

Article 16A.

Organized Retail Theft.

§ 14-86.5. Definitions.

The following definitions apply in this Article:

- (1) "Retail property." – Any new article, product, commodity, item, or component intended to be sold in retail commerce.
- (2) "Retail property fence." – A person or business that buys retail property knowing or believing that retail property is stolen.
- (3) "Theft." – To take possession of, carry away, transfer, or cause to be carried away the retail property of another with the intent to steal the retail property.
- (4) "Value." – The retail value of an item as advertised by the affected retail establishment, to include all applicable taxes. (2007-373, s. 3.)

§ 14-86.6. Organized retail theft.

(a) Offense. – A person commits the offense of organized retail theft if the person does any of the following:

- (1) Conspires with another person to commit theft of retail property from retail establishments with the intent to sell that retail property for monetary or other gain, and who takes or causes that retail property to be placed in the control of a retail property fence or other person in exchange for consideration.
- (2) Receives or possesses any retail property that has been taken or stolen in violation of subdivision (1) of this subsection while knowing or having reasonable grounds to believe the property is stolen.
- (3) Conspires with two or more other persons as an organizer, supervisor, financier, leader, or manager to engage for profit in a scheme or course of conduct to effectuate the transfer or sale of property stolen from a merchant in violation of this section.

(a1) Repealed by Session Laws 2022-30, s. 1, effective December 1, 2022.

(a2) Punishments. – The following classifications apply to the offense of organized retail theft:

- (1) An offense when the retail property has a value exceeding one thousand five hundred dollars (\$1,500) aggregated over a 90-day period is a Class H felony.
- (2) An offense when the retail property has a value exceeding twenty thousand dollars (\$20,000) aggregated over a 90-day period is a Class G felony.
- (3) An offense when the retail property has a value exceeding fifty thousand dollars (\$50,000) aggregated over a 90-day period is a Class F felony.
- (4) An offense when the retail property has a value exceeding one hundred thousand dollars (\$100,000) aggregated over a 90-day period is a Class C felony.

(b) Forfeiture. – Except as otherwise provided in G.S. 14-86.1, any interest a person has acquired or maintained in violation of this section shall be subject to forfeiture pursuant to the procedures for forfeiture set out in G.S. 18B-504.

(c) Multiple Thefts. – Thefts of retail property occurring in more than one county may be aggregated into an alleged violation of this section. Each county where a part of the charged offense occurs has concurrent venue as described in G.S. 15A-132. (2007-373, s. 3; 2008-187, s. 34(c); 2017-162, s. 2; 2022-30, s. 1.)

§ 14-86.7. Damage to property during organized retail theft; assault during organized retail theft.

(a) **Damage to Property During Organized Retail Theft.** – A person commits the offense of damage to property during organized retail theft if the person conspires with another person to commit theft of retail property from a retail establishment with a value exceeding one thousand dollars (\$1,000) and damages, destroys, or defaces real or personal property in excess of one thousand dollars (\$1,000).

(b) **Assault During Organized Retail Theft.** – A person commits the offense of assault during organized retail theft if the person conspires with another person to commit theft of retail property from a retail establishment with a value exceeding one thousand dollars (\$1,000) and commits an act of assault and battery against an employee or independent contractor of the retail establishment or a law enforcement officer in the commission of the theft of retail property.

(c) **Punishment.** – A violation of this section is a Class A1 misdemeanor. (2022-30, s. 2.)