

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. FUSCHILLO, LAVALLE, RANZENHOFER -- 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:

1 Section 1. The penal law is amended by adding three new sections
2 165.80, 165.81 and 165.82 to read as follows:
3 S 165.80 DEFINITIONS; APPLICATION TO OFFENSES REGARDING RETAIL SALES
4 RECEIPTS AND UNIVERSAL PRODUCT CODE LABELS.
5 AS USED IN SECTIONS 165.81 AND 165.82 OF THIS ARTICLE, THE FOLLOWING
6 TERMS SHALL HAVE THE FOLLOWING MEANINGS:
7 1. THE TERM "RETAIL SALES RECEIPT" SHALL MEAN ANY HANDWRITTEN OR
8 MACHINE OR COMPUTER PRODUCED DOCUMENT AS PROPERLY ISSUED BY A RETAILER
9 TO ACKNOWLEDGE PAYMENT RECEIVED FROM A CUSTOMER.
10 2. THE TERM "UNIFORM PRODUCT CODE LABEL" SHALL MEAN ANY BAR CODE OR
11 OTHER CODING SYSTEM DESIGNED TO BE READ BY COMPUTER WHICH CONTAINS PRIC-
12 ING INFORMATION AND OTHER RELATED INFORMATION USED BY A RETAILER AND
13 READ BY A COMPUTER AT A POINT OF PURCHASE FOR PURPOSES OF ESTABLISHING
14 THE SALE PRICE OF A GOOD.
15 S 165.81 RETAIL SALES RECEIPT OR UNIVERSAL PRODUCT CODE FRAUD IN THE
16 SECOND DEGREE.
17 A PERSON IS GUILTY OF RETAIL SALES RECEIPT OR UNIVERSAL PRODUCT CODE
18 FRAUD IN THE SECOND DEGREE WHEN, WITH INTENT TO DECEIVE OR DEFRAUD A
19 PERSON OR PERSONS ENGAGED IN THE RETAIL SALE OF GOODS OR SERVICES, HE OR
20 SHE USES, TRANSFERS, MAKES, ALTERS, COUNTERFEITS OR REPRODUCES A RETAIL
21 SALES RECEIPT OR UNIVERSAL PRODUCT CODE KNOWING SUCH TO BE COUNTERFEIT.
22 RETAIL SALES RECEIPT OR UNIVERSAL PRODUCT CODE FRAUD IN THE SECOND
23 DEGREE IS A CLASS A MISDEMEANOR.

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

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

3 A PERSON IS GUILTY OF RETAIL SALES RECEIPT OR UNIVERSAL PRODUCT CODE
4 FRAUD IN THE FIRST DEGREE WHEN, WITH INTENT TO DECEIVE OR DEFRAUD A
5 PERSON OR PERSONS ENGAGED IN THE RETAIL SALE OF GOODS OR SERVICES, HE OR
6 SHE USES, TRANSFERS, MAKES, ALTERS, COUNTERFEITS OR REPRODUCES FIFTEEN
7 OR MORE RETAIL SALES RECEIPTS OR UNIVERSAL PRODUCT CODES OR COMBINATION
8 THEREOF KNOWING SUCH TO BE COUNTERFEIT.

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

11 S 2. This act shall take effect on the first of November next succeed-
12 ing the date on which it shall have become a law.