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January 17, 2025

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

RE: Written Submission in favor of House Bill 179

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 179. 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 House Bill 179.

Sincerely,

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

Jason S. Shoemaker,
Chief, Economic Crimes Unit