

Testimony in Support of SB11 Maryland 01.21.25.pdf

Uploaded by: Angela Marshall Hofmann

Position: FAV

**Written Testimony in Support of
The Organized Retail Theft Act of 2025
Angela Marshall Hofmann
Vice President, Government Affairs
on behalf of JCPenney
Before the Senate Committee on the Judiciary
January 21, 2025**

Chairman William C. Smith, Jr and Members of the Committee:

My name is Angela Marshall Hofmann, Vice President of Government Affairs, and on behalf of JCPenney, I respectfully submit our support for SB 11 the Organized Retail Theft Act of 2025 -- a bill to combat organized retail crime in Maryland.

JCPenney is a 122-year-old company that serves diverse, working families in 49 states and Puerto Rico as well as on-line at jcp.com. Now privately held, we employ over 50,000 associates across the country, and operate 650 stores including 11 stores in the state of Maryland.

Our company exists to celebrate and serve America's diverse, working families, and it's at the heart of all we do. Our commitment to our customer runs deep and it's a deeply rooted part of our legacy. We have been guided by the Golden Rule – the belief that we should treat others how we want to be treated. It's why we are committed to creating shopping experiences that are genuinely rewarding for customers, where they are welcomed to find products, services and apparel that meets their unique needs.

At JCPenney we have a dedicated Asset Protection team whose jobs are to ensure the best experience for our customers, associates, and communities. That means keeping them safe and making every shopping experience count. For this reason, we support and salute your efforts to fight organized retail crime which is today one of the highest priorities for the retail industry.

As you know, organized retail crime has surged across the country as the perpetrators understand and manipulate the gaps in support between agencies, counties, even state lines. That is why this effort requires partnership at all levels and we deeply appreciate the support of our local law enforcement officials, prosecutors, and our fellow retailers.

The retail industry and our supply chain partners are working together – big and small – to support our local communities. These measures bring vital resources to combatting crime and you can count on our support.

Thank you for your consideration of this important and timely matter.

2025 GBCC SB 11 Organized Retail Crime.pdf

Uploaded by: Ashlie Bagwell

Position: FAV



Testimony on behalf of the Greater Bethesda Chamber of Commerce

*In Support of
Senate Bill 11—Organized Retail Theft Act of 2025
January 21, 2025
Senate Judicial Proceedings Committee*

The Greater Bethesda Chamber of Commerce (GBCC) was founded in 1926. Since then, the organization has grown to more than 600 businesses located throughout the Greater Bethesda area and beyond. On behalf of these members, we appreciate the opportunity to provide written comments in opposition to Senate Bill 11— Organized Retail Theft Act of 2025.

With the increase in organized retail theft in recent years, the Greater Bethesda Chamber appreciates the introduction of Senate Bill 11. This bill seeks to address an issue that impacts Montgomery County and jurisdictions across the state of Maryland. In 2023, the Montgomery County Police Department arrested a group accused of stealing large amounts of items from eleven stores in the county, the loss suffered by these stores totaling just under \$50,000. Just his past year, the Montgomery County Department of Police coordinated with Homeland Security Investigations and the Internal Revenue—Criminal Investigations targeting three individuals responsible for trafficking a large amount of stolen goods from retailers in Montgomery County and through the Washington, DC metro area. Organized retail theft impacts the safety and well-being of retail employees and customers and impedes a businesses' ability to operate. If economic development is to be a priority, this is an issue that needs to be addressed.

On behalf of our retail members, we appreciate Senate Watson's leadership on this issue and urge a favorable vote on Senate Bill 11.

THD MD ORC Written Testimony Senate Jan 2025.pdf

Uploaded by: Brian Gamberini

Position: FAV



1155 F Street, N.W. • Suite 400 • Washington, DC 20004

The Maryland State Senate
Senate Judicial Proceedings Committee
Room 2, East Miller Senate Office Building
Annapolis, MD 21401

January 21, 2025

Chairman Smith,

On behalf of our nearly 10,000 associates across 41 stores and 59 total facilities in Maryland, I am submitting testimony in support of S.B. 11, legislation sponsored by Senator Watson targeting Organized Retail Crime (ORC) in Maryland.

S.B. 11 contains language targeting ORC that will help Maryland take steps to stop this brazen theft. It provides prosecutors another tool in their toolbox to go after these repeat offenders and gives them the deference to use it when prosecuting these criminals.

ORC presents an enormous challenge to retailers and consumers. As a low-risk, high-reward operation that appeals to criminal organizations, ORC poses both a financial and public safety risk. ORC is not petty shoplifting, nor is it victimless. It is a sophisticated operation where career criminals orchestrate the theft of large quantities of merchandise – typically targeting items that can easily be stolen, resold and monetized. These criminals are savvy and exploit the law, retailers, and public trust for financial gain while putting the safety of consumers and retail workers at risk.

Similar legislation was passed out of this Committee last legislative session, and we ask that you all once again take decisive action to address this issue in Maryland. S.B. 11 will give prosecutors in Maryland the ability to aggregate crimes across jurisdictions. Jurisdictions surrounding Maryland are acting right now, including DC, recently passed and authorized its own ORC law. We need to arm MD prosecutors with the right tools at their disposal to go after these criminals.

We ask the Committee to take action once again this year and prevent the increase in ORC in Maryland and ask for a favorable report on S.B. 11. Thank you for your consideration.

Brian

Brian Gamberini
The Home Depot, Mid-Atlantic Region
Sr. Manager, State and Local Government Relations

Senate Bill 11 -- Organized Retail Theft Act of 20

Uploaded by: Brian Levine

Position: FAV



Senate Bill 11 -- *Organized Retail Theft Act of 2025*
Senate Judicial Proceedings Committee
January 21, 2025
Support

The Montgomery County Chamber of Commerce (MCCC), the voice of business in Metro Maryland, supports Senate Bill 11 -- *Organized Retail Theft Act of 2025*.

