

1508

2013-2014 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 9, 2013

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

AN ACT to amend the penal law, in relation to establishing crimes relat-  
ing to false receipts and universal product code labels

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, 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.

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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.