

South Carolina General Assembly
126th Session, 2025-2026

Bill 3523

~~Indicates Matter Stricken~~

Indicates New Matter

(Text matches printed bills. Document has been reformatted to meet World Wide Web specifications.)

~~Indicates Matter Stricken~~

Indicates New Matter

AMENDED

February 25, 2025

H. 3523

Introduced by Reps. J. E. Johnson, W. Newton, Robbins, Mitchell, Pedalino, Taylor, Long, Bailey, Calhoon, Yow, Weeks, Erickson, Bradley, Hager, Whitmire, Hixon, Cromer, Gilreath, Oremus and Hartz

S. Printed 2/25/25--S.

Read the first time January 14, 2025

A BILL

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-13-135, RELATING TO THE OFFENSE OF RETAIL THEFT AND ASSOCIATED PENALTIES, SO AS TO REVISE NECESSARY DEFINITIONS, TO REVISE THE PREVIOUS OFFENSE OF RETAIL THEFT, TO CREATE THE OFFENSES OF ORGANIZED RETAIL CRIME AND ORGANIZED RETAIL CRIME OF AN AGGRAVATED NATURE, AND TO PROVIDE A GRADUATED PENALTY STRUCTURE.

Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 16-13-135 of the S.C. Code is amended to read:

Section 16-13-135. (A) As used in this section:

~~_____~~ (1) "Organized retail crime" means two or more people conspiring to commit theft of retail property from a retail establishment with the intent to sell, barter, exchange, or reenter such retail property into commerce for monetary or other gain.

~~(1)(2)~~ (2) "Retail property" means ~~a new~~an article, merchandise, property, money or negotiable documents including gift cards or other forms of credit, ~~product~~products, ~~commodity~~commodities, ~~item~~items, or ~~component~~components intended to be sold in retail commerce.

~~(2)(3)~~ (3) "Retail property fence" means a person or business that buys retail property knowing or believing that the retail property is stolen.

~~(3)(4)~~ (4) "Theft" means to take possession of, carry away, transfer, or cause to be carried away the retail property of another with the intent to ~~steal~~deprive the merchant of the possession, use, benefit, and value of the retail property.

~~(4)(5)~~ (5) "Value" means the retail value of an item as offered for sale to the public by the affected retail establishment and includes all applicable taxes.

(B) It is unlawful for a person to:

(1) commit ~~theft of retail property from a retail establishment~~organized retail crime, with a value exceeding two thousand dollars aggregated over a ninety-day period, with the intent to ~~sell the retail property for monetary or other gain, and sell, barter, take, or~~ cause the retail property to be placed in the control of a retail property fence or other person in exchange for consideration; or

~~— (2) conspire with another person to commit theft of retail property from a retail establishment, with a value exceeding two thousand dollars aggregated over a ninety-day period, with the intent to:~~

~~— (a) sell, barter, or exchange the retail property for monetary or other gain; or~~

~~_____ (b) place the retail property in the control of a retail property fence or other person in exchange for consideration; or~~

~~(3)(2)~~ receive, possess, or sell retail property that has been taken or stolen in violation of item (1) ~~or (2)~~ while knowing or having reasonable grounds to believe the property is stolen. A person is guilty of this offense whether or not anyone is convicted of the property theft.

(C) Acts committed in different counties that have been aggregated in one count may be indicted and prosecuted in any one of the counties in which the acts occurred. In a prosecution for a violation of this section, the State is not required to establish and it is not a defense that some of the acts constituting the crime did not occur within one city, county, or local jurisdiction. However, nothing in this subsection may be interpreted to allow a circuit solicitor or persons in the circuit solicitor's employ to prosecute cases outside of the circuit where the circuit solicitor was elected without the consent of the Attorney General.

(D) Property, funds, and interest a person has acquired or maintained in violation of this section are subject to forfeiture pursuant to the procedures for forfeiture as provided in Section 44-53-530.

(E) A person who violates this section commits the offense of organized retail crime, and:

~~_____ (1) for a first offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than three years, or both; and~~

~~_____ (2) for a second or subsequent offense, is guilty of a felony and, upon conviction, must be fined not more than ten thousand dollars or imprisoned for not more than twenty years, or both.~~

~~_____ (1) for a first offense:~~

~~_____ (a) is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than three years, or both, if the value of the retail property is more than two thousand dollars but less than ten thousand dollars;~~

~~_____ (b) is guilty of a felony and, upon conviction, must be fined not more than ten thousand dollars or imprisoned for not more than five years, or both, if the value of the retail property is more than ten thousand dollars but less than twenty thousand dollars;~~

~~_____ (c) is guilty of a felony and, upon conviction, must be fined not more than twenty thousand dollars or imprisoned for not more than ten years, or both, if the value of the retail property is more than twenty thousand dollars but less than fifty thousand dollars;~~

~~_____ (d) is guilty of a felony and, upon conviction, must be fined not more than fifty thousand dollars or imprisoned for not more than twenty years, or both, if the value of the retail property is more than fifty thousand dollars;~~

~~_____ (2) for a second or subsequent offense, is guilty of a felony and, upon conviction, regardless of the value of the retail property in any offense, must be fined not more than fifty thousand dollars or imprisoned for not more than twenty years, or both;~~

~~_____ (3) for purposes of this section, multiple offenses occurring within a ninety-day period may be aggregated into a single count with the aggregated value used to determine the total value of the property;~~

~~_____ (4) organized retail crime is a lesser-included offense of organized retail crime of an aggravated nature as provided in subsection (E).~~

(F)(1) A person commits the offense of organized retail crime of an aggravated nature if, while committing the offense of organized retail crime, the person wilfully and maliciously:

(a) damages, destroys, or defaces real or personal property in excess of two thousand dollars; or

(b) causes moderate bodily injury or great bodily injury to another person. "Moderate bodily injury" and "great bodily injury" have the same meanings as defined in Section 16-3-600.

(2) A person convicted of organized retail crime of an aggravated nature is guilty of a felony and, upon conviction, must be fined not more than fifty thousand dollars or imprisoned not more than fifteen years, or both.

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 3. This act takes effect upon approval by the Governor.

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