

## ALEC EXPOSED

"ALEC" has long been a secretive collaboration between Big Business and "conservative" politicians. Behind closed doors, they ghostwrite "model" bills to be introduced in state capitols across the country. This agenda—underwritten by global corporations—includes major tax loopholes for big industries and the super rich, proposals to offshore U.S. jobs and gut minimum wage, and efforts to weaken public health, safety, and environmental protections. Although many of these bills have become law, until now, their origin has been largely unknown. With **ALEC EXPOSED**, the Center for Media and Democracy hopes more Americans will study the bills to understand the depth and breadth of how big corporations are changing the legal rules and undermining democracy across the nation.

### ALEC's Corporate Board —in recent past or present

- AT&T Services, Inc.
  - centerpoint360
  - UPS
  - Bayer Corporation
  - GlaxoSmithKline
  - Energy Future Holdings
  - Johnson & Johnson
  - Coca-Cola Company
  - PhRMA
  - Kraft Foods, Inc.
  - Coca-Cola Co.
  - Pfizer Inc.
  - Reed Elsevier, Inc.
  - DIAGEO
  - Peabody Energy
  - Intuit, Inc.
  - Koch Industries, Inc.
  - ExxonMobil
  - Verizon
  - Reynolds American Inc.
  - Wal-Mart Stores, Inc.
  - Salt River Project
  - Altria Client Services, Inc.
  - American Bail Coalition
  - State Farm Insurance
- For more on these corporations, search at [www.SourceWatch.org](http://www.SourceWatch.org).

& MEETINGS

**DID YOU KNOW?** Corporations VOTED to adopt this. Through ALEC, global companies work as "equals" in "unison" with politicians to write laws to govern your life. Big Business has "a VOICE and a VOTE," according to newly exposed documents. **DO YOU?**

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### Organized Retail Theft Act

Did you know the NRA--the National Rifle Association--was the corporate co-chair in 2011?

**Section 1. {Purpose, Title}** An Act relating to criminal procedure and authorizing jurisdiction and venue for Organized Retail Theft offenses. This Act may be cited as the Organized Retail Theft Act.

#### Section 2. {Definitions}

(A). "Organized retail theft" refers to when two or more persons are involved in theft of retail property from a retail establishment, with value exceeding \$1,000 (the amount will be \$500 or more above the present state felony theft level and not below \$1,000 in any state), aggregated over a 180-day period, with the intent to sell that retail property to a retail property fence for monetary or other gains.

(B). "Retail property" means any new article, product, commodity, item or component intended to be sold in retail commerce.

(C). "Value" means the retail value of the item as advertised by the affected retail establishment(s), to include applicable taxes.

(D). "Retail property fence" means a person or business that buys retail property knowing or believing that property is stolen.

#### Section 3. {Organized Retail Theft}

(A). Whoever in any way in conjunction with another person affects the movement of any article or commodity by taking possession of, carrying away or transferring or causing to be carried away, with the intent to steal or purloin any retail property with a total value exceeding [\$1,000] within any 180-day period and takes or causes that retail property to be moved to or placed in the control of a retail property fence, with the intent of monetary or other gains, shall have committed the offense of Organized Retail Theft, and [shall be fined and imprisoned according to applicable state law].\*

(B). Whoever receives, possesses, conceals, stores, barter, sells, or disposes of with the intent to distribute, any property which has been taken or stolen in violation of this section, with the intent to distribute the proceeds, or to otherwise promote, manage, carry on or facilitate an offense described in this section, shall have committed the offense of Organized Retail Theft, and [shall be fined and imprisoned according to applicable state law].\*

(1). It is not a defense to a charge of receiving stolen property in violation of this section that the property was obtained by means other than through the commission of a theft offense if the property was explicitly represented to the accused person as being obtained through the commission of a theft offense.

(2). Any person convicted of Organized Retail Theft, who within the immediately preceding four years was twice convicted of theft from a retail establishment, shall be sentenced to at least the minimum term provided for such offense.

#### Section 4. {Venue for Organized Retail Theft Offenses}

(A). Venue for criminal actions to enforce the provisions of Section 3 of this act, including criminal actions with respect to each of the offenses included within Organized Retail Theft as defined in Section 3 of this act, that have been committed, attempted or conspired to be committed by two or more persons, shall be in any county in which at least one criminal offense has occurred that constitutes part of the Organized Retail Theft offenses, it being the intent of this section that one state court may have jurisdiction over all the conduct, persons and property which are part of, or are directly related to, each and all of the criminal offenses forming part of the Organized Retail Theft offenses.

(1). It is discretionary, not mandatory, to bring all criminal actions in

one jurisdiction when Organized Retail Theft offenses involve two or more counties.

**Section 5. {Forfeiture and Disposition of Goods}** Whoever violates any provision of Section 3 shall forfeit to the state any interest the person has acquired or maintained in violation of Section 3.

**Section 6. {Severability}**

**Section 7. {Effective Date}**

\*Drafting Note: Under Organized Retail Theft within the state, it is intended that the crime be considered the next higher felony than felony theft.

*Adopted by the Criminal Justice Task Force at the Annual Meeting, July 2005.  
Approved by the ALEC Board of Directors August 2005.*

**About Us and ALEC EXPOSED.** The Center for Media and Democracy reports on corporate spin and government propaganda. We are located in Madison, Wisconsin, and publish [www.PRWatch.org](http://www.PRWatch.org), [www.SourceWatch.org](http://www.SourceWatch.org), and now [www.ALECExposed.org](http://www.ALECExposed.org). For more information contact: [editor@prwatch.org](mailto:editor@prwatch.org) or 608-260-9713.

Center for Media  
and Democracy's  
quick analysis

This is part of a set of bills favored by corporations designed to increase criminal penalties for retail theft. This bill in particular creates a new class of felony, "Organized Retail Theft," if one person steals goods over a certain amount and sells them to another person. This bill would benefit large retailers such as Wal-Mart, which sits on the ALEC Private Sector board.