

ORGANIZED RETAIL CRIME ACT (EXCERPT)
Act 455 of 2012

***** 752.1084.new THIS NEW SECTION IS EFFECTIVE MARCH 31, 2013 *****

752.1084.new Prohibited conduct; violation as felony; penalty; forfeiture; restitution; reimbursement; representation that property stolen, embezzled, or converted.

Sec. 4. (1) A person is guilty of organized retail crime when that person, alone or in association with another person, does any of the following:

- (a) Knowingly commits an organized retail crime.
 - (b) Organizes, supervises, finances, or otherwise manages or assists another person in committing an organized retail crime.
 - (c) Removes, destroys, deactivates, or knowingly evades any component of an antishoplifting or inventory control device to prevent the activation of that device or to facilitate another person in committing an organized retail crime.
 - (d) Conspires with another person to commit an organized retail crime.
 - (e) Receives, purchases, or possesses retail merchandise for sale or resale knowing or believing the retail merchandise to be stolen from a retail merchant.
 - (f) Uses any artifice, instrument, container, device, or other article to facilitate the commission of an organized retail crime act.
 - (g) Knowingly causes a fire exit alarm to sound or otherwise activate, or deactivates or prevents a fire exit alarm from sounding, in the commission of an organized retail crime or to facilitate the commission of an organized retail crime by another person.
 - (h) Knowingly purchases a wireless telecommunication device using fraudulent credit, knowingly procures a wireless telecommunications service agreement with the intent to defraud another person or to breach that agreement, or uses another person to obtain a wireless telecommunications service agreement with the intent to defraud another person or to breach that agreement.
- (2) Organized retail crime is a felony punishable by imprisonment for not more than 5 years or a fine of \$5,000.00, or both.
- (3) If the true owner of stolen retail merchandise cannot be identified, the retail merchandise, and any proceeds from the sale or resale of that merchandise, is subject to forfeiture to the state for use by the board in the performance of its duties. The court shall order forfeiture of the retail merchandise in the manner and upon terms and conditions as determined by the court to be appropriate.
- (4) The court shall order a person who is found guilty of organized retail crime to make restitution to any retail merchant victim in the manner provided in the crime victim's rights act, 1985 PA 87, MCL 780.751 to 780.834, and to reimburse the governmental entity for its expenses incurred as a result of the violation of this act in the manner provided in section 1f of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1f.
- (5) It is not a defense to a charge under this section that the property was not stolen, embezzled, or converted property at the time of the violation if the property was explicitly represented to the accused person as being stolen, embezzled, or converted property.

History: 2012, Act 455, Eff. Mar. 31, 2013.