

HOUSE BILL NO. 4598

June 10, 2025, Introduced by Reps. Harris, B. Carter, Rigas, BeGole, Roth, Linting, T. Carter, Bierlein, Schuette, DeBoyer, Aragona, Tisdell, Kunse, Robinson, Steckloff, McFall, Pohutsky, Koleszar, Fitzgerald, Wooden, Foreman, Rheingans, Longjohn, Breen, Arbit, Weiss, Martus, Witwer, Neeley, Tate, O'Neal, Hope, Hoskins, Rogers, Wilson, Morgan, Dievendorf, Byrnes, Glanville, Mueller, Mentzer, Slagh, Outman, Neyer, Frisbie, Prestin, Bohnak, Schmaltz, Wozniak, Meerman, Green and Beson and referred to Committee on Regulatory Reform.

A bill to amend 2012 PA 455, entitled
"Organized retail crime act,"
by amending section 4 (MCL 752.1084).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) A person is guilty of organized retail crime ~~when~~
2 **if** that person, alone or in association with another person, does
3 any of the following:
4 (a) Knowingly commits an organized retail crime.
5 (b) Organizes, supervises, finances, or otherwise manages or
6 assists another person in committing an organized retail crime.

1 (c) Removes, destroys, deactivates, or knowingly evades any
2 component of an antishoplifting or inventory control device to
3 prevent the activation of that device or to facilitate another
4 person in committing an organized retail crime.

5 (d) Conspires with another person to commit an organized
6 retail crime.

7 (e) Receives, purchases, or possesses retail merchandise for
8 sale or resale knowing or believing the retail merchandise to be
9 stolen from a retail merchant.

10 (f) Uses any artifice, instrument, container, device, or other
11 article to facilitate the commission of an organized retail crime
12 act.

13 (g) Knowingly causes a fire exit alarm to sound or otherwise
14 activate, or deactivates or prevents a fire exit alarm from
15 sounding, in the commission of an organized retail crime or to
16 facilitate the commission of an organized retail crime by another
17 person.

18 (h) Knowingly purchases a wireless telecommunication device
19 using fraudulent credit, knowingly procures a wireless
20 telecommunications service agreement with the intent to defraud
21 another person or to breach that agreement, or uses another person
22 to obtain a wireless telecommunications service agreement with the
23 intent to defraud another person or to breach that agreement.

24 **(i) Knowingly and with the intent to defraud does any of the**
25 **following:**

26 **(i) Acquires possession of a gift card or gift card redemption**
27 **information.**

28 **(ii) Alters or tampers with a gift card or gift card redemption**
29 **information or exploits a gift card holder, issuer, or seller.**

1 (iii) Obtains money, goods, services or any other thing of value
2 with a gift card or gift card redemption information that was
3 acquired in violation of this subdivision.

4 (2) Organized retail crime is a felony punishable by
5 imprisonment for not more than 5 years or a fine of \$5,000.00, or
6 both.

7 (3) If the true owner of stolen retail merchandise cannot be
8 identified, the retail merchandise, and any proceeds from the sale
9 or resale of that merchandise, is subject to forfeiture to the
10 state for use by the board in the performance of its duties. The
11 court shall order forfeiture of the retail merchandise in the
12 manner and ~~upon~~-on terms and conditions as determined by the court
13 to be appropriate.

14 (4) The court shall order a person who is found guilty of
15 organized retail crime to make restitution to any retail merchant
16 victim in the manner provided in the **William Van Regenmorter** crime
17 victim's rights act, 1985 PA 87, MCL 780.751 to 780.834, and to
18 reimburse the governmental entity for its expenses incurred as a
19 result of the violation of this act in the manner provided in
20 section 1f of chapter IX of the code of criminal procedure, 1927 PA
21 175, MCL 769.1f.

22 (5) It is not a defense to a charge under this section that
23 the property was not stolen, embezzled, or converted property at
24 the time of the violation if the property was explicitly
25 represented to the accused person as being stolen, embezzled, or
26 converted property.

27 Enacting section 1. This amendatory act takes effect 90 days
28 after the date it is enacted into law.