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

8229

2013-2014 Regular Sessions

I N A S S E M B L Y

October 30, 2013

Introduced by M. of A. DINOWITZ -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to the sale of wireless communications devices; and to amend the penal law, in relation to possession of five or more stolen wireless communications devices by a business

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

Section 1. The general business law is amended by adding a new section 392-aa to read as follows:

S 392-AA. SALE OF WIRELESS COMMUNICATIONS DEVICES. 1. NO PERSON, FIRM OR OTHER BUSINESS ENTITY, OR AGENT OR EMPLOYEE THEREOF, ENGAGED IN THE SALE OF WIRELESS COMMUNICATIONS DEVICES IN THE NORMAL COURSE OF BUSINESS SHALL SELL, TRANSFER OR GIVE SUCH A DEVICE TO ANOTHER PERSON UNLESS IT PRINTS UPON THE WRITTEN SALES RECEIPT FOR SUCH DEVICE RECEIVED BY SUCH PERSON AND A RECEIPT THAT IS SENT ELECTRONICALLY TO SUCH PERSON THE SERIAL NUMBER AND INTERNATIONAL MOBILE EQUIPMENT IDENTIFIER THAT IS UNIQUE TO THE DEVICE.

2. FOR THE PURPOSES OF THIS SECTION, "WIRELESS COMMUNICATIONS DEVICE" SHALL HAVE THE SAME MEANING AS PROVIDED IN SUBDIVISION NINE OF SECTION THREE HUNDRED ONE OF THE COUNTY LAW.

3. THE FIRST VIOLATION OF THE PROVISIONS OF THIS SECTION SHALL BE PUNISHABLE BY A FINE OF NOT MORE THAN FIVE HUNDRED DOLLARS; AND A FINE OF NOT MORE THAN SEVEN HUNDRED FIFTY DOLLARS, A SENTENCE OF IMPRISONMENT FOR NOT MORE THAN THIRTY DAYS, OR BOTH SUCH FINE AND IMPRISONMENT FOR A SECOND OR SUBSEQUENT CONVICTION OF SUCH A VIOLATION WITHIN ONE YEAR.

S 2. Section 165.55 of the penal law is amended by adding a new subdivision 5 to read as follows:

5. (A) A PERSON, FIRM OR OTHER BUSINESS ENTITY OR AGENT OR EMPLOYEE THEREOF, ENGAGED IN THE SALE OF WIRELESS COMMUNICATIONS DEVICES IN THE NORMAL COURSE OF BUSINESS, WHO POSSESSES STOLEN PROPERTY, COMPRISED OF

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

LBD11810-09-3

FIVE OR MORE WIRELESS COMMUNICATIONS DEVICES, IS PRESUMED TO KNOWINGLY POSSESS STOLEN PROPERTY, WHEN SUCH PERSON, FIRM OR OTHER BUSINESS ENTITY, IS UNABLE TO PRODUCE REASONABLE OR COMMERCIALLY ACCEPTABLE PROOF OF THE ORIGIN OF SUCH DEVICES FROM THE MANUFACTURERS OR DISTRIBUTORS OR THE RETAIL SELLERS, OR THE PRIOR LAWFUL OWNERS OF THE DEVICES, OR A WRITTEN RECEIPT FROM THE RETAIL SELLERS OR PRIOR LAWFUL OWNERS OF THE DEVICES.

(B) FOR THE PURPOSES OF THIS SUBDIVISION, "WIRELESS COMMUNICATIONS DEVICE" SHALL HAVE THE SAME MEANING AS PROVIDED IN SUBDIVISION NINE OF SECTION THREE HUNDRED ONE OF THE COUNTY LAW.

S 3. This act shall take effect on the ninetieth day after it shall have become a law.