

STATE OF NEW YORK

2489

2025-2026 Regular Sessions

IN SENATE

January 21, 2025

Introduced by Sen. ASHBY -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the executive law, in relation to designating restaurants as qualified businesses for the purposes of the commercial security tax credit program

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraphs (b), (c) and (d) of subdivision 1, paragraph (b)
2 of subdivision 2, and paragraph (a) of subdivision 5 of section 845-e of
3 the executive law, as added by section 1 of part E of chapter 59 of the
4 laws of 2024, are amended to read as follows:

5 (b) "Qualified business" means a business with fifty or fewer total
6 employees that operates one or more physical retail or restaurant busi-
7 ness locations open to the public in New York state that incurs costs
8 related to protection against retail or restaurant theft of goods
9 through retail or restaurant theft prevention measures.

10 (c) "Qualified retail or restaurant theft prevention measure expenses"
11 means any combination of retail or restaurant theft prevention measure
12 costs paid or incurred by a qualified business during the taxable year
13 that cumulatively exceed four thousand dollars for a qualified business
14 with twenty-five or fewer total employees or six thousand dollars for a
15 qualified business with more than twenty-five employees for each New
16 York retail or restaurant location.

17 (d) "Retail or restaurant theft prevention measure" means (i) the use
18 of security officers as defined in paragraph (e) of this subdivision,
19 (ii) security cameras, (iii) perimeter security lighting, (iv) interior
20 or exterior locking or hardening measures, (v) alarm systems, (vi)
21 access control systems, or (vii) other appropriate anti-theft devices as
22 determined by the division to be eligible under this section.

23 (b) have qualified retail or restaurant theft prevention measure
24 expenses that exceed four thousand dollars for a qualified business with

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

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1 twenty-five or fewer total employees or six thousand dollars for a qual-
2 ified business with more than twenty-five employees for each New York
3 retail or restaurant location during the taxable year;

4 (a) For taxable years beginning on or after January first, two thou-
5 sand twenty-four and before January first, two thousand twenty-six, a
6 business entity in the commercial security tax credit program that meets
7 the eligibility requirements of subdivision two of this section may be
8 eligible to claim a credit equal to three thousand dollars for each
9 retail or restaurant location of the business entity located in New York
10 state.

11 § 2. This act shall take effect immediately and shall apply to taxable
12 years beginning on or after January 1, 2025.