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January 21, 2025

TO: The Honorable Will Smith
Chair, Judicial Proceedings Committee

FROM: Tiffany Clark
Chief, Legislative Affairs, Office of the Attorney General

RE: Senate Bill 11 - Organized Retail Theft Act of 2025 – **Support**

The Office of the Attorney General requests a favorable report of **Senate Bill 11**. Maryland has a consolidated theft statute. Unlike other states, who have separate offenses for larceny, shoplifting, possessing stolen property, etc., Maryland considers each of those actions as simply “theft” under Criminal Law Article 7-104. The penalty for theft (both in terms of jail time exposure, as well as whether the crime is a misdemeanor or felony) is determined by the value of the items taken.

Currently, under Criminal Law Article §7-103(f), if someone commits multiple thefts in one county as part of “one scheme or continuing course of conduct,” then “the value of the property or services [taken] may be aggregated in determining whether the theft is a felony or a misdemeanor.” While useful in certain circumstances, this aggregation is not helpful when someone commits crimes in multiple jurisdictions, as is often the case.

Senate Bill 11 would allow all thefts committed as part of “one scheme or continuing course of conduct” to be “joined and prosecuted in any county in which any of the thefts occurred.” This change will significantly aid in the efforts to combat multi-jurisdictional organized retail theft. **Senate Bill 11** additionally creates a reporting requirement where the clerk must mark a file as “Organized Retail Theft-related,” which will help with data tracking.

Senate Bill 11 would create a new criminal offense called “organized retail theft.” The new offense would cover “the commission, either alone or in concert with one or more other persons, of a series of thefts of retail merchandise from one or more retail merchants over a 90-day period.” The offense would cover types of behavior such as traditional shoplifting, but also other common ways that organized retail theft is committed, such as returning stolen merchandise for a gift card. The section would only be applicable if the aggregate value was over \$1,500. It would match the 5-year felony currently available for theft or theft scheme \$1,500-\$25,000. It does not have the same tier/range set-up as ordinary theft.

Organized retail theft is already criminal under the ordinary theft and theft scheme laws. By the bill’s own language, if someone were convicted of theft and organized retail theft, the organized retail theft charge would merge into the theft charge, meaning that the person’s jail time exposure would be the same. Also, the law would have limited scope, since it only applies if the value is \$1,500, and it only applies to the taking of “retail merchandise.” The Office of the Attorney General would ask the Committee to consider removing this portion from the bill. While it does not do any harm, we do not believe it is necessary.

For the foregoing reasons, the Office of the Attorney General urges a **favorable** report on Senate Bill 11.

cc: Senator Ron Watson
Judicial Proceedings Committee Members