

# STATE OF NEW YORK

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5197

2017-2018 Regular Sessions

## IN ASSEMBLY

February 6, 2017

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Introduced by M. of A. CRESPO -- read once and referred to the Committee on Economic Development

AN ACT to amend the alcoholic beverage control law, in relation to authorizing licensees to confiscate any written evidence of age, which is false, fraudulent or not the presenter's own, offered for the purpose of purchasing an alcoholic beverage

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 2 of section 65-b of the alcoholic beverage  
2 control law is amended by adding a new paragraph (d) to read as follows:

3 (d) (i) In any instance in which a person presents or offers, to a  
4 licensee, or to an agent or employee of such licensee, written evidence  
5 of age which, such licensee, agent or employee reasonably believes to be  
6 false or fraudulent, for the purpose of purchasing or attempting to  
7 purchase an alcoholic beverage, such licensee, agent or employee may  
8 immediately confiscate and take possession of such written evidence of  
9 age.

10 (ii) Within twenty-four hours of taking possession of such written  
11 evidence of age, a licensee shall deliver such written evidence of age  
12 to a law enforcement agency having jurisdiction over the location of the  
13 licensed premises.

14 (iii) Each law enforcement agency taking possession of such written  
15 evidence of age pursuant to this paragraph shall determine the authen-  
16 ticity of the written evidence. If such written evidence of age is  
17 determined to be bona fide and authentic, it shall be returned to the  
18 rightful holder thereof, in person or by first class mail within twen-  
19 ty-four hours of such determination. If it is determined to be false or  
20 fraudulent, the written evidence of age shall be retained by such law  
21 enforcement agency and may be destroyed no earlier than one year after  
22 receipt of such written evidence.

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

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1     (iv) Any person who has had his or her written evidence of age confis-  
2 cated pursuant to this paragraph may petition, in writing, the law  
3 enforcement agency having possession thereof for its return. The law  
4 enforcement agency shall accept such an application for returning such  
5 written evidence and render a determination on such application within  
6 forty-eight hours of the receipt of such application. If such written  
7 evidence is determined to be bona fide and authentic, it shall be  
8 returned to the owner thereof within twenty-four hours of such determi-  
9 nation.

10    (v) No licensee, or agent or employee thereof, shall incur any civil  
11 or criminal liability for the confiscation of any written evidence of  
12 age pursuant to this paragraph, unless it is established that such  
13 confiscation constituted gross negligence by the licensee, agent or  
14 employee.

15    § 2. This act shall take effect on the first of January next succeed-  
16 ing the date on which it shall have become a law.