed in the organized retail theft in this state during  
26 a period of one hundred twenty days is no less than one thousand five hundred dollars and no more  
27 than ten thousand dollars.

28 4. The offense of organized retail theft is a class B felony if the aggregated value of the  
29 property or services involved in all thefts committed in the organized retail theft in this state during  
30 a period of one hundred twenty days is ten thousand dollars or more.

31 5. In addition to any other penalty, the court shall order a person who violates this section to  
32 pay restitution.

33 6. For the purposes of this section, in determining the aggregated value of the property or  
34 services involved in all thefts committed in the organized retail theft in this state during a period of  
35 one hundred twenty days:

36 (1) The amount involved in a single theft shall be deemed to be the highest value, by any

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1 reasonable standard, of the property or services that are obtained; and

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

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

8  
9 Further amend said bill by amending the title, enacting clause, and intersectional references  
10 accordingly.