

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 598

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ORGANIZED RETAIL THEFT; AMENDING CHAPTER 24, TITLE 18, IDAHO
2 CODE, BY THE ADDITION OF A NEW SECTION 18-2403A, IDAHO CODE, TO PROVIDE
3 FOR THE CRIME OF ORGANIZED RETAIL THEFT, TO PROVIDE PENALTIES, AND TO
4 DEFINE TERMS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE
5 DATE.
6

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Chapter 24, Title 18, Idaho Code, be, and the same is
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
10 ignated as Section 18-2403A, Idaho Code, and to read as follows:

11 18-2403A. ORGANIZED RETAIL THEFT. (1) A person is guilty of organized
12 retail theft if the person, in concert with another: commits a violation of
13 section 18-2403, Idaho Code, the subject of the theft is merchandise and the
14 merchandise is taken from a mercantile establishment, and:

15 (a) The aggregate amount of the theft or thefts within any ninety (90)
16 day period exceeds one thousand five hundred dollars (\$1,500);

17 (b) The theft or thefts were committed with the intent to resell the
18 merchandise taken, and the aggregate amount of the theft or thefts
19 within any ninety (90) day period exceeds seven hundred fifty dollars
20 (\$750); or

21 (c) The person commits two (2) or more violations of section 18-2403,
22 Idaho Code, within a thirty (30) day period, and in committing such
23 thefts, obtains or uses ten (10) or more items of merchandise.

24 (2) Any person who pleads guilty to, or is found guilty of, a violation
25 of this section is guilty of a felony and may be sentenced to imprisonment
26 of up to fifteen (15) years, a fine of twenty thousand dollars (\$20,000), or
27 both such fine and imprisonment.

28 (3) The maximum penalties provided for in subsection (2) of this sec-
29 tion shall be doubled when the person committing organized retail theft is
30 a manager of the organized retail theft. An individual is a manager of the
31 organized retail theft when that individual knowingly recruits, organizes,
32 supervises, finances, or otherwise manages or directs any other individual
33 or individuals to commit the acts set forth in subsection (1) (a), (b), or (c)
34 of this section.

35 (4) As used in this section:

36 (a) "Merchandise" means any personal property displayed, held, or of-
37 fered for sale by a merchant.

38 (b) "Mercantile establishment" means any place where merchandise is
39 displayed, held, or offered for sale, either at retail or wholesale.

1 SECTION 2. An emergency existing therefor, which emergency is hereby
2 declared to exist, this act shall be in full force and effect on and after
3 July 1, 2024.