



ARIZONA STATE SENATE
Fifty-Sixth Legislature, Second Regular Session

FACT SHEET FOR H.B. 2435

repetitive offenders; organized retail theft

Purpose

Requires a person who is convicted of a third or subsequent violation of *organized retail theft* with the intent to resell or trade the stolen merchandise to be sentenced as a category two repetitive offender.

Background

Current statute classifies a person who is convicted of multiple felony offenses that were not committed on the same occasion but that either are consolidated for trial purposes or are not historical prior felony convictions, as a first time felony offender for the first offense and a category one repetitive offender for the second and subsequent offenses. A person who is at least 18 years of age or has been tried as an adult must be sentenced as: 1) a category two repetitive offender if the person stands convicted of a felony and has one historical prior felony conviction; or 2) a category three repetitive offender if the person stands convicted of a felony and has two or more historical prior felony convictions ([A.R.S. § 13-703](#)).

A person commits *organized retail theft* if the person acting alone or in conjunction with another person: 1) removes merchandise from a retail establishment without paying the purchase price with the intent to resell or trade the merchandise for money or other value; or 2) uses an artifice, instrument, container, device or other article to facilitate the removal of merchandise from a retail establishment without paying the purchase price. *Organized retail theft* is a class 4 felony ([A.R.S. § 13-1819](#)).

A category two repetitive offender who is convicted of *organized retail theft* carries a presumptive imprisonment sentence of 4.5 years and an aggravated imprisonment sentence of 7.5 years. The fine for a felony may be up to \$150,000 (A.R.S. §§ [13-703](#) and [13-801](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Requires a person who is convicted of a third or subsequent violation of *organized retail theft* with the intent to resell or trade the stolen merchandise to be sentenced as a category two repetitive offender.
2. Becomes effective on the general effective date.

House Action

JUD	1/31/24	DP	6-3-0-0
3 rd Read	2/22/24		39-20-0-0-1

Prepared by Senate Research
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 ZD/SB/cs