

2024-02-01 SB100 (Support).pdf

Uploaded by: Adam Spangler

Position: FAV

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February 1, 2024

TO: The Honorable Will Smith, Jr.
Chair, Judicial Proceedings Committee

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

RE: Senate Bill 100 – Criminal Law - Organized Retail Theft (**Support**)

The Office of the Attorney General (OAG) urges the Judicial Proceedings Committee to give **Senate Bill 100 – Criminal Law – Organized Retail Theft** sponsored by Senator Ronald Watson a favorable report. **Senate Bill 100** allows 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.” Senate Bill 100 also creates a new criminal offense called “organized retail theft” which 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.”

Senate Bill 100 defines organized retail theft as “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.” Organized retail theft/crime is a serious public safety issue in Maryland and is difficult to curb due to the manner in which theft is prosecuted in Maryland.

Currently, Maryland has a consolidated theft statute. Unlike other states that have separate offenses for larceny, shoplifting, possessing stolen property, etc., Maryland considers all of those

crimes 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. Under current law, 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.” For example, if someone commits nine \$200 thefts in one county as part of the same scheme, what would normally be nine misdemeanors could be considered one felony theft scheme.

Senate Bill 100 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.” For example, if an individual commits nine \$200 thefts as part of the same scheme (three in Montgomery County, three in Prince George’s County, and three in Charles County), then what would under current law be three misdemeanors each in three counties, under this bill could be one felony theft scheme consolidated in one county.

For the foregoing reasons, the Office of the Attorney General urges a favorable vote on **Senate Bill 100**.

SA Legislative Testimony--Organized Retail Theft--

Uploaded by: Aisha Braveboy

Position: FAV

AISHA N. BRAVEBOY
STATE'S ATTORNEY



JASON B. ABBOTT
PRINCIPAL DEPUTY STATE'S ATTORNEY

State's Attorney for Prince George's County
14735 Main Street, Suite M3403
Upper Marlboro, Maryland 20772
301-952-3500

February 1, 2024

Testimony in **Support** of

SB 100 – Organized Retail Theft

Dear Chairman Smith, Vice Chairman Waldstreicher, and Members of the Committee:

I am writing to show my strong support for Senate Bill (SB) 100. I am the State's Attorney's for Prince George's County.

The Special Prosecutions Unit (SPU) for our Office prosecutes, among other offenses, organized financial and economic crimes. These crimes usually involve predatory activities such as identity theft, computer fraud, and so-called Ponzi schemes. The recent spate of events involving systematic looting of our region's retail outlets by identifiable, organized crews, often wielding firearms, and other deadly weapons, presents an additional insidious challenge to our efforts to enforce the law.

The provisions proposed under SB 100 would provide a powerful tool for prosecutors to use in confronting this emerging challenge by allowing individual instance of retail theft committed in furtherance of an organized criminal scheme to be joined in one prosecution, even if the perpetrator committed such crimes in multiple Maryland jurisdictions. Otherwise, perpetrators are able to hide behind the legal fiction that each of their retail looting crimes somehow stand alone, without connection to the organized criminal enterprise of which each of these crimes is the essence.

For the foregoing reasons, I respectfully urge a favorable report, and ultimately passage, on SB 100.

Sincerely,

/s/

Aisha N. Braveboy
State's Attorney's for Prince George's County

SB100_PGCEX_FAV.pdf

Uploaded by: Angela Alsobrooks

Position: FAV



THE PRINCE GEORGE'S COUNTY GOVERNMENT

OFFICE OF THE COUNTY EXECUTIVE

BILL: SB 100 - Criminal Law - Organized Retail Theft

SPONSOR: Senator Watson

HEARING DATE: February 1, 2024

COMMITTEE: Judicial Proceedings

CONTACT: Intergovernmental Affairs Office, 301-780-8411

POSITION: SUPPORT

The Office of the Prince George's County Executive **SUPPORTS SB 100 - Criminal Law - Organized Retail Theft**, which 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 imprisonment for up to five years and/or a \$5,000 maximum fine. A person who violates this prohibition must (1) restore the property to the owner or (2) if unable to restore the property to the owner, pay to the owner the full value of the property. A conviction for organized retail theft merges into a conviction under the general theft statute (§7-104 of the Criminal Law Article) for the purposes of sentencing where the two convictions arise from the same acts or transactions. The bill also clarifies the venue for prosecution of a case involving multiple thefts in multiple counties committed by the same person under one scheme or continuing course of conduct.

