

House File 2594 - Enrolled

House File 2594

AN ACT

ESTABLISHING THE CRIMINAL OFFENSE OF ORGANIZED RETAIL
THEFT, PROVIDING PENALTIES, AND INCLUDING EFFECTIVE DATE
PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. **714.2B Organized retail theft.**

1. As used in this section, unless the context otherwise requires:

a. "Pattern of retail theft" means acts committed or directed by a person on at least two separate occasions in the preceding six months that would constitute a violation of any of the following:

(1) Burglary under section 713.1 when the structure is a retail establishment.

(2) Theft under section 714.1, subsection 1, 3, 4, or 6, involving retail merchandise.

(3) A violation of section 714.7B concerning theft detection devices.

(4) Theft of pseudoephedrine, under section 714.7C, from a retail establishment.

b. "Retail establishment" means the building where a retailer sells retail merchandise.

c. "Retail merchandise" means all forms of tangible property held out for sale by a retailer.

d. "Retail theft enterprise" means a group of two or more individuals with a shared goal involving the unauthorized removal of retail merchandise from a retailer. *"Retail theft enterprise"* does not require the membership of the enterprise to remain the same or that the same individuals participate in each offense committed by the enterprise.

e. "Retailer" means a person or entity that sells retail merchandise.

f. "Value" means the same as provided in section 714.3.

2. A person commits organized retail theft when all of the following occur:

a. The person is employed by or associated with a retail theft enterprise.

b. The person has previously engaged in a pattern of retail theft and intentionally commits an act or directs another member of the retail theft enterprise to commit an act involving retail merchandise that is a violation of section 713.1, section 714.1, subsection 1, 3, 4, or 6, section 714.7B, or section 714.7C.

c. The person or another member of the retail theft enterprise sells or intends to sell the stolen retail merchandise, advertises or displays any item of the stolen retail merchandise for sale, or returns any item of the stolen retail merchandise to a retailer for anything of value.

3. A person who commits organized retail theft is guilty of the following:

a. A class "C" felony if the value of the property stolen exceeds five thousand dollars.

b. A class "D" felony if either of the following circumstances exists:

(1) The value of the property stolen is more than one thousand dollars but not more than five thousand dollars.

(2) The value of the property is more than five hundred dollars but not more than one thousand dollars and the person has been convicted at least twice before for a violation of

this section, section 713.1, section 714.1, subsection 1, 3, 4, or 6, section 714.7B, or section 714.7C, or a statute from another state, the United States, or a foreign jurisdiction, in conformity with any of those sections, and the person received a felony or an aggravated misdemeanor sentence for the offense, and at least two of the prior convictions occurred in the previous ten years.

c. An aggravated misdemeanor if either of the following circumstances exist:

(1) The value of the property stolen is more than five hundred dollars but not more than one thousand dollars.

(2) The value of the property is five hundred dollars or less and the person commits the offense within ten years of a previous conviction under this section, section 713.1, section 714.1, subsection 1, 3, 4, or 6, section 714.7B, or section 714.7C, or a statute from another state, the United States, or a foreign jurisdiction, in conformity with any of those sections, and the person received a felony or aggravated misdemeanor sentence for the offense.

d. A serious misdemeanor if the value of the property stolen is five hundred dollars or less.

4. The value of the retail merchandise received by the defendant in violation of this section within any six-month period may be aggregated and the defendant charged accordingly in applying the provisions of this subdivision, provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this subdivision.

5. If a violation of this section creates a reasonably foreseeable risk of bodily harm to another, the penalties described in subsection 3 are enhanced as follows:

a. If the penalty is a serious misdemeanor or an aggravated misdemeanor, the offense shall be classified and punished as an offense one degree higher than the underlying offense.

b. If the penalty is a felony, the offense shall be classified and punished as an offense one degree higher than the underlying offense.

Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

PAT GRASSLEY
Speaker of the House

AMY SINCLAIR
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2594, Ninetieth General Assembly.

MEGHAN NELSON
Chief Clerk of the House

Approved _____, 2024

KIM REYNOLDS
Governor