Senate Bill 11 establishes the offense of “organized retail theft” of property with an aggregate “value” exceeding \$1,500. A violation of this prohibition is a felony punishable by graduated penalties based on the value of the property involved.

Organized retail theft is a growing problem for Montgomery County’s businesses and those throughout the State. Businesses need stronger laws against organized retail theft as proposed in Senate Bill 11. This legislation is a crucial step in addressing the growing problem of organized retail crime, which has significant economic and social impacts on our communities.

Organized retail theft affects businesses of all sizes, leading to substantial financial losses, increased security costs, and higher prices for consumers. Small businesses are often hit hardest, as they lack the resources to absorb these losses. In addition to the economic benefits, passage of this legislation will also contribute to the overall safety and well-being of our communities.

For these reasons, the Montgomery County Chamber of Commerce supports Senate Bill 11 and respectfully requests a favorable report.

The Montgomery County Chamber of Commerce (MCCC), on behalf of its members, champions the growth of business opportunities, strategic infrastructure investments, and a strong workforce to position Metro Maryland as a premier regional, national, and global business location. Established in 1959, MCCC is an independent, non-profit membership organization.

*Brian Levine | Vice President of Government Affairs
Montgomery County Chamber of Commerce
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SB 11 HB179 ORC Written.pdf

Uploaded by: cailey locklair

Position: FAV

MARYLAND RETAILERS ALLIANCE

The Voice of Retailing in Maryland



SB11/HB179 Organized Retail Theft Act of 2025 **Senate Judicial Proceedings Committee / House Judiciary Committee** **January 21, 2025**

Position: Favorable

Comments: The Maryland Retailers Alliance (MRA) strongly supports SB11/HB179, which will do three things: define and create the crime of organized retail theft; allow instances of organized retail theft to be aggregated across jurisdictions; and provide for data collection.

Maryland currently has a theft scheme statute that applies when a person repeatedly steals from the same person or group over a period of time. The loophole that exists in this law is that it does not explicitly allow theft charges to be aggregated across jurisdictions. To be clear, the law proposed in SB11/HB179 creates is not technically new, as multiple thefts committed in one jurisdiction may already be joined together and pursued for higher charges. Professional thieves and organized groups understand this nuance and the \$1500 felony theft threshold limit and strategically travel from jurisdiction to jurisdiction to avoid felony theft charges.

History and Landscape: Organized retail crime has ballooned to an over \$100 billion problem in the United States alone which has resulted in action at both the Federal and State levels. The impacts are felt in communities in many ways: higher prices, store closures, reduced public services due to less sales tax and revenue for the state and localities, and the fact that the revenue from these thefts funds other illicit crimes.

Congress passed the Integrity, Notification, and Fairness in Online Retail Marketplaces for Consumers Act (INFORM Consumers Act) in 2022 which creates transparency with 3rd party online sellers. Organized rings and professional thieves often use these marketplaces to sell stolen goods. The law requires online marketplaces to collect and verify certain information from high-volume third-party sellers to ensure transparency and establish record keeping to help stop the sale of counterfeit and stolen merchandise.

In October of 2022, the federal government announced through Homeland Security Investigations (HIS) the launch of [Operation Boiling Point](#), which focused on combating organized theft groups (OTG) through the targeting of domestic and transnational criminal organizations (TCO) profiting from organized retail crime (ORC). Partnering with federal, state, local law enforcement and prosecutors, as well as financial, retail, freight transportation, and other industries, Operation Boiling Point provides a multi-faceted approach to disrupt and dismantle OTGs through partnerships, investigations, and consumer awareness. Unfortunately, the threshold for their involvement remains high and is constantly evaded by professional groups.

Additionally, 37 states, both blue and red, have now also passed laws addressing the issue of retail crime, with new legislation being introduced and adopted every year and many states having multiple statutes on the books. Laws range from better coordination to easier prosecution, task forces, funding and the creation of new crimes to separate out petty and professional theft.

Prior Issues Raised: Concerns were previously expressed around the issue of “joinder” and we would refer the Committee to the letter of advice issued by the Office of the Attorney General in 2024 which clearly states the provision found in SB11/HB179 is “discretionary and does not change existing common law or Maryland Rule”. The purpose of joining offenses and policies favoring judicial economy are to “save time and expense of separate trials under the circumstances named in the Rule...”. As we have pointed out to the Committee, nothing in the bill prohibits a defendant from seeking separate trials of their charges through a motion to sever if they believe the joinder of said charges would prejudice their rights. The court will then consider factors such as the complexity of the case, potential prejudice to the defendant, and the interests of judicial economy in deciding whether to grant the motion.

We would also direct the Committee to Maryland Code Criminal Law Title 9-804 which prohibits participation in criminal gangs and allows for joinder: “(3) Notwithstanding any other provision of law, in circumstances in which violations of this section are alleged to have been committed in more than one county, the respective State's Attorney of each county, or the Attorney General, may join the causes of action in a single complaint with the consent of each State's Attorney having jurisdiction over an offense sought to be joined”. As the Attorney General’s letter points out, “As long as the State can establish the mutual admissibility of the evidence of the multiple thefts under a single scheme or continuing course of conduct, a court may join charges or offenses in a single trial under Rule 4-253” and this proposed law is consistent with that authority and other laws in current statute.

Additional concerns have been raised regarding loss prevention or asset protection representatives missing court dates. Our organization has made a commitment to prosecutors’ offices around the state to help them connect with the proper individuals in large companies, and have issued guidance to our members regarding how to effectively collaborate with prosecutors throughout a case. In discussing this issue with several States Attorney’s offices, it has also been pointed out to us that jurisdictions would be better served by allowing witnesses to testify via Zoom, as they did during the COVID-19 pandemic. Although we contend that in most cases companies do everything in their power to be present, this would help address this problem as theft cases and daily events can impact their ability to be physically present.

