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**September 3, 2008**

### **Organized Retail Crime Legislation Introduced in Congress**

In an effort to combat the ever growing problem of organized retail crime, three pieces of legislation have been introduced in Congress according to the database of federal legislation at GovTrack.us.

The first piece of legislation, H.R. 6491, the Organized Retail Crime Act of 2008, was introduced by Representative Brad Ellsworth (D-IN) on July 15, 2008. The proposed legislation seeks to amend the federal criminal code to define “organized retail crime” as: (1) the stealing, embezzlement, obtaining by fraud, false pretenses, or other illegal means of retail merchandise in quantities that would not normally be purchased for personal use or consumption for the purpose of reselling or otherwise reentering such retail merchandise in commerce; or (2) the recruitment of persons to participate in such criminal activities. The amendment is aimed at combating, deterring and punishing individuals and enterprises engaged nationally and internationally in organized crime involving theft and interstate fencing of stolen retail merchandise. This legislation has been referred to the House Committee on the Judiciary.<sup>i</sup>

The second piece of legislation, H.R. 6713, the E-fencing Enforcement Act of 2008, was introduced by Representative Robert Scott (D-VA) on July 31, 2008. This legislation has also been referred to the House Committee on the Judiciary. The proposed Act seeks to amend the federal criminal code to provide for more effective enforcement of the federal prohibition on the interstate shipment of stolen property.<sup>ii</sup>

Finally, on August 1, 2008, Senator Richard Durbin (D-IL) introduced S. 3434, the Combating Organized Retail Crime Act of 2008. This legislation proposes to amend the federal criminal code to (1) expand the definitions of the crimes of transporting and selling or receiving stolen goods to include thefts having an aggregate value of \$5,000 or more during any 12-month period; (2) modify the crime of fraud involving access devices to include the Universal Product Code label as an access device; and (3) set forth provisions to prevent sales of illegally obtained goods in a physical or online retail marketplace and to grant enforcement powers to states to obtain injunctive and other relief against persons engaged in organized retail crime. The bill further proposes to direct the United States Sentencing Commission to review and if appropriate, amend the federal sentencing guidelines for persons convicted of offenses involving organized retail crime. This legislation has been referred to the Committee on the Judiciary.<sup>iii</sup>

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<sup>i</sup> GovTrack.us. H.R. 6491 –110th Congress (2008): Organized Retail Crime Act of 2008, *GovTrack.us (database of federal legislation)* <<http://www.govtrack.us/congress/bill.xpd?bill=h110-649&page-command=print>> (accessed Sep 2, 2008)

<sup>ii</sup> GovTrack.us. H.R. 6713 –110th Congress (2008): E-fencing Enforcement Act of 2008, *GovTrack.us (database of federal legislation)* <<http://www.govtrack.us/congress/bill.xpd?bill=h110-6713&page-command=print>> (accessed Sep 2, 2008)

<sup>iii</sup> GovTrack.us. S. 3434 –110th Congress (2008): Combating Organized Retail Crime Act of 2008, *GovTrack.us (database of federal legislation)* <<http://www.govtrack.us/congress/bill.xpd?bill=s110-3434&&tab=summary&page-command=print>> (accessed Sep 2, 2008)