

HB 1670-FN - AS INTRODUCED

2026 SESSION

26-3088

09/08

HOUSE BILL ***1670-FN***

AN ACT relative to organized retail crime.

SPONSORS: Rep. DeRoy, Straf. 3; Rep. Bailey, Straf. 2; Rep. Burnham, Straf. 2; Rep. Kaczynski, Straf. 5; Rep. Nalevanko, Ches. 9; Rep. Walker, Straf. 19; Rep. Sellers, Graf. 10; Rep. D. Kelley, Hills. 32

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill establishes criminal offenses for organized retail crime and being the kingpin or leader of an organized retail crime enterprise.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to organized retail crime.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Organized Retail Crime RSA 637:10-c is repealed and reenacted to read as follows:

2 637:10-c Organized Retail Crime.

3 I. A person is guilty of organized retail crime if he or she acts in concert with one or more
4 persons to commit theft of retail merchandise from one or more mercantile establishments with the
5 intent to resell, redistribute, or reenter such retail merchandise into commerce, or if he or she
6 receives, possesses, or resells such retail merchandise knowing or believing it to have been stolen.

7 II. For purposes of this section, thefts may be aggregated over an 180-day period to
8 determine value thresholds. Prosecutions may be brought in any county where any part of the
9 enterprise activity occurred.

10 2 New Section; Leader or Kingpin of an Organized Retail Crime Enterprise. Amend RSA 637 by
11 inserting after section 10-d the following new section:

12 637:10-e Leader or Kingpin of an Organized Retail Crime Enterprise.

13 I. Definitions.

14 (a) "Organized retail crime enterprise" means 2 or more persons associated in fact,
15 although not a legal entity, who collaborate in whole or in part to commit organized retail crime
16 under RSA 637:10-c.

17 (b) "Leader" means any person who knowingly organizes, directs, finances, manages,
18 supervises, or otherwise controls, or conspires to organize, direct, finance, manage, supervise, or
19 otherwise control, an organized retail crime enterprise, and who derives pecuniary benefit from the
20 enterprise or from the disposition of stolen retail merchandise. A person may be convicted under
21 this even if the person does not directly participate in the thefts, so long as the person intentionally
22 benefits from or furthers the organized retail crime enterprise.

23 II. A person is guilty of being a leader of an organized retail crime enterprise if, within a
24 period of 180 days, the enterprise obtains retail merchandise with an aggregate retail value of:

25 (a) \$2,500 or more, the offense shall be a class A felony.

26 (b) \$10,000 or more, the offense shall be a class A felony, but notwithstanding RSA
27 651:2, punishable by up to 25 years imprisonment.

28 III. In addition to any other penalty, the court shall order forfeiture of property used in or
29 derived from the enterprise. Such forfeiture may be used to satisfy any restitution owed to the
30 victim.

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1 IV.(a) Theft offenses committed by an organized retail crime enterprise may be aggregated
2 across multiple mercantile establishments and counties during an 180-day period.

3 (b) Venue shall be proper in any county in which any theft or act in furtherance of the
4 enterprise occurred.

5 V. This section shall not preclude prosecution under any other applicable statute, including
6 RSA 629:3 and RSA 629:2.

7 3 Effective Date. This act shall take effect 60 days after its passage.

**HB 1670-FN- FISCAL NOTE
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FISCAL IMPACT:

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund</i>	None			
Expenditures*	Indeterminable			
<i>Funding Source</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

Estimated Political Subdivision Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	Indeterminable			
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	Indeterminable			

METHODOLOGY:

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association