In 2024, this proposal unanimously passed both Chambers in the exact format that is before you today, though there was not time for the bills to move through the entire legislative process to passage. We strongly and respectfully urge the Committees to pass SB11/HB179 with expediency.

SB11

Uploaded by: Darrell Carrington

Position: FAV



THE PRINCE GEORGE'S COUNTY GOVERNMENT

(301) 952-3700 County Council

POSITION STATEMENT

SB11/HB179

Senator Watson (JPR)

Delegate Toles (JUD)

Organized Retail Theft Act of 2025

POSITION:

SB11/HB179 - SB11/HB179 provides that multiple thefts committed by the same person in multiple counties under one scheme or continuing course of conduct may be joined and prosecuted in any county in which any one of the thefts occurred. The bill also prohibits one or more persons from committing a series of thefts from retail merchants over a 90-day period, with an aggregate value exceeding \$1,500. Additionally, it requires a court to make a finding as to whether a certain crime is organized retail theft under certain circumstances and for certain purposes.

SUPPORT

The Prince George's County Council strongly supports SB11/HB179, as it provides critical tools to address the escalating issue of organized retail theft that impacts local businesses and the overall economic vitality of our communities. By allowing multiple thefts committed under a single scheme across multiple jurisdictions to be joined and prosecuted in a single county, this legislation enhances efficiency and strengthens enforcement efforts. Additionally, the provisions targeting organized retail theft, particularly the prohibition of thefts exceeding \$1,500 in aggregate value over a 90-day period, reflect a necessary response to the sophisticated and coordinated nature of these crimes. This bill aligns with our commitment to supporting local businesses, protecting consumers, and ensuring the safety and security of our neighborhoods.

For the foregoing reasons, the Prince George's County Council **SUPPORTS SB11/HB179** and respectfully requests your favorable consideration of its position.

Prepared by: Carrington & Associates, LLC

On behalf of the Prince George's County Council

Wayne K. Curry Administration Building – Upper Marlboro, Maryland 20772

SB 11 Organized Retail Theft Testimony Sen. Watson

Uploaded by: Delna Gray

Position: FAV

January 21, 2025

Senator Ron Watson's Testimony on SB 11, Organized Retail Theft Act of 2025

Good Afternoon, Chair Smith and Vice Chair Waldstreicher and members of the committee. Senator Ron Watson here from the 23rd Legislative District and I am here to ask for your support for Senate Bill 11, "The Organized Retail Theft Act of 2025". The hearing on this bill should be quick and easy given that this committee along with the entire Senate that voted favorably to pass this bill during our last session in 2024.

This is a very simple bill aimed at stopping a very real issue that is occurring each and every day in our communities. This bill addresses the problem of organized retail theft.

As you may recall, Organized Retail Theft is a commission either alone or in concert with one or more persons of a series of thefts of retail merchandise from one or more retail merchants over a 90-day period with the intent to:

- 1) permanently deprive merchants of merchandise;
- 2) return the merchandise to the merchant for monetary gain, resell, trade, barter, or in any other way to seek gain from the stolen items.

And the aggregate value must exceed at least \$1,500.00.

Examples: Three suspects were caught 18, 19, and 26-year-olds with over 10,000 worth of stolen merchandise. They were connected to 10 separate thefts that occurred during a two-month period.

Two shoplifters caught in Leesburg, Virginia were involved in a theft of merchandise valued at over \$158,000. The reason why am I talking about Leesburg is because the 29-year-old female and 30-year-old male were both from Laurel, Maryland and Washington DC, and are said to account for 68% more retail crime than you would expect based on a national average and that has trickled into the state of Maryland.

Currently, there is a loophole in the law that does not allow these thefts to be joined across jurisdictions. This bill would fix it.

Organized crime rings strategically travel across county lines when committing multiple thefts to avoid coupling the amount and facing felony theft charges.

This organized retail theft is a very serious problem that has ballooned to over a \$100 billion criminal industry in the United States alone and the impacts are felt in communities in many ways: from higher prices, store closures, lost sales tax and revenue for the State and localities, and increased crimes that are funded by retail theft.

We have all seen the television with the smash and grab and the tactics that are currently being used when young folks with hoodies break into retail stores and take as much as they want. We're not talking about infant diapers and baby formula. We're talking about high-end luxury bags, cologne, perfume, and anything that can be resold, and where are they reselling it? It's being sold

on eBay, Facebook & other online platforms. It's also being sold from the back of the barber shops, beauty shops and just by Word of Mouth. Do you need a TV? I'll tell you where to go get it.

I have several people here to speak on the benefits of having this bill, why it is important and why it makes sense but as I said to you before crime always takes the path of least resistance and throughout our region each jurisdiction is looking at ways to address organized retail theft and we can not take action and make it easier for the criminals to come to Maryland to do what they do.

Let me just say in the fight against organized retail theft, it is essential to recognize that this is not a victimless crime. Every stolen item represents more than just a loss for a business, it impacts the livelihoods of hardworking individuals and jeopardizes the economic health of our communities.

This is how you create a food desert if you let this continue. You want more crime in the neighborhoods, let this continue. This has to stop and members of this committee know about the Broken Window Theory, if we do not act on this it'll just get worse and worse and then we will wonder what happened because we didn't take this opportunity to take action at this time. Mr. Chair, I ask this committee to once again give a favorable vote on Senate Bill 11.

Dermot Fitzsimons Maryland House Judiciary Committ

Uploaded by: Dermot Fitzsimons

Position: FAV

HB179 – Organized Retail Theft Act of 2025

SUPPORT

January 17, 2025

The Honorable Luke Clippinger
Chair, Judiciary Committee
Maryland House of Delegates
Annapolis, MD

Dear Mr. Chairman and members of the Judiciary Committee,

I write to respectfully urge this Committee to support House Bill 179 to help curb organized retail theft in Maryland.

