

**SB 340 A STAFF MEASURE SUMMARY**

Carrier: Sen. Prozanski

**Senate Committee On Judiciary****Action Date:** 03/21/23**Action:** Do pass with amendments. (Printed A-Eng.)**Vote:** 5-0-0-0**Yeas:** 5 - Gelser Blouin, Linthicum, Manning Jr, Prozanski, Thatcher**Fiscal:** Fiscal impact issued**Revenue:** No revenue impact**Prepared By:** Lucy Ohlsen, LPRO Analyst**Meeting Dates:** 3/8, 3/21**WHAT THE MEASURE DOES:**

Adds crime of organized retail theft to the repeat property offender statute, ORS 137.717, authorizing a judge to impose a 24-month prison sentence. Extends time period prosecutor is permitted to aggregate value of stolen property for purposes of proving crime of organized retail theft from 90 days to 180 days. For purposes of stolen property statute, permits prosecutor to aggregate value of multiple thefts against the same or multiple victims within a one-year period. Amends venue statutes to allow defendant accused of committing multiple property crimes in different jurisdictions to be tried for a property crime in any county in which one crime was committed. Provides that trial may be held in any county in which one offense was committed when two or more specified offenses were allegedly committed against the same victim within a 180-day period. Amends crime of theft in the first degree to include situation where, during the course of the theft, the individual recklessly engages in conduct which creates a substantial risk of serious physical injury.

**ISSUES DISCUSSED:**

- Retailers relocating due to organized retail theft
- Increase in violent organized theft incidents
- Modernizing current statutes

**EFFECT OF AMENDMENT:**

Replaces the measure.

**BACKGROUND:**

The Oregon-based Organized Retail Crime Task Force (Task Force) was formed in 2022, and its members include public and private stakeholders with participation from local law enforcement, business representatives, and private loss prevention officers. Organized retail crime refers to groups operating multijurisdictional, coordinated schemes or enterprises to commit a variety of financial crimes, and sometimes include violent tactics. The Task Force distinguishes organized retail crime from petty shoplifting and states that it has a major impact on retailers in Oregon. In a survey conducted by the National Retail Federation (NRF) in 2022, retailers reported a 53 percent increase in organized retail theft nationwide over the past two years.

Senate Bill 340 A is one of three measures brought by the Oregon Organized Retail Crime Task Force. The measure makes a number of changes to current statutes governing property crimes and organized retail theft. It adds the organized retail theft statute to the repeat property offender statute, authorizing judges to impose a longer sentence for repeat offenders. It allows prosecutors to aggregate the value of stolen property over 180 days for purposes of proving the crime of organized retail theft, and allows prosecutors to add multiple theft transactions together if they were against the same or multiple victims within a one-year period. In cases where crimes are alleged to have been committed in several counties, Senate Bill 340 A provides that the defendant may be tried in any county in which one crime was allegedly committed against the same victim by the same defendant in a

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180-day period. The measure also provides that a person commits theft in the first degree, a Class C felony, if, during the course of a theft, the person creates a risk of serious physical injury.