

FIRST REGULAR SESSION

# HOUSE BILL NO. 290

101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE ROBERTS (161).

0585H.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 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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