

STATE OF NEW YORK

5448

2017-2018 Regular Sessions

IN ASSEMBLY

February 9, 2017

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

AN ACT to amend the penal law, in relation to establishing the crimes of possession of a counterfeit trademark in the first, second and third degrees

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
2 165.75, 165.76 and 165.77 to read as follows:

3 § 165.75 Possession of a counterfeit trademark in the third degree.

4 A person is guilty of possession of a counterfeit trademark in the
5 third degree when, with the intent to deceive or defraud some other
6 person or with the intent to evade a lawful restriction on the sale,
7 resale, offering for sale, or distribution of goods, he or she possesses
8 a counterfeit trademark knowing it to be counterfeit for the purpose of
9 affixing it to any goods.

10 Possession of a counterfeit trademark in the third degree is a class A
11 misdemeanor.

12 § 165.76 Possession of a counterfeit trademark in the second degree.

13 A person is guilty of possession of a counterfeit trademark in the
14 second degree when, with the intent to deceive or defraud some other
15 person or with the intent to evade a lawful restriction on the sale,
16 resale, offering for sale, or distribution of goods, he or she possesses
17 more than one hundred counterfeit trademarks knowing them to be counter-
18 feit for the purpose of affixing them to any goods.

19 Possession of a counterfeit trademark in the second degree is a class
20 E felony.

21 § 165.77 Possession of a counterfeit trademark in the first degree.

22 A person is guilty of possession of a counterfeit trademark in the
23 first degree when, with the intent to deceive or defraud some other
24 person or with the intent to evade a lawful restriction on the sale,

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

LBD09535-01-7

1 resale, offering for sale, or distribution of goods, he or she possesses
2 more than one thousand counterfeit trademarks knowing them to be coun-
3 terfeit for the purpose of affixing them to any goods.

4 Possession of a counterfeit trademark in the first degree is a class C
5 felony.

6 § 2. This act shall take effect on the first of November next succeed-
7 ing the date on which it shall have become a law.