**South Carolina General Assembly**

125th Session, 2023-2024

**H. 4187**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. J.E. Johnson, W. Newton, Robbins, Haddon, Mitchell, Yow, Chapman, Gagnon, Ligon, O'Neal, B. Newton, Sessions, Felder, Blackwell, Oremus and Long

Companion/Similar bill(s): 563

Document Path: LC-0145AHB23.docx

Introduced in the House on March 28, 2023

Introduced in the Senate on April 10, 2024

Last Amended on May 9, 2024

Currently residing in conference committee

Summary: Organized Retail Crime

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 3/28/2023 House Introduced and read first time (House Journal‑page 30)

 3/28/2023 House Referred to Committee on **Judiciary** (House Journal‑page 30)

 1/9/2024 House Member(s) request name added as sponsor: W. Newton

 3/7/2024 House Member(s) request name added as sponsor: Robbins,
 Haddon

 3/20/2024 House Member(s) request name added as sponsor: Mitchell, Yow

 3/20/2024 House Committee report: Favorable with amendment **Judiciary** (House Journal‑page 12)

 3/26/2024 House Member(s) request name added as sponsor: Chapman,
 Gagnon, Ligon, O'Neal, B. Newton, Sessions,
 Felder

 3/26/2024 House Requests for debate-Rep(s). Rutherford, Pendarvis, Hart, Williams, McDaniels, Rivers, Jefferson, Stavrinakis, Jordan, JE Johnson, Weeks, Brittain, Magnuson, Harris, T Moore, Henegan, BL Cox, Hosey, Gilliard, King, Bauer, Forrest (House Journal‑page 32)

 3/27/2024 House Debate adjourned (House Journal‑page 41)

 3/27/2024 House Member(s) request name added as sponsor:
 Blackwell, Oremus

 4/9/2024 House Member(s) request name added as sponsor: Long

 4/9/2024 House Amended (House Journal‑page 68)

 4/9/2024 House Read second time (House Journal‑page 68)

 4/9/2024 House Roll call Yeas-87 Nays-21 (House Journal‑page 71)

 4/10/2024 House Read third time and sent to Senate (House Journal‑page 18)

 4/10/2024 Scrivener's error corrected

 4/10/2024 Senate Introduced and read first time (Senate Journal‑page 3)

 4/10/2024 Senate Referred to Committee on **Judiciary** (Senate Journal‑page 3)

 4/23/2024 Senate Referred to Subcommittee: Hutto (ch), Adams,
 Goldfinch, Gustafson, Tedder

 5/1/2024 Senate Committee report: Favorable with amendment **Judiciary** (Senate Journal‑page 9)

 5/7/2024 Senate Committee Amendment Adopted (Senate Journal‑page 113)

 5/7/2024 Senate Amended (Senate Journal‑page 113)

 5/8/2024 Scrivener's error corrected

 5/8/2024 Senate Read second time (Senate Journal‑page 109)

 5/9/2024 Senate Read third time and returned to House with amendments (Senate Journal‑page 115)

 5/9/2024 Senate Roll call Ayes-44 Nays-0 (Senate Journal‑page 115)

 5/9/2024 House Senate amendment amended (House Journal‑page 133)

 5/9/2024 House Roll call Yeas-106 Nays-0 (House Journal‑page 134)

 5/9/2024 House Returned to Senate with amendments (House Journal‑page 133)

 5/9/2024 Senate Non-concurrence in House amendment (Senate Journal‑page 117)

 5/9/2024 House House insists upon amendment and conference committee appointed Reps. Rose, JE Johnson, Robbins (House Journal‑page 163)

 5/9/2024 Senate Conference committee appointed Hutto, Garrett, Senn (Senate Journal‑page 117)

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**VERSIONS OF THIS BILL**

[03/28/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4187_20230328.docx)

[03/20/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4187_20240320.docx)

[04/09/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4187_20240409.docx)

[04/10/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4187_20240410.docx)

[05/01/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4187_20240501.docx)

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[05/09/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4187_20240509.docx)

Indicates Matter Stricken

Indicates New Matter

Amended – Not Printed Bill for the House

Amt. No. 1A (LC-4187.HA0010H)

May 09, 2024

H. 4187

Introduced by Reps. J. E. Johnson, W. Newton, Robbins, Haddon, Mitchell, Yow, Chapman, Gagnon, Ligon, O'Neal, B. Newton, Sessions, Felder, Blackwell, Oremus and Long

S. Printed 05/09/24--H.

Read the first time March 28, 2023

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A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16‑13‑135, RELATING TO the offense of RETAIL THEFT and associated PENALTIES, SO AS TO DEFINE necessary terms, to Revise the previous offense of retail theft to create the offenses of felony ORGANIZED RETAIL CRIME AND felony ORGANIZED RETAIL CRIME OF AN AGGRAVATED NATURE, and to provide graduated penalties for the offenses.

 Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 16‑13‑135 of the S.C. Code is amended to read:

 Section 16‑13‑135. (A) As used in this section:

 (1) “Organized retail crime” means three or more people conspiring to commit theft of retail property from a retail establishment with the intent to sell, barter, exchange, or reenter such retail property into commerce for monetary or other gain.

 (2) “Retail property” means a new an article, merchandise, property, money or negotiable documents, including gift cards or other forms of credit, productproducts, commoditycommodities, itemitems, or componentcomponents intended to be sold in retail commerce.

 (2) (3) “Retail property fence” means a person or business that buys retail property knowing or believing that the retail property is stolen.

 (3) (4) “Theft” means to take possession of, carry away, transfer, or cause to be carried away the retail property of another with the intent to stealdeprive the merchant of possession, use, benefit, and value of the retail property.

 (4) (5) “Value” means the retail value of an item as offered for sale to the public by the affected retail establishment and includes all applicable taxes.

 (B) It is unlawful for a person to:

 (1) commit theft of retail property from a retail establishmentorganized retail crime, with a value exceeding two thousand dollars aggregated over a ninety‑day period, with the intent to sell the retail property for monetary or other gain, and sell, barter, take, or cause the retail property to be placed in the control of a retail property fence or other person in exchange for consideration; or

 (2) conspire with another person to commit theft of retail property from a retail establishment, with a value exceeding two thousand dollars aggregated over a ninety‑day period, with the intent to:

 (a) sell, barter, or exchange the retail property for monetary or other gain; or

 (b) place the retail property in the control of a retail property fence or other person in exchange for consideration; or

 (3)(2) receive, possess, or sell retail property that has been taken or stolen in violation of item (1) or (2) while knowing or having reasonable grounds to believe the property is stolen. A person is guilty of this offense whether or not anyone is convicted of the property theft.

 (C)(1) Acts committed in different counties that have been aggregated in one count may be indicted and prosecuted in any one of the counties in which the acts occurred. In a prosecution for a violation of this section, the State is not required to establish and it is not a defense that some of the acts constituting the crime did not occur within one city, county, or local jurisdiction.

 (2) Nothing in this section may be interpreted to allow a solicitor or persons in their employ to prosecute cases outside the circuit where the solicitor was elected.

 (D) Property, funds, and interest a person has acquired or maintained in violation of this section are subject to forfeiture pursuant to the procedures for forfeiture as provided in Section 44‑53‑530.

 (E) A person who violates this section commits the offense of organized retail crime and, upon conviction:

 (1) for a first offense:

 (a) for a first offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than three years, or both;, if the value of the retail property is more than two thousand dollars but less than ten thousand dollars and;

 (b) is guilty of a felony and, upon conviction, must be fined not more than ten thousand dollars or imprisoned for not more than five years, or both, if the value of the retail property is more than ten thousand dollars but less than twenty thousand dollars;

 (c) is guilty of a felony and, upon conviction, must be fined not more than twenty thousand dollars or imprisoned for not more than ten years, or both, if the value of the retail property is more than twenty thousand dollars but less than fifty thousand dollars;

 (d) is guilty of a felony and, upon conviction, must be fined not more than fifty thousand dollars or imprisoned for not more than twenty years, or both, if the value of the retail property is more than fifty thousand dollars;

 (2) for a second or subsequent offense, is guilty of a felony and, upon conviction, regardless of the value of the retail property in any offense, must be fined not more than tenfifty thousand dollars or imprisoned for not more than twenty years, or both;

 (3) for purposes of this section, multiple offenses occurring within a ninety-day period may be aggregated into a single count with the aggregated value used to determine the total value of the property.

 (4) organized retail crime is a lesser‑included offense of organized retail crime of an aggravated nature as provided in subsection (F).

 (F)(1) A person commits the offense of organized retail crime of an aggravated nature if, while committing the offense of organized retail crime, the person wilfully and maliciously:

 (a) damages, destroys, or defaces real or personal property in excess of two thousand dollars; or

 (b) causes moderate bodily injury or great bodily injury to another person. “Moderate bodily injury” and “great bodily injury” have the same meanings as defined in Section 16-3-600.

 (2) A person convicted of organized retail crime of an aggravated nature is guilty of a felony and must be fined not more than fifty thousand dollars or imprisoned not more than fifteen years, or both.

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide.  After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 3. This act takes effect upon approval by the Governor.

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