

To: Senate Judiciary and Public Safety Committee
From: Commander Charles Anderson, Saint Paul Police Department
Re: Support for SF 893
Date: February 23, 2023

Chair Latz and Members of the Judiciary and Public Safety Committee,

I send my regrets that I cannot be in attendance to testify in-person as to the importance of the referenced bill. My gratitude for your consideration of this common-sense bill that serves victims, offenders, businesses, law enforcement, and consumers. It's important work, and it's time to make this law.

Five years ago (while I was still the Executive Director of the Minnesota Organized Retail Crime Association, an alliance of public and private sector professionals and leaders), we worked with various groups to craft bipartisan legislation to address organized retail crime, identity theft, trespassing/burglary, and financial crimes investigations.

SF 893 is a necessary step in addressing important criminal and process concerns, namely:

1. Adds 609.522 (Organized Retail Theft) as a separate crime from theft/common shoplifting. We know that the two are in need of distinction, as borne out by the egregious continued examples of local, regional, and national crews stealing items (often under unsafe circumstances) and illegally re-entering those items into commerce, victimizing Minnesota businesses and endangering Minnesota consumers;
2. Adds ORT prior conviction as a sentencing enhancement for GM theft (609.52), a recognition that recidivism must be dissuaded;
3. ORT defined with sentencing, aggregation, and enhancement, distinguishing ORT from simple theft, a recognition that the intent is to hold ORT offenders accountable, not those engaged in petty shoplifting;
4. 609.527 (Identity Theft) amended (Subd 8) to include release of limited victim-identifying information to law enforcement by a financial institution while protecting private data, thus eliminating a Catch-22 in the victim ID process wherein a law enforcement officer knows there is a victim but can't identify them. This will contribute to investigatory efficacy and efficiency (i.e., timely provision of last name of account holder; last known address/tel # of account holder);
5. Distinguishes 3rd and 4th degree burglary (609.582) vis a vis a building open to the public (e.g., retail store) in light of previous trespass and past convictions. That is to say, if a person enters a store with the intent to steal and has been lawfully trespassed from the store within one year and has a qualifying conviction that person is guilty of third degree burglary. 4th degree assumes the presupposition but doesn't include the latter conditions (thus a lesser degree with a lesser sentence).
6. Amends 626.15 (Search Warrants) to acknowledge the reality that financial-related warrants take longer than 10 days to return and expands that time constraint without a waiver to 30 days, thus providing our financial institutions with a reasonable time frame to provide a return that is comprehensive and comprehensible.

I thank the honorable Senator Ron Latz, and co-author Warren Limmer, and others who have worked to bring this bill to this hearing. I am grateful to all policymakers for their consideration.

Regards,
Charles Anderson, Commander
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