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H.534

Introduced by Representatives LaLonde of South Burlington, Notte of Rutland City, Anthony of Barre City, Arsenault of Williston, Austin of Colchester, Black of Essex, Brumsted of Shelburne, Burrows of West Windsor, Carpenter of Hyde Park, Chase of Chester, Christie of Hartford, Coffey of Guilford, Conlon of Cornwall, Dodge of Essex, Dolan of Essex Junction, Dolan of Waitsfield, Durfee of Shaftsbury, Houghton of Essex Junction, Howard of Rutland City, Hyman of South Burlington, James of Manchester, Krasnow of South Burlington, Lalley of Shelburne, Masland of Thetford, McCann of Montpelier, McCarthy of St. Albans City, Minier of South Burlington, Mrowicki of Putney, Noyes of Wolcott, Nugent of South Burlington, Ode of Burlington, Priestley of Bradford, Scheu of Middlebury, Sims of Craftsbury, Stebbins of Burlington, Templeman of Brownington, White of Bethel, and Wood of Waterbury

Referred to Committee on

Date:

Subject: Crimes; retail theft

Statement of purpose of bill as introduced: This bill proposes to permit the aggregate value of stolen property to be used to determine the criminal penalty

1 for retail theft when it is committed by a person acting in concert with another
2 person, to increase the penalty for retail theft if a person commits more than
3 one violation within a 14-day period and the aggregate retail value of the
4 merchandise taken away exceeds \$900.00, and to decrease the felony penalty
5 for retail theft when the value of the stolen property exceeds \$900.00.

6 An act relating to retail theft

7 It is hereby enacted by the General Assembly of the State of Vermont:

8 ~~Sec. 1. 13 V.S.A. § 2575 is amended to read:~~

9 § 2575. OFFENSE OF RETAIL THEFT

10 A person commits the offense of retail theft when the person, with intent of
11 depriving a merchant wrongfully of the lawful possession of merchandise,
12 money, or credit:

13 (1) takes and carries away or causes to be taken and carried away or aids
14 and abets the carrying away of; any merchandise from a retail mercantile
15 establishment without paying the retail value of the merchandise; or

16

1 ~~Sec. 2-13 V.S.A. § 2577 is amended to read:~~

2 § 2577. PENALTY

3 (a) ~~A person convicted of the offense of retail theft of merchandise having~~
4 ~~a retail value not in excess of \$900.00 shall be punished by a fine of not more~~
5 ~~than \$500.00 or imprisonment for not more than six months, or both.~~

6 (b) ~~A person convicted of the offense of retail theft of merchandise having~~
7 ~~a retail value in excess of \$900.00 shall be punished by a fine of not more than~~
8 ~~\$1,000.00 or imprisonment for not more than ~~10~~ five years, or both.~~

9 * * *

10 (d) A person who acts in concert with one or more persons to commit the
11 offense of retail theft in violation of subdivision 2575(1) of this title shall be:

12 (1) punished by a fine of not more than \$1,000.00 or imprisonment for
13 not more than five years, or both, if the aggregate retail value of the
14 merchandise taken away exceeds \$900.00 and is \$10,000.00 or less; or

15 (2) punished by a fine of not more than \$1,000.00 or imprisonment for
16 not more than 10 years, or both, if the aggregate retail value of the
17 merchandise taken away exceeds \$10,000.00.

18 (e) A person who commits more than one retail theft offense in violation of
19 subdivision 2575(1) of this title in more than one location within a 14-day
20 period shall be punished by a fine of not more than \$1,000.00 or imprisonment

1 ~~for not more than three years, or both, if the aggregate retail value of the~~
2 ~~merchandise taken away exceeds \$900.00.~~

3 Sec. 3. EFFECTIVE DATE

4 ~~This act shall take effect on passage.~~

Sec. 1. 13 V.S.A. § 2575 is amended to read:

§ 2575. OFFENSE OF RETAIL THEFT

A person commits the offense of retail theft when the person, with intent of depriving a merchant wrongfully of the lawful possession of merchandise, money, or credit:

(1) takes and carries away or causes to be taken and carried away or aids and abets the carrying away of any merchandise from a retail mercantile establishment without paying the retail value of the merchandise; or

** * **

Sec. 2. 13 V.S.A. § 2577 is amended to read:

§ 2577. PENALTY

(a) A person convicted of the offense of retail theft of merchandise having a retail value not in excess of \$900.00 shall be punished by a fine of not more than \$500.00 or imprisonment for not more than six months, or both.

(b) A person convicted of the offense of retail theft of merchandise having a retail value in excess of \$900.00 shall be punished by a fine of not more than \$1,000.00 or imprisonment for not more than 10 years, or both.

* * *

(d)(1) A person who commits more than one retail theft offense in violation of subdivision 2575(1) of this title in one or more locations within a 14-day period and within a single county shall be punished by a fine of not more than \$1,000.00 or imprisonment for not more than 10 years, or both, if the aggregate retail value of the merchandise taken away exceeds \$900.00.

(2) This subsection shall be repealed on July 1, 2027.

Sec. 3. *INTENT*

It is the intent of the General Assembly that the Department of Corrections reinstitute the Community Restitution Program and ensure that it is appropriately staffed and resourced so that it may be offered in all 14 counties as a sentencing alternative.

Sec. 4. *13 V.S.A. § 7030 is amended to read:*

§ 7030. *SENTENCING ALTERNATIVES*

(a) In determining which of the following should be ordered, the court shall consider the nature and circumstances of the crime; the history and character of the defendant; the defendant's family circumstances and relationships; the impact of any sentence upon the defendant's minor children; the need for treatment; and the risk to self, others, and the community at large presented by the defendant:

(1) A deferred sentence pursuant to section 7041 of this title.

(2) Referral to a community reparative board pursuant to 28 V.S.A. chapter 12 in the case of an offender who has pled guilty to a nonviolent felony, a nonviolent misdemeanor, or a misdemeanor that does not involve the subject areas prohibited for referral to a community justice center under 24 V.S.A. § 1967. Referral to a community reparative board pursuant to this subdivision does not require the court to place the offender on probation. The offender shall return to court for further sentencing if the reparative board does not accept the case or if the offender fails to complete the reparative board program to the satisfaction of the board in a time deemed reasonable by the board.

(3) Community restitution pursuant to a policy adopted by the Commissioner of Corrections.

(4) Probation pursuant to 28 V.S.A. § 205.

~~(4)~~(5) Supervised community sentence pursuant to 28 V.S.A. § 352.

~~(5)~~(6) Sentence of imprisonment.

(b) When ordering a sentence of probation, the court may require participation in the Restorative Justice Program established by 28 V.S.A. chapter 12 as a condition of the sentence.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.