My name is Dermot Fitzsimons and I am Macy's Senior Manager and Public Sector Liaison. It is my privilege to support our 14 stores in the state of Maryland and our thousands of colleagues who live and work in communities across this great state.

News reports in Maryland and elsewhere confirm what all of us are experiencing in our daily lives and Macy's is experiencing in our stores, which is that the number and frequency of retail theft events continues at an alarming pace.

National retail trade groups report that overall losses from retail theft are up when compared to previous years, and Macy's experience is certainly tracking the national statistics.

We are seeing increasingly in our stores that thieves are not stealing merchandise for their personal use. These are not individual shoplifters in a crime of opportunity but all too often part of a planned and coordinated network that steals larger quantities off of shopping lists.

Most disturbingly, the use of violence and threats of violence are on the rise as well. The safety of our customers and colleagues in our retail stores is our top priority.

We and other retailers are taking strong actions in response. We're building close partnerships with law enforcement and district attorneys and we're grateful for their support and cooperation. We've invested in technology to harden our stores, train our employees, and make the merchandise more difficult to steal.

But we need help and that's why we support the work of this House of Delegates and the Maryland Retail Association to give law enforcement and prosecutors tough new tools to strike back at the most sophisticated and recidivist thieves engaged in organized retail thefts. Thank you for your consideration.

Respectfully submitted,

Dermot Fitzsimons

Sr. Manager Asset Protection, Public Sector Liaison | Macy's, Inc.
151 West 34th St, New York. NY. 10001.
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Dermot.Fitzsimons@macys.com

CalvertCounty_FAV_HB179.SB11.Org.RetailTheft.pdf

Uploaded by: Earl Hance

Position: FAV



**CALVERT COUNTY
BOARD OF COUNTY COMMISSIONERS**

175 Main Street
Prince Frederick, Maryland 20678
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www.calvertcountymd.gov

Board of Commissioners
Mark C. Cox Sr.
Catherine M. Grasso
Earl F. Hance
Mike Hart
Todd Ireland

January 14, 2025

The Honorable Senator William C. Smith, Jr., Chair
Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis, Maryland 21401

The Honorable Delegate Luke Clippinger, Chair
Judiciary Committee
100 Taylor House Office Building
101 Taylor House Office Building
Annapolis, Maryland 21401

Re: SB11/HB179 – Organized Retail Theft Act of 2025

Chair Smith, Chair Clippinger and Committee Members:

The Board of County Commissioners for Calvert County writes in **SUPPORT** of **SB11** and **HB179** and requests a **FAVORABLE** Committee report. Retailers across Maryland continue to be plagued by high theft rates, impacting local economic health, store stability and customer experiences. The issue of retail theft has grown drastically beyond simple petty shoplifting and is underrepresented in crime statistics due to low reporting. Organized retail theft is a money-making scheme often used to raise funds to support the drug trade, gang activity and even international crime rings. Organized criminals benefit not only from Maryland's high felony theft threshold of \$1,500, but also from a loophole in State law which allows thieves to steal thousands of dollars' worth of goods in sprees across county lines without having to face felony theft charges. Currently, related thefts committed within one jurisdiction can be joined and prosecuted as a felony; unfortunately, the law stops at the county line and does not allow for similar aggregation to occur between multiple jurisdictions.

Increased violence against store employees and even other customers has led many large retailers to develop no-interference policies, allowing thieves to leave with stolen goods in order to protect other retail patrons. Efforts to reduce and disincentivize theft include products being locked away from customer access, fewer products on shelves, heightened security presence in stores and increased technology to analyze customers' every move and stop unscanned goods from leaving stores. These tactics often have a negative impact on all customers' experiences, but retailers have few other choices when State policies and law enforcement response do little to address the problem.

Maryland's Office of the Attorney General has turned its attention to organized retail crime under the current administration, and prosecutors in the Organized Crime Unit do have the ability to join charges across jurisdictional lines; however, that Unit does not have the capacity to pursue every possible instance of organized theft occurring in Maryland, and the lower courts do not have the ability to similarly join and prosecute across jurisdictional lines for these schemes and continuing courses of conduct. Thus, criminals continue to take advantage of the felony theft "loophole" by carefully planning sprees across the state that remain at the misdemeanor level in multiple counties.

Legislation pursued by the Maryland Retailers Alliance would close the aggregation loophole with three simple goals:

1. Define "organized retail theft" in Maryland law.
2. Allow thefts committed by the same person in multiple counties under one scheme or continuing course of conduct to be joined and prosecuted in any county in which the thefts occurred.
3. Require data collection on the rates of organized retail theft convictions in Maryland after the bill's passage.

It is our belief that this legislation would reduce theft rates in Maryland by allowing law enforcement and prosecution teams to better target career criminals and organized theft rings and prosecute felony charges. The bill has previously received bipartisan support in both the Senate and House of Delegates, and questions regarding joinder and constitutionality have been addressed by the Maryland Office of the Attorney General, which expressed in writing that constitutionality concerns were not found in prior legislative review.

Your thoughtful consideration of this request is sincerely appreciated. Should you have any questions or require further information, please contact County Administrator Julian M. Willis at 410-535-1600, ext. 2202 or County Attorney John Norris at 410-535-1600, ext. 2566. Thank you for your kind consideration of our position regarding this important local Bill.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
CALVERT COUNTY, MARYLAND



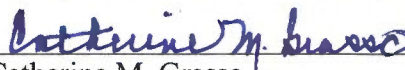
Earl F. Hance, President



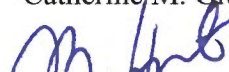
Todd Ireland, Vice President



Mark C. Cox Sr.



