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

7370

I N S E N A T E

May 2, 2012

Introduced by Sen. FUSCHILLO -- 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 establishing crimes relating to false receipts and universal product code labels

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

Section 1. The penal law is amended by adding three new sections 165.80, 165.81 and 165.82 to read as follows:

S 165.80 DEFINITIONS; APPLICATION TO OFFENSES REGARDING RETAIL SALES RECEIPTS AND UNIVERSAL PRODUCT CODE LABELS.

AS USED IN SECTIONS 165.81 AND 165.82 OF THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

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

2. THE TERM "UNIFORM PRODUCT CODE LABEL" SHALL MEAN ANY BAR CODE OR OTHER CODING SYSTEM DESIGNED TO BE READ BY COMPUTER WHICH CONTAINS PRICING INFORMATION AND OTHER RELATED INFORMATION USED BY A RETAILER AND READ BY A COMPUTER AT A POINT OF PURCHASE FOR PURPOSES OF ESTABLISHING THE SALE PRICE OF A GOOD.

S 165.81 RETAIL SALES RECEIPT OR UNIVERSAL PRODUCT CODE FRAUD IN THE SECOND DEGREE.

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

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

S 165.82 RETAIL SALES RECEIPT OR UNIVERSAL PRODUCT CODE FRAUD IN THE FIRST DEGREE.

A PERSON IS GUILTY OF RETAIL SALES RECEIPT OR UNIVERSAL PRODUCT CODE FRAUD IN THE FIRST DEGREE WHEN, WITH INTENT TO DECEIVE OR DEFRAUD A PERSON OR PERSONS ENGAGED IN THE RETAIL SALE OF GOODS OR SERVICES, HE OR

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

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SHE USES, TRANSFERS, MAKES, ALTERS, COUNTERFEITS OR REPRODUCES FIFTEEN OR MORE RETAIL SALES RECEIPTS OR UNIVERSAL PRODUCT CODES OR COMBINATION THEREOF KNOWING SUCH TO BE COUNTERFEIT.

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

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.