

1276

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. PHEFFER -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to the possession of anti-security items

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

1 Section 1. Section 155.30 of the penal law is amended by adding a new  
2 subdivision 12 to read as follows:

3 12. THE PROPERTY IS TAKEN BY A PERSON WHO IS IN POSSESSION OF AN  
4 ANTI-SECURITY ITEM. FOR THE PURPOSES OF THIS SUBDIVISION AN "ANTI-SECUR-  
5 ITY ITEM" IS DEFINED AS AN ITEM DESIGNED FOR THE PURPOSE OF OVERCOMING  
6 DETECTION OF SECURITY MARKINGS OR ATTACHMENTS PLACED ON PROPERTY OFFERED  
7 FOR SALE AT SUCH AN ESTABLISHMENT.

8 S 2. Section 170.47 of the penal law, as added by chapter 580 of the  
9 laws of 1983, is amended to read as follows:

10 S 170.47 Criminal possession of an anti-security item.

11 A person is guilty of criminal possession of an anti-security item,  
12 when with intent to steal property at a retail mercantile establishment  
13 as defined in article twelve-B of the general business law, he knowingly  
14 possesses in such an establishment an item designed for the purpose of  
15 overcoming detection of security markings or attachments placed on prop-  
16 erty offered for sale at such an establishment.

17 Criminal possession of an anti-security item is a class [B] A misde-  
18 meanor.

19 S 3. This act shall take effect on the first of November next succeed-  
20 ing the date on which it shall have become a law.

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

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