

6955

I N S E N A T E

April 16, 2012

Introduced by Sen. ZELDIN -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law and the penal law, in relation to creating a crime of retail sales receipt fraud or universal product code fraud

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The general business law is amended by adding three new
2 sections 527, 528 and 529 to read as follows:
3 S 527. RETAIL SALES RECEIPT FRAUD OR UNIVERSAL PRODUCT CODE FRAUD IN
4 THE SECOND DEGREE. A PERSON IS GUILTY OF RETAIL SALES RECEIPT FRAUD OR
5 UNIVERSAL PRODUCT CODE FRAUD IN THE SECOND DEGREE WHEN, WITH INTENT TO
6 DECEIVE OR DEFRAUD A PERSON OR PERSONS ENGAGED IN THE RETAIL SALE OF
7 GOODS OR SERVICES, HE OR SHE USES, TRANSFERS, MAKES, ALTERS, COUNTER-
8 FEITS OR REPRODUCES A RETAIL SALES RECEIPT OR UNIVERSAL PRODUCT CODE
9 KNOWING SUCH TO BE COUNTERFEIT.
10 RETAIL SALES RECEIPT FRAUD OR UNIVERSAL PRODUCT CODE FRAUD IN THE
11 SECOND DEGREE IS A CLASS A MISDEMEANOR.
12 S 528. RETAIL SALES RECEIPT FRAUD OR UNIVERSAL PRODUCT CODE FRAUD IN
13 THE FIRST DEGREE. A PERSON IS GUILTY OF RETAIL SALES RECEIPT FRAUD OR
14 UNIVERSAL PRODUCT CODE FRAUD IN THE FIRST DEGREE WHEN, WITH INTENT TO
15 DECEIVE OR DEFRAUD A PERSON OR PERSONS ENGAGED IN THE RETAIL SALE OF
16 GOODS OR SERVICES, HE OR SHE USES, TRANSFERS, MAKES, ALTERS, COUNTER-
17 FEITS OR REPRODUCES FIFTEEN OR MORE RETAIL SALES RECEIPTS OR UNIVERSAL
18 PRODUCT CODES OR COMBINATION THEREOF KNOWING SUCH TO BE COUNTERFEIT.
19 RETAIL SALES RECEIPT FRAUD OR UNIVERSAL PRODUCT CODE FRAUD IN THE
20 FIRST DEGREE IS A CLASS E FELONY.
21 S 529. POSSESSION OF A FRAUDULENT RETAIL SALES RECEIPT OR UNIVERSAL
22 PRODUCT CODE MANUFACTURING DEVICE. A PERSON IS GUILTY OF POSSESSION OF
23 A FRAUDULENT RETAIL SALES RECEIPT OR UNIVERSAL PRODUCT CODE MANUFACTUR-
24 ING DEVICE WHEN, WITH INTENT TO DECEIVE OR DEFRAUD A PERSON OR PERSON
25 ENGAGED IN THE RETAIL SALE OF GOODS OR SERVICES, HE OR SHE POSSESSES A
26 DEVICE THAT MANUFACTURES FRAUDULENT RETAIL SALES RECEIPTS OR UNIVERSAL
27 PRODUCT CODE LABELS.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

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1 POSSESSION OF A FRAUDULENT RETAIL SALES RECEIPT OR UNIVERSAL PRODUCT
2 CODE MANUFACTURING DEVICE IS A CLASS E FELONY.

3 S 2. The penal law is amended by adding 3 new sections 165.80, 165.81
4 and 165.82 to read as follows:

5 S 165.80 RETAIL SALES RECEIPT FRAUD OR UNIVERSAL PRODUCT CODE FRAUD IN
6 THE SECOND DEGREE.

7 A PERSON IS GUILTY OF RETAIL SALES RECEIPT FRAUD OR UNIVERSAL PRODUCT
8 CODE FRAUD IN THE SECOND DEGREE WHEN, WITH INTENT TO DECEIVE OR DEFRAUD
9 A PERSON OR PERSONS ENGAGED IN THE RETAIL SALE OF GOODS OR SERVICES, HE
10 OR SHE USES, TRANSFERS, MAKES, ALTERS, COUNTERFEITS OR REPRODUCES A
11 RETAIL SALES RECEIPT OR UNIVERSAL PRODUCT CODE KNOWING SUCH TO BE COUN-
12 TERFEIT.

13 (1) THE TERM "RETAIL SALES RECEIPT" SHALL MEAN ANY HANDWRITTEN OR
14 MACHINE OR COMPUTER PRODUCED DOCUMENT AS PROPERLY ISSUED BY A RETAILER
15 TO ACKNOWLEDGE PAYMENT RECEIVED BY A CUSTOMER.

