

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 4011

To amend title 18, United States Code, with respect to organized retail theft, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 3, 2009

Mr. SMITH of Texas (for himself and Mr. GOODLATTE) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, with respect to organized retail theft, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Organized Retail  
5 Crime Prevention and Enforcement Act of 2009”.

6 **SEC. 2. TRANSPORT OF GOODS FOR SALE ON ONLINE MAR-**

7 **KETPLACE.**

8 Section 2314 of title 18, United States Code, is  
9 amended—

1           (1) by striking the one-m dash at the end of the  
2           5th paragraph and inserting “; or”; and

3           (2) by inserting after the 5th paragraph the fol-  
4           lowing:

5           “Whoever transports, transmits, or transfers in inter-  
6           state or foreign commerce any goods, wares, or merchan-  
7           dise, of the value of \$1,000 or more, for sale on an online  
8           marketplace, knowing the same to have been stolen, con-  
9           verted, or taken by fraud—”.

10 **SEC. 3. SALE OF GOODS ON ONLINE MARKETPLACE.**

11           Section 2315 of title 18, United States Code, is  
12           amended—

13           (1) by striking the one-m dash at the end of the  
14           3rd paragraph and inserting “; or”; and

15           (2) by inserting after the 3rd paragraph the fol-  
16           lowing:

17           “Whoever by means of an online marketplace barter  
18           or sells any goods, wares, or merchandise, of a value of  
19           \$1,000 or more, knowing the same to have been stolen,  
20           converted, or taken by fraud, or attempts to do so—”.

21 **SEC. 4. DEFINITIONS FOR NEW OFFENSES.**

22           Section 2311 of title 18, United States Code, is  
23           amended—

1           (1) by inserting after the paragraph ending  
2           with “running on land but not on rails” the fol-  
3           lowing:

4           “‘Online marketplace’ means an Internet site, or col-  
5           lection of Internet sites with a common operator, whose  
6           primary purpose is to facilitate transactions between peo-  
7           ple for the sale of goods and services;”.

8           (2) by inserting after the paragraph ending  
9           with “or the carcass or carcasses thereof” the fol-  
10          lowing:

11          “‘Internet site’ means a web site or location on the  
12          Internet that is accessible at a specific Internet domain  
13          name, is accessible at a specific address under the Internet  
14          Protocol (or any successor protocol), or is identified by  
15          a uniform resource locator;”.

16          **SEC. 5. ORGANIZED RETAIL CRIME TASK FORCES.**

17          (a) **ESTABLISHMENT.**—The Attorney General shall  
18          establish multi-jurisdictional task forces to initiate inves-  
19          tigations of organized retail theft and dismantle organized  
20          retail theft criminal enterprises in the six United States  
21          district court districts with the greatest incidence of orga-  
22          nized retail theft, as determined by the Attorney General.

23          (b) **REPORT TO CONGRESS.**—The Attorney General  
24          shall report annually to Congress on the activities of the  
25          task forces established under this section.

1       (c) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated to carry out this section  
3 \$5,000,000 for fiscal year 2011 and for each of the 4 suc-  
4 ceeding fiscal years.

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