

# STATE OF NEW YORK

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5197--A

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 -- recommitted to the Committee on Economic Development in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 an 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 believes with moral  
6 certainty to be false or fraudulent, for the purpose of purchasing or  
7 attempting to purchase an alcoholic beverage, such licensee, agent or  
8 employee may immediately confiscate and take possession of such written  
9 evidence of age for a period of time up to two hours.

10 (ii) If such written evidence is not redeemed by such holder within  
11 forty-eight hours of taking possession of such written evidence of age,  
12 a licensee shall deliver such written evidence of age to the local law  
13 enforcement agency having jurisdiction over the location of the licensed  
14 premises.

15 (iii) Each law enforcement agency taking possession of such written  
16 evidence of age pursuant to this paragraph shall determine the authen-  
17 ticity of the written evidence. If such written evidence of age is  
18 determined to be bona fide and authentic, it shall be returned to the  
19 rightful holder thereof, in person or by first class mail within twen-  
20 ty-four hours of such determination. If it is determined to be false or

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

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1 fraudulent, the written evidence of age shall be retained by such law  
2 enforcement agency and may be destroyed no earlier than one year after  
3 receipt of such written evidence.

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

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

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