

March 12, 2021

Senate Bill 2166 is the Association's **retail theft enhancement bill**. **SB 2166 passed the Senate by a 46-0 vote**. It was heard in House Judiciary this past week. Your joint association was well represented in the hearing by AG Stenehjem and several NDRA board members. This group did a great job of stressing the need for stiffening the penalties related to retail theft.

Key points of the bill include:

A BILL for an Act to amend and reenact sections 12.1-23-05 and 12.1-23-10 of the North Dakota Century Code, relating to theft offenses; and to provide a penalty; and to declare an emergency.

Theft under this chapter of property or services of a value not exceeding five hundred dollars is a class B misdemeanor for a first offense

A second or third , or fourth offense under paragraph 1 of subdivision a occurring within three years is a class A misdemeanor. A fifth fourth or subsequent violation under paragraph 1 of subdivision a occurring within three years is a class C felony.

Bottom line: **The goal of this bill is to stop the repeat offenders. The threat of the Class C felony is the key deterrent.**

Chairman Klemin appointed Reps. Hanson, Vetter and Becker to a subcommittee to discuss possible amendments. These include:

- Changing the word "offense" to "conviction".
- Putting into the language a municipal court judge clearly inform those arrested of the new changes in statute when this bill becomes law.
- There's also discussion of reinstating the language saying a fifth or subsequent violation would incur the Class C Felony. There's also talk of removing the felony portion of the bill.

The threat of the Class C felony is the key deterrent. This is the bill's most important element!!

Here's the Ask from Your NDRA/NDPMA Association: **Reach out to all Representatives from your district**. Tell them to tell House Judiciary Committee members SB 2166 is a much needed bill for the entire retail community in ND. As businessowners, **no one has a right to steal your retail property over and over without facing serious consequences for those actions**. Tell them you are fed up with watching the same criminals come back into your store time after time. Tell them if a few minor changes need to be made to enhance the bill that's fine, but **do not remove the Class C felony portion** of the bill! This is the meat of the bill that gives the proposed legislation its legal teeth to discourage repeat retail theft offenses. Allow the punishment to fit the crime for the habitual thieves.

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