



MICHIGAN STATE POLICE LEGAL UPDATE

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CRIMINAL LAW

Organized Retail Crime now prohibited by Michigan law.

[Public Act 455 of 2012](#) established the Organized Retail Crime Act (Act), MCL 752.1081 – 752.1087 to prohibit organized retail crime and provide for forfeiture of and restitution for stolen retail merchandise in certain circumstances. [MCL 752.1084](#) provides that a person who commits organized retail crime is guilty of a five-year felony and/or a \$5,000 fine.

[MCL 752.1083](#) contains the definitions of terms for purposes of the Act. “Organized retail crime” means the theft of retail merchandise from a retail merchant with the intent or purpose of reselling, distributing, or otherwise reentering the retail merchandise in commerce, including the transfer of the stolen retail merchandise to another retail merchant or to any other person personally, through the mail, or through any electronic medium, including the internet, in exchange for anything of value. “Person” means an individual, sole proprietorship, partnership, cooperative, association, corporation, limited liability company, personal representative, receiver, trustee, assignee, or other entity.

MCL 752.1084 states a person is guilty of organized retail crime when that person, alone or in association with another person, does any of the following:

- (a) Knowingly commits an organized retail crime.
- (b) Organizes, supervises, finances, or otherwise manages or assists another person in committing an organized retail crime.
- (c) Removes, destroys, deactivates, or knowingly evades any component of an antishoplifting or inventory control device to prevent the activation of that device or to facilitate another person in committing an organized retail crime.
- (d) Conspires with another person to commit an organized retail crime.
- (e) Receives, purchases, or possesses retail merchandise for sale or resale knowing or believing the retail merchandise to be stolen from a retail merchant.

- (f) Uses any artifice, instrument, container, device, or other article to facilitate the commission of an organized retail crime act.
- (g) Knowingly causes a fire exit alarm to sound or otherwise activate, or deactivates or prevents a fire exit alarm from sounding, in the commission of an organized retail crime or to facilitate the commission of an organized retail crime by another person.
- (h) Knowingly purchases a wireless telecommunication device using fraudulent credit, knowingly procures a wireless telecommunications service agreement with the intent to defraud another person or to breach that agreement, or uses another person to obtain a wireless telecommunications service agreement with the intent to defraud another person or to breach that agreement.

The Act creates an Organized Retail Crime Advisory Board (Board) with the Michigan State Police. MCL 752.1084 prescribes that if the true owner of stolen retail merchandise cannot be identified, the retail merchandise, and any proceeds from the sale or resale of that merchandise, is subject to forfeiture to the state for use by the Board in performance of its duties, if the true owner of stolen merchandise cannot be identified.

MCL 752.1084 states if the property was explicitly represented to the accused as being stolen, embezzled, or converted, it is not a defense that the property was not actually stolen, embezzled, or converted property at the time of the violation.

VEHICLE CODE

Removal of moped passenger restrictions.

[Public Act 589 of 2012](#) amended [MCL 257.658\(3\)](#) to remove the prohibition of passengers on a moped. Mopeds may now be used to carry more than one person at a time.

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