

S.F. No. 3487 – Retail Theft-Related Changes

Author: Senator Warren Limmer

Prepared by: Kenneth P. Backhus, Senate Counsel (651/296-4396)

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Sections 1 and 2 amend Minnesota Statutes, chapter 13A (release of information by financial institutions) by adding cross references to section 6 (authorized disclosure of information about a financial institution’s customer’s account).

Section 3 adds a cross reference to the new organized retail theft crime established in section 4 in the general theft law’s penalty subdivision for repeat thefts. This results in the new crime being treated the same as other listed theft-related crimes in terms of determining the applicable criminal penalty and required value threshold for repeat offenses.

Section 4 establishes the crime of organized retail theft. This crime occurs when a person steals or fraudulently obtains retail merchandise from a retailer and: resells or intends to resell it; advertises or displays it for sale; returns it to a retailer for anything of value; or the act occurs within five years of a previous conviction under this section. In addition, receiving stolen retail merchandise with the intent to resell it and possessing shoplifting-related devices with the intent to use them to shoplift are also violations.

Penalties for the new crime range from a gross misdemeanor to a two-, seven-, or 15-year statutory maximum felony depending on the value of the property stolen and whether the offender has violated the crime in the past. These penalties are enhanced versions of what would be applicable under the general theft crime. Also provides for enhanced penalties for violations that create a reasonably foreseeable risk of bodily harm to others and allows aggregation of the value of retail merchandise stolen in a six-month period for charging purposes.

Sections 5 and 6 amend the identity theft crime to authorize financial institutions to release certain specified information (name and last known address/phone numbers of account holders) to law enforcement and prosecutors who certify that it is related to an identity theft crime investigation or prosecution. Gives complying financial institutions immunity for so doing.

Sections 7 and 8 amend the third- and fourth-degree burglary crimes to include situations in which a person enters a building that is open to the public with intent to steal while inside or does steal

while inside (regardless of original intent). Currently, this type of activity is not considered burglary since the crime generally requires that the building involved be one that the person is not allowed to enter.

Section 9 amends the law specifying how long a search warrant is valid. Provides that a search warrant on a financial institution is valid for 30 days (rather than the general ten-day period).