

The Combating Organized Retail Crime Act of 2023

The Issue

Organized Retail Crime (ORC) involves the association of two or more persons engaged in illegally obtaining retail merchandise in substantial quantities through both theft and fraud as part of an unlawful commercial enterprise. This type of crime has a serious detrimental effect on retailers, their employees and the communities they serve.

Congressional Action

ICSC strongly supports S. 140/H.R. 895, the bipartisan **“Combating Organized Retail Crime Act of 2023,”** introduced in the 118th Congress by Senators Chuck Grassley (R-IA) and Catherine Cortez Masto (D-NV) and Representatives Ken Buck (R-CO-04), Dina Titus (D-NV-01), Susie Lee (D-NV-03) and David Joyce (R-OH-14).

The measure establishes a coordinated multi-agency response and creates new tools to tackle evolving trends in organized retail theft:

- Allows for federal judges to order criminal forfeiture after convictions of organized retail theft related crimes;
- Strengthens federal money laundering statutes allowing investigators and prosecutors to target the illegal proceeds of organized retail crime groups;
- Ensures that members of organized retail crime groups who use the internet or other forms of interstate or foreign commerce in furtherance of their illicit activities are investigated and prosecuted;
- Allows for federal prosecutors to utilize an aggregate total value of \$5,000 or more over a 12-month period as a predicate for charging the transportation, or sale or receipt of stolen goods; and
- Establishes a Center to Combat Organized Retail Crime at Homeland Security Investigations that combines expertise from state and local law enforcement agencies as well as retail industry representatives.

The Ask

ORC is leading to more brazen and violent attacks in retail stores throughout the country. The time is now for Congress to enact S. 140/H.R. 895, the **“Combating Organized Retail Crime Act of 2023.”**



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Organized Retail Crime: State Legislative Measures

Thirteen states – **Arkansas, Alabama, California, Colorado, Georgia, Illinois, Iowa, Louisiana, Michigan, North Carolina, Ohio, Oklahoma and Pennsylvania** – have enacted similar versions of the federal “INFORM Consumers Act” over the last two years. And while INFORM promises to be an effective tool for preventing stolen products from being fenced online, much attention will now be paid to how policies dealing with ORC will be enforced in the new year.

Strengthening law enforcement’s ability to target organized retail criminal operations continues to be high priority. Eleven states – **Arizona, California, Colorado, Connecticut, Florida, Illinois, Michigan, New Mexico, Oregon, Utah and Washington** – have established an ORC task force within the Attorneys General offices to investigate and prosecute suspects involved in organized retail crimes. These task forces provide increased funding to support coordination among law enforcement, prosecutors, and businesses to focus on stopping multi-jurisdictional retail crime operations.

Statewide ORC task forces have been responsible for a string of major organized retail criminal busts. The Attorneys General of California, Illinois and New Mexico have each carried out coordinated sting operations based on the important work that their state ORC task forces have conducted.

The signing of the INFORM Consumers Act marked a major policy breakthrough for retailers and local communities. Moving into 2023 and onward, however, retailers and other stakeholders need to continue building relationships with local officials, law enforcement agencies, attorneys general and others to ensure that curbing organized retail crime remains priority number one.

