S T A T E O F N E W Y O R K

3660

2011-2012 Regular Sessions

I N S E N A T E

March 1, 2011

Introduced by Sens. GRIFFO, GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to authorizing distribution of seized counterfeit goods to the needy after permanent alteration of the items

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

Section 1. Section 165.74 of the penal law, as amended by chapter 535 of the laws of 1995, is amended to read as follows:

S 165.74 Seizure and destruction of goods bearing counterfeit trademarks.

Any goods manufactured, sold, offered for sale, distributed or produced in violation of this article may be seized by any police officer. The magistrate must, within forty-eight hours after arraignment of the defendant, determine whether probable cause exists to believe that the goods had been manufactured, sold, offered for sale, distributed or produced in violation of this article, and upon a finding that probable cause exists to believe that the goods had been manufactured, sold, offered for sale, distributed, or produced in violation of this article, the court shall authorize such articles to be retained as evidence pending the trial of the defendant. Upon conviction of the defendant, the articles in respect whereof the defendant stands convicted shall be destroyed. Destruction shall not include auction, sale or distribution of the items in their original form BUT MAY INCLUDE DISTRIBUTION TO A CHARITABLE ORGANIZATION FOR FREE DISTRIBUTION TO THE NEEDY ONCE THERE HAS BEEN PERMANENT ALTERATION OF THE ITEMS SO THAT THEY CANNOT BE MISTAKEN FOR THE AUTHENTIC ITEMS BY EITHER THE GENERAL PUBLIC OR A RETAIL MERCHANT.

S 2. This act shall take effect immediately.

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

LBD09412-01-1