



J. CHARLES SMITH, III
STATE'S ATTORNEY

CIRCUIT COURT DIVISION
301-600-1523

DISTRICT COURT DIVISION
301-600-2573

CHILD SUPPORT DIVISION
301-600-1538

JUVENILE DIVISION
301-600-2980

STATE'S ATTORNEY FOR FREDERICK COUNTY

KIRSTEN N. BROWN
DEPUTY STATE'S ATTORNEY

County Courthouse
100 West Patrick Street
Frederick, Maryland 21701

www.statesattorney.us

February 16, 2024

The Honorable Luke Clippinger
Chairperson, House Judiciary Committee
House Office Building, Room 100
6 Bladen Street
Annapolis, MD 21401

Dear Chair Clippinger and Members of the Judiciary Committee:

On behalf of the Maryland State's Attorney's Association, and the Frederick County State's Attorney's Office, I write in support of House Bill 948. This bill has the intended purpose of consolidating and aggregating theft amounts for retail theft when occurring pursuant to one scheme or continuing course of conduct and to authorize prosecution in one Maryland county where the scheme/continuing course of conduct involves offenses in multiple Maryland counties.

This is a national issue. And, last fall, my elected, J. Charles Smith, III, and I had occasion to meet with multiple retailers at the local level, in Frederick County, to hear their stories regarding this type of offense. As we engaged with them, there was a common theme. Organized retail theft is real, it is brazen, it financially impacts communities, and, yes, even puts the public at risk. Traditionally, theft has been a crime associated with stealth. It has also, typically, been motivated by one or multiple of the following factors: substance abuse, poverty, or disregard for the property rights of others.

Organized retail theft on the other hand is engaged in with the intention of stealing items to be re-sold, enabling the re-seller to make 100% profit. And profitable it is, based on the amount of this crime being engaged in all over the United States. As laws are passed, the criminal elements expend the effort to identify and exploit inefficiencies and weaknesses in those laws.

The rise of organized retail theft has been the result of a somewhat perfect storm. First of all, retail theft, is a property crime. Based on Maryland Sentencing Guidelines, within the criminal justice system, the trend, since the Justice Reinvestment Act was passed, has been that those engaging in property crimes are rarely held pre-trial and are facing increasingly shorter sentences when standing before a judge after being convicted. The criminal element who engage in organized retail theft are reported to be informed. Knowing the consequences are less, they then pick their retailer victims based on accessibility to interstates, make sure to steal amounts below felony theft thresholds, and intentionally cross county lines to avoid aggregation of values.

Adding to the above, these crimes are typically engaged in by groups or crews who travel hundreds, if not thousands, of miles to hit as many retailers as possible. They are bold and threatening. They enter the stores, in some instances declaring they are there to steal items when contacted by store employees, with the sole purpose of stealing as much product as they can grab. They take bolt cutters from the hand tool section and cut the locks, the retailer has paid for, placed to secure their battery-operated tools. They put the public, including the store employees and customers at risk, as they dash out of the store with their stolen items.

They are secure in the knowledge that the reduced staffing of police forces and the publicly available information about non-confrontation policies of many retailers will mean they can engage in their crime as brazenly as they wish with little chance of a consequence.

We hear the stories of retailers shuttering their stores due to this criminal epidemic. Notably, organized retail theft excursions tend to initially focus on urban areas and continue, successively moving out to the suburbs and even more rural communities. The stolen product is not insured, which leads to retailers raising prices to cover the losses. This means that people in communities all over the country, including right here in Maryland, are impacted by these offenses.

This bill would encourage law enforcement and prosecutors to work together, across county lines, enabling them to coordinate prosecutions for maximum impact, thereby increasing the risk of consequences for those who choose to engage in this type of crime. It is time for Maryland to address this issue. It also is time to reassure the employees and customers of these stores, as well as our communities, that we want them to be able to work and shop in safety.

Thank you for the opportunity to provide support for this bill and I urge this Committee to issue a favorable report on House Bill 948.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason S. Shoemaker". The signature is fluid and cursive, with the first name "Jason" being the most prominent.

Jason S. Shoemaker,
Chief, Economic Crimes Unit