Catherine M. Grasso



Mike Hart

cc: Calvert County Senators and Delegation

ICSC SB11 FAV Testimony.pdf

Uploaded by: Eric McWilliams

Position: FAV

January 21, 2025

The Honorable William Smith
Judicial Proceedings Committee
2 East, Miller Senate Office Building



Senate Bill 11—Organized Retail Theft Act of 2025: Support

Chair Smith, Vice Chair Waldstreicher and Members of the Judicial Proceedings Committee,

ICSC respectfully asks for your support on Senate Bill 11, *Organized Retail Theft Act of 2025*. ICSC is the member organization for the advancement of the Marketplaces Industry, made up of shopping centers, malls and main streets, and the commerce they drive and the communities they create. Our member network includes property owners, developers, financial institutions, professional service providers and, importantly, shopping center tenants such as retailers, restaurants, gyms, childcare providers, and health centers. In Maryland, 1900 marketplaces with over 525,000 jobs, make up nearly 14% of the State’s job force. For over 65 years, ICSC has promoted and elevated the marketplaces and spaces where people shop, dine, work, play and gather as foundational and vital ingredients to everyday life.

Organized Retail Crime (ORC) is not petty shoplifting. It is coordinated, sophisticated, and targeted retail theft, usually carried out by organized criminal networks, where substantial quantities of high-demand products are stolen and re-sold, often on online marketplaces. These organizations recruit participants, enforce quotas, and use their profits to fund other illicit activities.

According to the National Retail Federation; Buy Safe America Coalition, ORC accounted for:

- \$100 Billion in inventory loss in 2022 alone
- \$15 Billion loss to federal and state governments in personal and business tax revenue, not including lost sales taxes
- An 81% increase in retailers reports of violence and aggression
- \$500 of additional cost to the average American Family
- A 26.5% increase in organized theft incidents in 2021

Organized retail crime impacts everybody — from retailers and retail employees to shoppers, community residents — as well as the entire economy. While ORC groups most often target large retailers, the economic impact of their activity is significant and extends far beyond those immediately involved. ORC is on the rise and store fronts, supply chains, and businesses’ bottom lines are being negatively affected. Our industry must join with others to ask lawmakers at every level of government to take further action to fight ORC.

From a Maryland perspective, CapitalOne Shopping Research estimates the State lost out on \$84.2M in retail sales tax dollars due to theft in 2022.ⁱ

ORC groups are discerning in their selection of targets and primarily favor large national retailers, big-box retailers, and cargo shipments, largely targeting everyday consumer goods. In areas specifically targeted, ORC leads to forcing many stores that anchor neighborhoods and community shopping centers to leave, costing localities jobs, state and local tax revenues and ultimately the character of the places we live.

In 2024, lawmakers in nine states (Arizona, California, Florida, Iowa, Kansas, Louisiana, New York, Vermont and West Virginia) plus D.C., enacted 23 pieces of legislation that targeted different aspects of organized retail crime (ORC)

In the opinion of the Maryland members of ICSC, we urge the General Assembly to also take action. We urge a favorable report of Senate Bill 100.

For any questions or more information regarding ICSC's position, please contact Michael.Walsh@capitol-strategies.com

ⁱ "Retail Theft Shopping Statistics", *CapitalOne Shopping Research*, <https://capitaloneshopping.com/research/shoplifting-statistics/#>

Letter Supporting Org Ret Theft Senate Bill 11 1-2

Uploaded by: Jason Shoemaker

Position: FAV



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
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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

January 17, 2025

The Honorable William C. Smith, Jr.
Chairperson, Senate Judicial Proceedings Committee
Miller Senate Office Building
2 East Wing
11 Bladen Street
Annapolis, MD 21401

RE: Written Submission in favor of Senate Bill 11

Dear Chair Smith and Members of the Judicial Proceedings 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 Senate Bill 11. This bill has the intended purpose of consolidating and aggregating theft amounts for organized retail thefts when occurring pursuant to one scheme or continuing course of conduct, and authorizing prosecution of these offenses in one Maryland county when the scheme/continuing course of conduct involves offenses occurring across multiple Maryland counties.

As we all now know, organized retail theft is a national issue. It 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 and avoiding detection. It has also, typically, been motivated by one or multiple of the following factors: substance abuse, poverty, or opportunity.

Organized retail theft on the other hand is planned and engaged in with the intention of stealing items to be returned or re-sold, enabling the culprit 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 the laws and/or target locations where enforcement is perceived as posing less risk of apprehension.

We hear the stories of retailers going into bankruptcy or shuttering their stores due to this criminal theft 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 and some retailers have safety protocols in place which do not permit recovered property to be re-sold to the public. So, whether the product is recovered or not, the retailer suffers economic loss from the theft of that product.

Then, there are the measures retailers undertake to minimize theft, like installing security cameras, hiring security and affixing digital tags to product. Increasingly retailers are turning to the extraordinary step of locking product up to protect it. All of these steps are expensive and, in turn, lead to retailers raising prices to cover their losses. Additionally, many of these measures can negatively impact the experience of shopping in a brick-and-mortar store. A quick trip to the store, whether you are buying a power tool or a stick of deodorant, requires finding a store clerk to get a key to access the item for you to simply make a purchase. This, ultimately, works to the advantage of exclusively online retailers, who, investigations have revealed, can be beneficiaries of the product taken in these organized retail thefts.

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, especially thefts, are rarely held pre-trial and are facing increasingly shorter sentences when standing before a judge after conviction. The criminal element who engages in organized retail theft, and who, typically, engage in this crime as part of a group or crew, know this as well. This encourages crime sprees where these groups or crews travel hundreds, if not thousands, of miles, for the sole purpose of stealing product from as many retailers as possible.

