

10327

I N A S S E M B L Y

May 22, 2012

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

AN ACT to amend the general business law and the penal law, in relation
to organized retail theft using an emergency exit

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 a new section
2 393-e to read as follows:
3 S 393-E. ORGANIZED RETAIL THEFT USING AN EMERGENCY EXIT. A PERSON IS
4 GUILTY OF ORGANIZED RETAIL THEFT USING AN EMERGENCY EXIT WHEN THE PROP-
5 ERTY IS STOLEN FROM A RETAIL MERCANTILE ESTABLISHMENT AND, TO FACILITATE
6 THE THEFT, THE PERSON LEAVES THE RETAIL MERCANTILE ESTABLISHMENT WITH
7 SUCH PROPERTY BY USE OF A DESIGNATED EMERGENCY EXIT. FOR THE PURPOSES OF
8 THIS SECTION, THE TERM "RETAIL MERCANTILE ESTABLISHMENT" SHALL MEAN A
9 PLACE WHERE GOODS, WARES, OR MERCHANDISE ARE OFFERED TO THE PUBLIC FOR
10 SALE.
11 ORGANIZED RETAIL THEFT USING AN EMERGENCY EXIT IS A CLASS E FELONY.
12 S 2. Section 155.30 of the penal law is amended by adding a new subdi-
13 vision 12 to read as follows:
14 12. THE PROPERTY IS STOLEN FROM A RETAIL MERCANTILE ESTABLISHMENT AND,
15 TO FACILITATE THE THEFT, THE PERSON LEAVES THE RETAIL MERCANTILE ESTAB-
16 LISHMENT WITH SUCH PROPERTY BY USE OF A DESIGNATED EMERGENCY EXIT. FOR
17 THE PURPOSES OF THIS SUBDIVISION, THE TERM "RETAIL MERCANTILE ESTABLISH-
18 MENT" SHALL MEAN A PLACE WHERE GOODS, WARES, OR MERCHANDISE ARE OFFERED
19 TO THE PUBLIC FOR SALE.
20 S 3. This act shall take effect on the first of November next succeed-
21 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.

LBD15280-04-2