

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 3331

DATE: February 29, 2008

Version: First engrossment

Authors: Simon and others

Subject: Retail property crime

Analyst: Rebecca Pirius, 651-296-5044

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd.

Overview

This bill adds provisions relating to retail property crime to the theft and shoplifting statutes.

Section

- 1** **Definitions.** Defines “retail property” and “retail establishment.”
- 2** **Acts constituting theft.** Provides that whoever does the following commits theft:
 - intentionally and without claim of right takes or removes retail property from a retail establishment with the intent to sell or redistribute the retail property; or
 - with intent to fraudulently obtain retail property from a retail establishment, affixes a fraudulent product code to the retail property or causes a cash register or other sales recording device to reflect less than the actual sale price of the retail property.
- 3** **Proof of intent.** Provides that proof of intent to sell or redistribute retail property may be found if a person has stolen two or more items of retail property from a retail establishment on two or more separate occasions.
- 4** **Sentence.** Creates a three-year felony for: (a) stealing retail property valued at more than \$200 from a retail establishment with intent to resell or redistribute the property, (b) stealing retail property by affixing a fraudulent product code or by otherwise causing a sales recording device to reflect less than the actual sale price of the retail property, or (c) stealing retail property valued at more than \$50 and removing the property by way of a designated

Section

emergency exit. A second offense within three years is a five-year felony. A third or subsequent offense within three years is a ten-year felony.

Provides that the value of the retail property received in violation of these provisions may be aggregated within any one-year period.

5 Possession or use of shoplifting gear. Expands this crime to include removing, destroying, or deactivating an electronic article surveillance system with intent to commit theft.

Retains the current three-year felony. Creates a five-year felony for a second offense within three years, and creates a ten-year felony for a third or subsequent offense within three years.

6 Receiving stolen property. Adds “facilitation” to the crime of receiving stolen property.

7 Revisor’s instruction. Directs the Revisor to correct cross-references.