Unlike amateur theft or spontaneous shoplifting by people with little to no pre-meditation, organized retail crime entails careful planning and high-level coordination. Trade group RILA says organized retail crime cost US retailers nearly \$70 billion in 2020 and notes that things have worsened since the COVID-19 pandemic when stores were short on staff.

We at the local level have been grappling with how best to fight this growing problem, but current Maryland law does not do enough to deter organized retail theft. **SB 100** will correct this by allowing 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 will reduce repeat offenders who are using the law to their advantage.

For the reasons stated above, the Office of the Prince George's County Executive **SUPPORTS SB 100** and asks for a **FAVORABLE** report.

2024 GBCC SB 100 Organized Retail Theft.pdf

Uploaded by: Ashlie Bagwell

Position: FAV



Testimony on behalf of the Greater Bethesda Chamber of Commerce

*In Support of
Senate Bill 100—Criminal Law—Organized Retail Theft
February 1, 2024
Senate Judicial Proceedings Committee*

The Greater Bethesda Chamber of Commerce (GBCC) was founded in 1926. Since then, the organization has grown to more than 550 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 100—Criminal Law—Organized Retail Theft.

With the increase in organized retail theft in recent years, the Greater Bethesda Chamber appreciates the introduction of Senate Bill 100. This bill seeks to address an issue that impacts Montgomery County and jurisdictions across the state of Maryland. Just last summer, 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. Organized retail theft impacts the safety and well-being of retail employees and customers and impedes a businesses' ability to operate.

On behalf of our retail members, we appreciate Senator Watson's leadership on this issue and urge a favorable vote on Senate Bill 100.

ICSC SB100 Testimony.pdf

Uploaded by: Justin Rice

Position: FAV

February 1, 2023

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



Senate Bill 100—Criminal Law- Organized Retail Theft: Support

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

ICSC respectfully asks for your support on Senate Bill 100, *Criminal Law- Organized Retail Theft*. 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. On behalf of our Maryland membership, we are submitting the comments below that focus on our concerns with the currently proposed building energy performance regulations.

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, it is easy to extrapolate the impact of ORC given estimated sales tax revenue generated per establishment:

- General Merchandise - \$4,437,890
- Food and Beverage (Grocery) - \$2,044,207
- Apparel – \$363,147

➤ Drug Stores - \$1,024,020

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 2023, 7 states across the United States, enacted legislation that would work to address prosecutorial issues related to ORC: including Alabama, Kansas, Nevada, New Mexico, North Dakota, Oregon and Virginia.

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 Sushant.Sidh@capitol-strategies

SB100.pdf

Uploaded by: Kirk McCauley

Position: FAV



WMDA/CAR Service Station
and Automotive Repair Association

Chair: William C. Wilson Jr, Vice chair Jeff Waldstreicher, and Members of Judicial Proceeding Committee

RE: SB100

Position: Favorable

My name is Kirk McCauley, my employer is WMDA/CAR, we represent service stations , convenience stores and repair facilities across the state.

Our member convenience stores have had flash mobs, broken into, and vehicles driven into buildings to steal ATMs, tobacco products, and general goods. Organized theft of retail has continued to grow.

Retail merchants have lost faith in the system that slaps criminals on the hand, and they are back on the street in days if not hours. SB100 is a good first step to address the issues.

Retail crime also drives customers away, not only hurting retailers but state taxes that would have collected.

Please give SB100 a favorable report

WMDA/CAR is a trade association that has represented service stations, convenience stores and independent repair shops since 1937. Any questions can be addressed to Kirk McCauley, 301-775-0221 or kmccauley@wmda.ne

Organized Retail Testimony_012924_Mayor TJames TOB

Uploaded by: Ray Jefferies

Position: FAV

Town of Bladensburg

Council Members

Ward I

Trina Brown

Kalisha Dixon



Mayor

Takisha James

Council Members

Ward I

Marilyn Blount

Carrol McBryde

January 30, 2024

Re: **Senate Bill 100 - Criminal Law - Organized Retail Theft – Support**

Dear Chairman William C. Smith Jr, and Members of the Judiciary Proceedings Committee,

My name is Takisha James, and I serve as Mayor of Bladensburg, Maryland. I want to thank you for the opportunity to submit testimony in favor of **Senate Bill 100- Criminal Law - Organized Retail Theft**. I am writing today on behalf of the Town Council and our nearly 10,000 residents to request your support of this important matter.