16 (2) THE TERM "UNIFORM PRODUCT CODE LABEL" SHALL MEAN ANY BAR CODE OR
17 OTHER CODING SYSTEM DESIGNED TO BE READ BY COMPUTER WHICH CONTAINS PRIC-
18 ING INFORMATION AND OTHER RELATED INFORMATION USED BY A RETAILER AND
19 READ BY A COMPUTER AT POINT OF PURCHASE FOR PURPOSES OF ESTABLISHING THE
20 SALE PRICE OF A GOOD.

21 RETAIL SALES RECEIPT FRAUD OR UNIVERSAL PRODUCT CODE FRAUD IN THE
22 SECOND DEGREE IS A CLASS A MISDEMEANOR.

23 S 165.81 RETAIL SALES RECEIPT FRAUD OR UNIVERSAL PRODUCT CODE FRAUD IN
24 THE FIRST DEGREE.

25 A PERSON IS GUILTY OF RETAIL SALES RECEIPT FRAUD OR UNIVERSAL PRODUCT
26 CODE FRAUD IN THE FIRST DEGREE WHEN, WITH INTENT TO DECEIVE OR DEFRAUD A
27 PERSON OR PERSONS ENGAGED IN THE RETAIL SALE OF GOODS OR SERVICES, HE OR
28 SHE USES, TRANSFERS, MAKES, ALTERS, COUNTERFEITS OR REPRODUCES FIFTEEN
29 OR MORE RETAIL SALES RECEIPTS OR UNIVERSAL PRODUCT CODES OR COMBINATION
30 THEREOF KNOWING SUCH TO BE COUNTERFEIT.

31 (1) THE TERM "RETAIL SALES RECEIPT" SHALL MEAN ANY HANDWRITTEN OR
32 MACHINE OR COMPUTER PRODUCED DOCUMENT AS PROPERLY ISSUED BY A RETAILER
33 TO ACKNOWLEDGE PAYMENT RECEIVED BY A CUSTOMER.

34 (2) THE TERM "UNIFORM PRODUCT CODE LABEL" SHALL MEAN ANY BAR CODE OR
35 OTHER CODING SYSTEM DESIGNED TO BE READ BY COMPUTER WHICH CONTAINS PRIC-
36 ING INFORMATION AND OTHER RELATED INFORMATION USED BY A RETAILER AND
37 READ BY A COMPUTER AT POINT OF PURCHASE FOR PURPOSES OF ESTABLISHING THE
38 SALE PRICE OF A GOOD.

39 RETAIL SALES RECEIPT FRAUD OR UNIVERSAL PRODUCT CODE FRAUD IN THE
40 FIRST DEGREE IS A CLASS E FELONY.

41 S 165.82 POSSESSION OF A FRAUDULENT RETAIL SALES RECEIPT OR UNIVERSAL
42 PRODUCT CODE MANUFACTURING DEVICE.

43 A PERSON IS GUILTY OF POSSESSION OF A FRAUDULENT RETAIL SALES RECEIPT
44 OR UNIVERSAL PRODUCT CODE MANUFACTURING DEVICE WHEN, WITH INTENT TO
45 DECEIVE OR DEFRAUD A PERSON OR PERSON ENGAGED IN THE RETAIL SALE OF
46 GOODS OR SERVICES, HE OR SHE POSSESSES A DEVICE THAT MANUFACTURES FRAU-
47 DULENT RETAIL SALES RECEIPTS OR UNIVERSAL PRODUCT CODE LABELS.

48 (1) THE TERM "RETAIL SALES RECEIPT" SHALL MEAN ANY HANDWRITTEN OR
49 MACHINE OR COMPUTER PRODUCED DOCUMENT AS PROPERLY ISSUED BY A RETAILER
50 TO ACKNOWLEDGE PAYMENT RECEIVED BY A CUSTOMER.

51 (2) THE TERM "UNIFORM PRODUCT CODE LABEL" SHALL MEAN ANY BAR CODE OR
52 OTHER CODING SYSTEM DESIGNED TO BE READ BY COMPUTER WHICH CONTAINS PRIC-
53 ING INFORMATION AND OTHER RELATED INFORMATION USED BY A RETAILER AND
54 READ BY A COMPUTER AT POINT OF PURCHASE FOR PURPOSES OF ESTABLISHING THE
55 SALE PRICE OF A GOOD.

1 POSSESSION OF A FRAUDULENT RETAIL SALES RECEIPT OR UNIVERSAL PRODUCT
2 CODE MANUFACTURING DEVICE IS A CLASS E FELONY.
3 S 3. This act shall take effect on the first of November next succeed-
4 ing the date on which it shall have become a law.