# MAINE STATE LEGISLATURE

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the person so informed.

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1	L.D. 310
2	Date: $4/10/15$ (Filing No. S- 30)
3	CRIMINAL JUSTICE AND PUBLIC SAFETY
4	Reproduced and distributed under the direction of the Secretary of the Senate.
5	STATE OF MAINE
6	SENATE
7	127TH LEGISLATURE
8	FIRST REGULAR SESSION
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9 10	COMMITTEE AMENDMENT "A" to S.P. 125, L.D. 310, Bill, "An Act To Prevent Organized Retail Crime"
11 12	Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:
13 14	'Sec. 1. 17 MRSA §3521, as amended by PL 2005, c. 199, §2, is repealed and the following enacted in its place:
15	§3521. Detention of certain persons suspected of stealing
16 17 18 19 20 21 22 23 24 25	1. Suspected stealing from a store. A store owner, manager or supervisor, or that person's designee, may detain on the premises in a reasonable manner and for a period of time not to exceed 1/2 hour any person as to whom there is probable cause to believe is unlawfully concealing merchandise or is committing theft of merchandise. The permitted purposes of detention are to require the person being detained to provide identification, to verify the identification, to inform a law enforcement officer of the detention and to surrender that person to the officer, to take possession of and hold stolen merchandise pending arrival of law enforcement and, when the detained person is a minor, to inform a law enforcement officer or a parent or guardian of the minor of the detention and to surrender the minor to the person so informed.
26 27 28 29 30 31 32 33 34	2. Suspected stealing from a motion picture theater. A motion picture theater owner, manager or supervisor, or that person's designee, may detain on the premises in a reasonable manner and for a period of time not to exceed 1/2 hour any person as to whom there is probable cause to believe is unlawfully operating an audiovisual or audio recording function of any device in the motion picture theater while a motion picture is being exhibited. The permitted purposes of detention are to require the person being detained to provide identification, to verify the identification, to inform a law enforcement officer of the detention and to surrender that person to the officer, to take possession of and hold recordings and related equipment pending arrival of law
35	enforcement and, when the detained person is a minor, to inform a law enforcement

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officer or a parent or guardian of the minor of the detention and to surrender the minor to

### Sec. 2. 17-A MRSA §363 is enacted to read:

## §363. Organized retail theft

1. A person is guilty of organized retail theft if the person commits 2 or more thefts of retail merchandise under this chapter, either as a principal or an accomplice, pursuant to a scheme or course of conduct engaged in by 2 or more persons involving thefts from 2 or more retail stores for the purpose of selling the stolen merchandise or conducting fraudulent returns of the stolen merchandise. Violation of this section is a Class C crime.'

#### **SUMMARY**

This amendment replaces the bill. This amendment does the following.

1. It repeals and replaces a provision of law that allows the owner or an agent of the owner of a store or motion picture theater to detain a person suspected of stealing from the store or unlawfully recording in a theater. Current law allows the owner or an agent of the owner to detain a person suspected of unlawfully concealing merchandise of the store or unlawfully recording in a movie theater. The amendment separates the store and movie theater provisions and allows the owner of a store or the agent of the owner to detain a person suspected of unlawfully concealing or stealing merchandise of the store. The amendment makes no changes to the substance of the law on unlawfully recording in a motion picture theater.

2. It establishes a new crime of organized retail theft. Organized retail theft is defined as a theft in which a person conspires with one or more other persons, either as a principal or as an accomplice, pursuant to a scheme or course of conduct to engage in theft from 2 or more retail stores for the purpose of selling the stolen merchandise or conducting fraudulent returns of the stolen merchandise. The amendment designates organized retail theft as a Class C crime.

FISCAL NOTE REQUIRED (See attached)



# 127th MAINE LEGISLATURE

LD 310

LR 1131(02)

An Act To Prevent Organized Retail Crime

Fiscal Note for Bill as Amended by Committee Amendment 'A'' (5-30)

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

# **Fiscal Note**

Minor cost increase - General Fund Minor revenue increase - General Fund

# **Correctional and Judicial Impact Statements**

Establishes new Class C crime for conduct that already constitutes theft, may increase correctional and judicial costs. The collection of additional fines may also increase General Fund revenue by minor amounts.