The Town of Bladensburg has a vibrant commercial corridor, and some of our local retailers have felt the sting of organized retail theft. After meeting with the County and our Police Department, we have implemented enhanced enforcement areas and protocols to address this issue, causing us to use limited resources to address these rashes of theft.

Organized retail theft has become a significant problem, impacting businesses and consumers who may ultimately bear the financial burden through increased prices and reduced shopping options. The brazen nature of these crimes threatens public safety and the livelihoods of hardworking individuals who depend on the success of our local businesses.

I applaud your commitment to addressing this issue through legislation, and I believe that the proposed Bill will create a safer and more secure environment for both businesses and consumers by providing law enforcement with the necessary tools and resources to combat organized retail theft, which is lacking in the current Maryland Criminal Statutes.

Additionally, the Town is supportive of the opportunities for collaboration. I urge you to continue your efforts in championing this legislation, and I thank you for your dedication to addressing this critical issue. I look forward to seeing the positive impact that this legislation will have on our community.

The Town of Bladensburg supports SB 100, and we value the opportunity to support these efforts. Thank you for taking public input on this topic.

Sincerely,

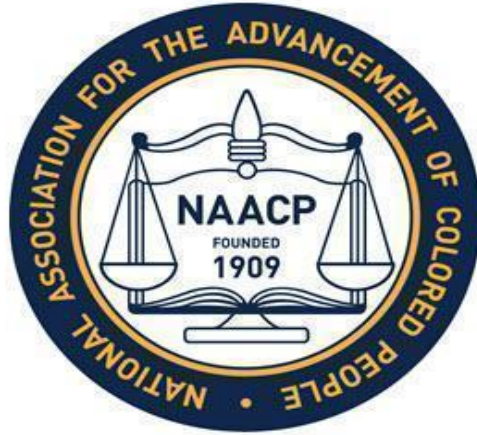
Takisha D. James

Mayor, Town of Bladensburg

SB 0100 Favorable vote.pdf

Uploaded by: Ryan Coleman

Position: FAV



Randallstown

P.O. Box 731 Randallstown, MD 21133

Jan 31, 2024
Immediate Release

Contact: Ryan Coleman, President
randallstownnaacp@gmail.com

Randallstown NAACP supports SB 0100-Criminal Law - Organized Retail Theft

Crime continues to be a major problem for businesses large and small across Maryland. Federal, state, and local officials have pursued anti-crime efforts but further action is needed.

SB 0100 gives additional resources to fight organized retail theft. **The Randallstown NAACP requests a favorable vote on SB 0100.**

Testimony SB100 .pdf

Uploaded by: Carlos Childs

Position: UNF

Testimony for the Senate Judicial Proceedings Committee

Wednesday, January 31st, 2024

SB 100 - Criminal Law - Organized Retail Theft

Unfavorable

Hello Chair Smith, Vice-Chair Waldstreicher, and members of the committee,

I write to express my unwavering opposition for Senator Watson's bill, SB 100. This legislation does nothing to address the root causes of why people in many instances are forced to steal to survive.

Many people who commit these robberies are doing so to support their family, afford food, pay for housing, healthcare, and more. The answer to these economic issues is ensuring Marylanders have jobs that pay a living wage, so they can afford the necessities of life.

Unfortunately, this legislation does not give people the tools to thrive in the state without committing crimes of poverty, it instead further criminalizes survival tactics. Not only will this legislation make it harder for people, who are incarcerated for theft, to obtain well-paying jobs upon release, it will also put a financial burden on people by making them pay the store for items that are most likely insured.

Sen. Watson's bill puts corporations and businesses before community members. Our state should be taking steps to raise the standard of living and economic security of residents rather than contributing to our incarcerated population. I urge the committee to provide an unfavorable report on SB 100.

Respectfully,

Carlos Childs