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ASSEMBLY BILL NO. 102—ASSEMBLYMEN CARRILLO,  
FIORE, DALY; AND MARTIN

FEBRUARY 13, 2013

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Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to the crime of participation in an organized retail theft ring. (BDR 15-153)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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AN ACT relating to crimes; revising provisions relating to the crime of participation in an organized retail theft ring; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law: (1) defines the crime of participation in an organized retail theft  
2 ring as three or more persons who associate for the purpose of engaging in the  
3 conduct of committing a series of thefts of retail merchandise against more than one  
4 merchant in this State or against one merchant but at more than one location of a  
5 retail business of the merchant in this State; and (2) provides that a person who  
6 participates in an organized retail theft ring is guilty of a category B felony,  
7 punishable by imprisonment for a minimum term of not less than 1 year and a  
8 maximum term of not more than 10 years, if the aggregated value of the property or  
9 services involved in all thefts committed by the organized retail theft ring during a  
10 period of 90 days is at least \$3,500 but less than \$10,000. (NRS 205.08345) This  
11 bill replaces the crime of participation in an organized retail theft ring with the  
12 crime of organized retail theft and provides that such a crime may be committed by  
13 one or more persons who intentionally conduct a series of thefts of retail  
14 merchandise at one or more merchants in this State. This bill also reduces the  
15 threshold amount, from \$3,500 to \$2,500, for purposes of determining whether the  
16 crime of organized retail theft has been committed.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 205.08345 is hereby amended to read as  
2 follows:

3 205.08345 1. A person who participates in ~~an~~ organized  
4 retail theft ~~ring~~ is guilty of a category B felony and shall be  
5 punished by imprisonment in the state prison for:

6 (a) If the aggregated value of the property or services involved  
7 in all thefts committed ~~by~~ *in* the organized retail theft ~~ring~~ in this  
8 State during a period of 90 days is at least ~~3500~~ *\$2,500* but less  
9 than \$10,000, a minimum term of not less than 1 year and a  
10 maximum term of not more than 10 years, and by a fine of not more  
11 than \$10,000.

12 (b) If the aggregated value of the property or services involved  
13 in all thefts committed ~~by~~ *in* the organized retail theft ~~ring~~ in this  
14 State during a period of 90 days is \$10,000 or more, a minimum  
15 term of not less than 2 years and a maximum term of not more than  
16 15 years, and by a fine of not more than \$20,000.

17 2. In addition to any other penalty, the court shall order a  
18 person who violates this section to pay restitution.

19 3. For the purposes of this section, in determining the  
20 aggregated value of the property or services involved in all thefts  
21 committed ~~by an~~ *in the* organized retail theft ~~ring~~ in this State  
22 during a period of 90 days:

23 (a) The amount involved in a single theft shall be deemed to be  
24 the highest value, by any reasonable standard, of the property or  
25 services which are obtained; and

26 (b) The amounts involved in all thefts committed by all  
27 participants in the organized retail theft ~~ring~~ must be  
28 aggregated.

29 4. In any prosecution for a violation of this section, the  
30 violation shall be deemed to have been committed and may be  
31 prosecuted in any jurisdiction in this State in which any theft  
32 committed by any participant in ~~an~~ *the* organized retail theft ~~ring~~  
33 was committed, regardless of whether the defendant was ever  
34 physically present in that jurisdiction.

35 5. As used in this section:

36 (a) "Merchant" has the meaning ascribed to it in NRS 597.850.

37 (b) "Organized retail theft " ~~ring~~ means ~~three or more~~  
38 ~~persons who associate for the purpose of engaging in the conduct of~~  
39 *intentionally* committing , *either alone or with any other person or*  
40 *persons*, a series of thefts of retail merchandise against ~~more than~~  
41 ~~one merchant in this State or against one merchant but at more than~~



- 1 ~~one location of a retail business of the merchant~~ *one or more*
- 2 *merchants* in this State.

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