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## OLR Bill Analysis

### sSB 1321

#### ***AN ACT CONCERNING CRIMES RELATING TO GIFT CARDS, ORGANIZED RETAIL THEFT, FOSTERING THE SALE OF STOLEN PROPERTY AND CIVIL LIABILITY FOR CERTAIN CONDUCT RELATING TO GOODS, MERCHANDISE OR PRODUCE.***

#### **SUMMARY**

This bill expands the crime of organized retail theft by lengthening the time period, from 180 to 365 days, within which a person must reach the \$2,000 threshold that triggers the crime. It also specifies that a person is guilty of being an accessory to organized retail theft by using certain online and electronic tools to receive, control, and dispose of the stolen property.

The bill also establishes two new crimes: (1) fostering the sale of stolen property and (2) gift card crimes (e.g., altering or tampering with a gift card) and makes them a form of larceny.

Finally, the bill increases the maximum civil liability for punitive damages, from \$300 to \$1,000, for shoplifting certain goods or merchandise from a store or agricultural produce from real property. In cases where the plaintiff loses, the bill eliminates the court's ability to award defendants up to \$300 in damages but continues to allow the court to award them costs and reasonable attorneys' fees.

EFFECTIVE DATE: October 1, 2025

#### **ORGANIZED RETAIL THEFT**

Currently, a person commits organized retail theft when, for financial gain, he or she works with at least one other person to shoplift retail property that has an aggregate value of more than \$2,000 and (1) does it within a specified time frame and (2) sells, delivers, or otherwise transfers it to a retail property fence (i.e. a person who buys retail property that he or she knows or should know is stolen with the intent

to unlawfully distribute or promote, manage, carry on, or facilitate the crime of organized retail theft).

The bill lengthens, from 180 to 365 days, the time period within which the person must shoplift the retail property to be guilty of the crime of organized retail theft.

Under existing law, a person commits accessory to organized retail theft if he or she receives, possesses, conceals, stores, barter, sells, or otherwise disposes of the stolen property intending to (1) distribute the proceeds or (2) promote, manage, carry on, or facilitate organized retail theft. The bill specifies this includes doing so through an online platform, Internet website, or any electronic device.

By law, the crimes of organized retail theft and accessory to organized theft are both class D felonies (punishable by up to five years imprisonment, up to a \$5,000 fine, or both). If the financial benefit is \$10,000 or more, then it is a class C felony (punishable by up to 10 years imprisonment, up to a \$10,000 fine, or both).

### **FOSTERING THE SALE OF STOLEN PROPERTY**

The bill establishes the crime of “fostering the sale of stolen property” and makes it a form of larceny. A person is guilty of this new crime when he or she (1) hosts, advertises, or otherwise helps sell stolen property, including through an online platform, and (2) knows or believes that the property was stolen. This crime does not apply if the property is received, retained, or disposed of in order to give it back to the owner.

By law, the punishment for larceny depends on the value of the property taken, ranging from a class C misdemeanor (punishable by up to three months imprisonment, up to a \$500 fine, or both) when the property value is up to \$500, to a class B felony (punishable by up to 20 years imprisonment, up to a \$15,000 fine, or both) when the property value exceeds \$20,000 (CGS § 53a-122 to -125b).

### **GIFT CARD CRIME**

The bill establishes a new “gift card crime” as a form of larceny. A

person is guilty of this crime when, with intent to defraud, the person:

1. acquires or keeps a gift card or gift card redemption information without the consent of the cardholder or the gift card's issuer or seller;
2. alters or tampers with a gift card; or
3. devises a scheme to get a gift card or gift card information from a cardholder or gift card issuer seller by false or fraudulent pretenses, representations, or promises.

Under the bill, gift cards are physical or digital, closed-loop or open-loop gift cards that are activated or inactivated. Closed loop gift cards are cards, codes, or devices on which consumers prepay a specified amount, but can only redeem at the specific merchant or group of affiliated merchants who issued it. Open-loop gift cards can be redeemed at multiple unaffiliated merchants within a payment card network (e.g., Visa).

### **LIABILITY FOR SHOPLIFTING**

The bill increases the maximum civil liability for punitive damages, from \$300 to \$1,000, for an adult or emancipated minor who shoplifts (1) goods or merchandise a store displays or (2) certain agricultural produce without the owner's consent and with the intent of not paying for them or altering their price.

As under existing law, the person taking the goods or merchandise is also liable for the actual and reasonable costs of (1) maintaining the civil action, including court costs and reasonable attorney's fees, and (2) the retail value of the goods, merchandise, or produce taken. Additionally, a larceny criminal conviction is not required to maintain this civil action, but all actions must be brought within two years of the initial complaint.

The bill also eliminates the ability for the court to award damages of up to \$300 to the defendant if the plaintiff does not prevail. But as under existing law, the court may award the defendant costs and reasonable attorneys' fees.

**COMMITTEE ACTION**

Public Safety and Security Committee

Joint Favorable Substitute

Yea     29     Nay   0     (03/18/2025)