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 and profit from their crime as brazenly as they wish, with little chance of serious consequences. This is all at the expense of retailers and their customers. That means that hardworking people who wait in long lines at the register to pay ever more for their daily needs in communities all over the country, including right here in Maryland, are being impacted by these offenses.

This bill would encourage task forces of law enforcement and prosecutors to work together, across county lines, with retailers, enabling them to coordinate prosecutions for maximum impact. This increases the risk of consequences for those who choose to engage in this type of crime. Further, if these crimes are consolidated for prosecution, as this bill attempts to authorize, that will conserve judicial resources by placing multiple offenses in one courtroom as opposed to multiple courts in different jurisdictions.

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 Senate Bill 11.

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

SB 11 testimony.pdf

Uploaded by: Kirk McCauley

Position: FAV



WMDA/CAR Service Station
and Automotive Repair Association

Chair: William C Smith Jr, Vice Chair Waldstreicher and members of Judicial Proceeding Committee

RE: SB11 Organized Retail Theft Act of 2025

Position: Favorable

My name is Kirk McCauley, my employer is WMDA/CAR, we represent service stations, convenience stores and repair facilities across the state as a non- profit trade group.

Convenience stores that we represent have been a target of robbery/theft with the threat of violence by the same individuals in different counties. These are not individual's coming in a grabbing a candy bar, they are threatening violence and stuffing trash bags full of product.

These are groups that know the law and keep their theft at each location below \$1500. When combined at multiple locations, amount is well above threshold for a felony. They are playing the system and its time to correct that.

Please give SB11 a Favorable Report

My name is Kirk McCauley, my employer is WMDA/CAR, we represent service stations convenience stores and repair facilities across the state as a non- profit trade group.

Any questions can be addressed to Kirk McCauley, 301-775-0221 or kmccauley@wmda.net

SB 11 - MoCo_MCPD_Morningstar_FAV (GA 25).pdf

Uploaded by: Sara Morningstar

Position: FAV



Montgomery County

Office of Intergovernmental Relations

ROCKVILLE: 240-777-6550

ANNAPOLIS: 240-777-8270

SB 11

DATE: January 21, 2025

SPONSOR: Senator Watson

ASSIGNED TO: Judicial Proceedings

CONTACT PERSON: Sara Morningstar (Sara.Morningstar@montgomerycountymd.gov)

POSITION: Favorable (Montgomery County Department of Police)

Organized Retail Theft Act of 2025

Senate Bill 11 seeks to combat the growing problem of organized retail theft by defining the offense in Maryland law and allowing prosecutions for aggregations of thefts across jurisdictions. Under the bill, an individual who steals property with an aggregate value of at least \$1,500 but less than \$25,000 could be convicted of a felony punishable with up to five years in prison or a \$10,000 fine or both. For thefts of at least \$25,000 but less than \$100,000, a felony conviction could be punishable with up to 10 years in prison or a fine of \$15,000 or both. And for thefts of over \$100,000, a felony conviction could be subject to up to 20 years in prison or a fine not exceeding \$25,000 or both. Montgomery County Executive Marc Elrich supports the bill.

According to *The Impact of Retail Theft & Violence*, a December 2024 report released by the National Retail Federation, retail theft has dramatically increased over the past five years. The crime has not been limited to petty shoplifting but has extended to sophisticated and aggressive theft and large-scale fencing rings adept at trafficking in stolen goods worth millions of dollars in secondary markets. It has impacted not only Maryland businesses and local stores' stability, but the crime also has had a pernicious effect on our neighborhoods and customers' experiences.

Late last year, Montgomery County Executive Elrich joined a letter organized by the Maryland Retailers Alliance to State legislative leaders urging adoption of legislation in 2025 to allow appropriate felony charges to be brought against individuals engaged in organized retail crime in Maryland. Nine states across the country plus the District of Columbia enacted similar measures in 2024 to curb organized retail theft.

The Montgomery County Executive requests that 2025 be the year to make curbing organized retail theft a legislative priority in Maryland and urges that the Committee adopt a favorable report on Senate Bill 11.

HB179_SB11_CountySupport_FAV.pdf

Uploaded by: Sarah Price

Position: FAV



HB179/SB11 Organized Retail Theft Act of 2025
House Judiciary Committee
Senate Judicial Proceedings Committee
January 21, 2025

Background: The following letter was circulated to County government representatives in all 24 of Maryland’s local jurisdictions. The signatories below agreed to sign in an expression of support of HB179 and SB11 on behalf of their districts, as elected.

Chairs Smith and Clippinger,

We, the undersigned County and City officials, write to draw your attention to and express support for legislation to address organized retail theft in Maryland.

Retailers across Maryland continue to be plagued by high theft rates, impacting local economic health, store stability, and customer experiences. The issue of retail theft has grown drastically beyond simple petty shoplifting and is underrepresented in crime statistics due to low reporting. Organized retail theft is a money-making scheme often used to raise funds to support the drug trade, gang activity, and even international crime rings. Organized criminals benefit not only from Maryland’s high felony theft threshold of \$1,500, but also from a loophole in State law which allows thieves to steal thousands of dollars’ worth of goods in sprees across county lines without having to face felony theft charges. Currently, related thefts committed within one jurisdiction can be joined and prosecuted as a felony; unfortunately, the law stops at the county line and does not allow for similar aggregation to occur between multiple jurisdictions.

Increased violence against store employees and even other customers has led many large retailers to develop no-interference policies, allowing thieves to leave with stolen goods in order to protect other retail patrons. Efforts to reduce and disincentivize theft include products being locked away from customer access, fewer products on shelves, heightened security presence in stores, and increased technology to analyze customers’ every move and stop unscanned goods from leaving stores. These tactics often have a negative impact on all customers’ experiences, but retailers have few other choices when State policies and law enforcement response do little to address the problem.

