



**TO: Sen. Floyd Prozanski, Co-Chair  
Sen. Kim Thatcher, Co-Chair  
Members of Joint Committee on Ways and Means Subcommittee on Public Safety**

**FR: Michael Wu  
On behalf of OR District Attorneys Association**

**RE: SB318 and 340 - SUPPORT**

March 8, 2023

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Thank you for the opportunity to offer support from the Oregon District Attorneys Association (ODAA) for SB 318 and SB 340.

Over the last six months ODAA has been working with the other members of the Oregon Organized Retail Crime Task Force to find collaborative and effective strategies to address the rising tide of organized retail theft in Oregon. Our work with retailers, the Oregon Department of Justice (DOJ) and law enforcement partners has clearly identified that Oregon's retailers are enduring a significant increase in organized retail theft, which not only has detrimental economic impacts on our communities but also imperils customer and employee safety and well-being.

ODAA supports SB 318 and 340 because they are common sense measures that will address the issues and needs that the Task Force has identified.

ODAA urges support of SB 318 which would provide critical funding and resources necessary to combat organized retail theft. The bill provides funding to DOJ to hire an additional analyst and criminal investigators to assist and coordinate with local law enforcement, private loss prevention teams and prosecutors in their organized retail theft investigations. These statewide resources are necessary as investigations become more complex and potentially cross state and county lines and would ensure that individuals engaged in high loss retail theft are the focus of investigations. The bill would also provide local grant programs, administered by the Criminal Justice Commission, to fund and support local law enforcement organized retail theft enforcement actions, which will help deter and disrupt organized retail theft.

ODAA also supports the policy changes in SB 340. These solutions were crafted by the task force to provide law enforcement with the necessary tools to detect, deter and hold accountable those who commit organized retail theft. Additionally, SB 340 provides the necessary protections that retail employees need as organized retail theft groups escalate into more threatening behavior towards employees and staff.

1. Add the Organized Retail Theft (ORT) Statute to the repeat property offender statute (ORS 137.717). Oregon already has a comprehensive sentencing structure to ensure that property crime offenders, who have a history of committing property crimes, receive appropriate punishments for the harm they cause. Organized Retail Theft victimizes retailers in a deliberate and premeditated fashion and should be punished accordingly. Adding ORT to this sentencing structure would authorize a judge to impose a 24-36 month prison sentence. Currently the maximum punishment is 10 to 11 months.
2. Amend the ORT Statute (164.098) so it has the same time period for stolen property value aggregation as regular felony theft. Currently, the ORT statute allows prosecutors to aggregate the value of the stolen property over a 90 day period. However, regular felony theft allows aggregation over a 180 day period. Victims of ORT should have the same protections as victims of felony theft.
3. Amend the value of stolen property statute (164.115) to remove barriers to effective prosecution of organized retail theft. Organized retail theft groups often operate over the course of many months and inflict significant costs and damages during that time. Oregon law should allow the value of single theft transactions to be added together if they were against the same or multiple victims within a 1 year period.
4. Amend venue statutes (ORS 131.315) to reflect cross-county crime. Venue law should be reformed so that a defendant can be tried for a property crime in any county in which one of the crimes was committed by the same defendant against the same victim in a 180 day period.
5. Amend the theft statute (164.055) to make it a felony if during the course of a theft in the second degree the individual recklessly engages in conduct which creates a substantial risk of serious physical injury. As organized retail theft groups engage in more aggressive actions towards employees this will ensure appropriate accountability for such actions.

We would respectfully urge the committee to support the passage of both SB 318 and 340.