Maryland’s Office of the Attorney General has turned its attention to organized retail crime under the current administration, and prosecutors in the Organized Crime Unit do have the ability to join charges across jurisdictional lines; however, that Unit does not have the capacity to pursue every possible instance of organized theft occurring in Maryland, and the lower courts do not have the ability to similarly join and prosecute across jurisdictional lines for these schemes and continuing courses of conduct. Thus, criminals continue to take advantage of the felony theft “loophole” by carefully planning sprees across the state that remain at the misdemeanor level in multiple counties.

Legislation pursued by the Maryland Retailers Alliance would close the aggregation loophole with three simple goals:

1. Define “organized retail theft” in Maryland law.
2. Allow thefts committed by the same person in multiple counties under one scheme or continuing course of conduct to be joined and prosecuted in any county in which the thefts occurred.
3. Require data collection on the rates of organized retail theft convictions in Maryland after the bill’s passage.

It is our belief that this legislation would reduce theft rates in Maryland by allowing law enforcement and prosecution teams to better target career criminals and organized theft rings and prosecute felony charges. The bill has continuously received bipartisan support in both the Senate and House of Delegates, and questions regarding joinder and constitutionality have been addressed by the Maryland Office of the Attorney General, which expressed in writing that constitutionality concerns were not found in legislative review.

We respectfully request that you support the legislative solutions brought forward by the Maryland Retailers Alliance and allow appropriate felony charges to be brought against organized criminals in Maryland.

Sincerely,

David J. Caporale
President, Board of County Commissioners
Allegany County

Steuart L. Pittman, Jr.
County Executive
Anne Arundel County

Earl F. “Buddy” Hance
President, Board of County Commissioners
Calvert County

J. Travis Breeding
President, County Commissioners
Caroline County

Adam M. Streight
County Executive
Cecil County

Reuben B. Collins II
President, County Commissioners
Charles County

George L. “Lenny” Pfeffer, Jr.
President, County Council
Dorchester County

Paul C. Edwards
Chair, Board of County Commissioners
Garrett County

Robert G. Cassilly
County Executive
Harford County

Calvin V. Ball III
County Executive
Howard County

Marc B. Elrich
County Executive
Montgomery County

Tara H. Jackson
Acting County Executive
Prince George’s County

James J. Moran
President, Board of County Commissioners
Queen Anne’s County

John F. Barr
President, Board of County Commissioners
Washington County

Julie M. Giordano
County Executive
Wicomico County

Anthony W. “Chip” Bertino, Jr.
President, Board of County Commissioners
Worcester County

2025_01_21 SB 11 - Support with Amendments.pdf

Uploaded by: Tiffany Clark

Position: FAV



CAROLYN A. QUATTROCKI
Chief Deputy Attorney General

LEONARD J. HOWIE III
Deputy Attorney General

CARRIE J. WILLIAMS
Deputy Attorney General

ZENITA WICKHAM HURLEY
Chief, Equity, Policy, and Engagement

PETER V. BERNS
General Counsel

CHRISTIAN E. BARRERA
Chief Operating Officer

ANTHONY G. BROWN
Attorney General

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

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

20250114 SB 011 Organized Retail Theft Act FAV Let

Uploaded by: Travis Breeding

Position: FAV



Senate Bill 0011

Organized Retail Theft Act of 2025

Position: **FAV**

Date: **January 14, 2025**

To: **Judicial**

On behalf of the Caroline County Commissioners, we wish to express our strong support for **Senate Bill 011 - Organized Retail Theft Act of 2025**. This important legislation addresses the growing issue of organized retail theft across Maryland and provides law enforcement agencies with critical tools to combat these crimes effectively.

SB 011 would allow law enforcement to prosecute thefts committed as part of a coordinated series or continuing pattern across multiple counties. This approach will streamline investigations, improve coordination, and enhance the ability of law enforcement to hold perpetrators accountable, regardless of where the crimes take place.

We are also pleased to note that both the Caroline County Sheriff's Office and the Maryland Sheriff's Association fully support this legislation. The bill's provisions, including the clear definition of organized retail theft and the enhanced penalties for such crimes, will equip our Sheriff's Office with the authority needed to better protect local businesses and residents from these offenses.

Furthermore, we appreciate the bill's provision to merge convictions for organized retail theft with other theft convictions for sentencing purposes. This will help ensure a consistent judicial process and discourage repetitive criminal behavior.

The Caroline County Commissioners believe that SB 011 represents a positive step in improving public safety and protecting the local economy. We strongly urge the committee to move this bill forward for passage.

Thank you for your time and consideration. We are confident that the passage of this legislation will significantly strengthen efforts to combat organized retail theft in our communities and across Maryland.

Sincerely,

J. Travis Breeding, President

cc: Caroline County Sheriff's Office

SB11_UNFAV_ACLUMD.pdf

Uploaded by: Dara Johnson

Position: UNF



Testimony for the Senate Judicial Proceedings Committee

January 21, 2025

SB 11 – Organized Retail Theft Act of 2025

UNFAVORABLE

DARA JOHNSON
INTERIM POLICY
COUNSEL

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OFFICERS AND
DIRECTORS
HOMAYRA ZIAD
PRESIDENT

DANA VICKERS
SHELLEY
EXECUTIVE DIRECTOR

ANDREW FREEMAN
GENERAL COUNSEL

The ACLU of Maryland opposes SB 11, which would increase criminal penalties for theft by (1) permitting the joinder of theft cases across counties; (2) aggregating the value of separate retail theft incidents; and (3) potentially requiring a court to find whether a person may be further prosecuted for organized retail theft for conduct that has already been adjudicated under separate criminal statutes.

While organized retail theft is a legitimate concern, existing criminal provisions already address this conduct. By allowing the punishment and prosecution of such conduct to be needlessly compounded across jurisdictions, SB 11 raises serious issues of creating disproportionate and excessive penalties that further exacerbate the poverty-based motivations often driving retail theft.

In permitting multiple theft cases in different counties against the same person to be joined and prosecuted in any of those counties if the incidents are vaguely related under “one scheme or continuing course of conduct,” SB 11 would allow prosecutors to pursue the harmful practice of “charge stacking.” Instead of only being charged once for an incident in the county where it occurred, under this bill a person could receive multiple counts of the same charge for separate incidents that happened in different counties. This “stacking,” which can easily prejudice a person facing trial and result in disproportionate sentencing, has been viewed as a means to force a guilty plea by creating “pressure against criminal defendants when fewer charges would suffice and more accurately capture defendants’ culpability.”¹

Such excessive prosecution under this bill is further compounded in providing the “aggregate value” of property at issue as the basis for

¹ Note, *Where Criminal Charge Stacking Happens – And Where It Doesn’t*, 136 Harv. L. Rev. 1390, 1391 (2023).

determining the level of charges and penalties that may be imposed. Aggregating values across multiple incidents may not accurately reflect the severity of each individual offense, potentially resulting in harsher sentences than warranted. For example, if a person is prosecuted for a number of petty thefts that do not cause a significant amount of loss to any one business, each minor loss can be added together to create a combined value that artificially meets the level required for more serious charges.

In addition to resulting in disproportionate and excessive penalties, the duplicative charging schemes proposed by SB 11 could significantly impact jurisdictional discretion and judicial latitude in retail theft cases. If separate incidents across counties were to be joined under this bill, it is unclear which county could prosecute if more than one seeks to do so, or whether a sentencing judge would need to consider differing legal precedents from other counties that may otherwise apply.

Moreover, where there has already been a conviction or probation before judgment disposition for certain criminal offenses, a court could be required under this bill to make a finding of fact as to whether the conduct underlying the adjudicated offense also amounts to organized retail theft. To trigger this requirement, a prosecutor would only need to present an argument meeting the preponderance of the evidence standard – a very low bar. This is particularly concerning where a judge has ordered probation before judgment, as such dispositions work as alternatives to further punishment and would be fundamentally undermined by this provision.

For the foregoing reasons, we oppose SB 11.

1 21 25 SB 11 Crim Org Retail Theft MOPD oppose.do

Uploaded by: Elizabeth Hilliard

Position: UNF



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
CHIEF OF EXTERNAL AFFAIRS

ELIZABETH HILLIARD
ACTING DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON SENATE BILL 11

BILL: SB 11-- Criminal Law – Organized Retail Theft

FROM: Maryland Office of the Public Defender

POSITION: Unfavorable

DATE: 1/21/2025

The Maryland Office of the Public Defender respectfully requests that the Committee issue an unfavorable report on Senate Bill 11.

This proposed legislation seeks to remove the rights of an individual charged with allegations of multiple thefts in multiple jurisdictions. By lumping together multiple thefts alleged to be committed by the same person in multiple counties, and allowing for them to be prosecuted in ANY county in which any of the alleged thefts occurred, the rights of the accused to file a motion for severance of their counts, to provide a defense, and to challenge jurisdiction, are violated. There may be a legal defense in one county or multiple counties that would require a severance of the counts. In addition, there may be co-defendants that require severance of the counts in multiple jurisdictions. Moreover, there may be different legal defenses that uniquely apply to a county or counties where the alleged theft occurred.

This proposed legislation also allows for multiple prosecutions. § 7-104.1 (D) (1) states: “THIS SECTION DOES NOT PRECLUDE PROSECUTION FOR THEFT UNDER § 7–104 OF THIS SUBTITLE.” Although the convictions will merge for sentencing purposes, this results in overbroad and duplicative measures. Theft scheme or continuing course of conduct is currently addressed in §7-103(f) Course of conduct—Aggregation, which states:

- (f) When theft is committed in violation of this part under one scheme or continuing course of conduct, whether from the same or several sources:
 - (1) the conduct may be considered as one crime; and
 - (2) the value of the property or services may be aggregated in determining whether the theft is a felony or a misdemeanor.

As there is already a statute in place for theft scheme or continuing course of conduct, there is no need for this broad and overreaching bill.

Finally, this bill creates new felony convictions. Felonies are the highest level of crime. As such, people with felony convictions face increased challenges in gaining employment. Eighty-seven percent of employers conduct background checks. Most employers do not hire people with felony convictions and/or who have served time in prison. Sixty percent of incarcerated people remain unemployed one year after their release. This inability to gain employment desperately impacts a person's quality of life and ability to establish a livelihood without committing crime. Without the possibility of stable housing and income to provide for food and other necessities, people are forced to partake in illegal and not unsafe measures, increasing the risk of crime and making our communities less safe. Additionally, people with felony convictions are excluded from participating in food supplement programs in Maryland. With the prices of food on the rise, limited income and no access to food supplement programs, the options for a convicted felon to survive and meet their basic needs without reoffending are little to none.

Additionally, felonies result in many collateral consequences. Collateral consequences are legal restrictions that disqualify people convicted of crimes from accessing certain needs and benefits available to other citizens. Many of the collateral consequences experienced by people with felony convictions involve very basic needs, including employment, housing and public food benefits. In particular, a person with a felony conviction faces significant barriers accessing housing, especially affordable housing because of their conviction. Most, if not all, government housing disqualifies applicants with felony convictions. Furthermore, families that live in public housing or have housing through a government voucher, are often not allowed to have family members with felony convictions live with them. Additionally, most landlords often do background checks and do not rent to people with criminal backgrounds and specifically felony charges. They could also be prohibited from reunifying with their families if their family lives in any form of public housing.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue an unfavorable report on Senate Bill 11.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.