

STATE OF NEW YORK

6810

2023-2024 Regular Sessions

IN ASSEMBLY

May 8, 2023

Introduced by M. of A. DINOWITZ -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to establishing the office of organized retail theft

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

1 Section 1. The executive law is amended by adding a new section 70-d
2 to read as follows:

3 § 70-d. Office of organized retail theft. 1. There shall be estab-
4 lished within the department of law an office of organized retail theft.
5 Notwithstanding any other provision of law, the office of organized
6 retail theft shall receive and investigate complaints from any source,
7 or upon its own initiative, of allegations involving the use and role of
8 organized retail theft in facilitating acts as described in this subdi-
9 vision and, if warranted, prosecute any alleged criminal offense or
10 offenses committed by a person or a retail theft organization, including
11 but not limited to how such organization procures and/or steals property
12 from retailers; trains a person to procure and/or steal property from
13 retailers; resells stolen property and solicits buyers for such stolen
14 property, including but not limited to physical and internet systems of
15 resale; transfers and stores such stolen property; conceals funds
16 related to the resale of stolen property or other funds associated,
17 generated, and/or procured from illicit means related to organized
18 retail theft; and how proceeds from the resale of stolen property are
19 reinvested and used by such organization. Additionally, the office of
20 organized retail theft may communicate and consult with businesses
21 impacted or at risk to be targeted by organized retail theft, in a
22 manner prescribed by such office.

23 2. The office of organized retail theft may request and receive from
24 the division of homeland security and emergency services, the division
25 of state police, and from every department, division, board, bureau,

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

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1 commission or other agency of the state, or of any political subdivision
2 thereof, cooperation and assistance in the performance of its duties.
3 Additionally, the office of organized retail theft may provide technical
4 and other assistance to any district attorney or other local law
5 enforcement official requesting such assistance in the investigation or
6 prosecution of cases involving offenses described in subdivision one of
7 this section.

8 3. The office of organized retail theft may determine that a referral
9 to an appropriate federal, state or local law enforcement agency is
10 necessary, and may assist in such investigations, if requested by a
11 federal, state, or local law enforcement agency in their efforts to
12 counter the offenses described in subdivision one of this section.

13 4. In connection with the offenses described in subdivision one of
14 this section, the office of organized retail theft shall conduct an
15 investigation, which shall include but not be limited to: (a) gathering
16 and analyzing evidence; (b) conducting witness interviews; (c) reviewing
17 and commissioning any necessary investigative and scientific reports;
18 and (d) reviewing audio and video recordings. The office of organized
19 retail theft shall be empowered to subpoena witnesses, compel their
20 attendance, examine them under oath before such office or a magistrate
21 and require that any books, records, documents or papers relevant or
22 material to the inquiry be turned over to such office for inspection,
23 examination or audit, pursuant to the civil practice law and rules, in
24 connection with such offenses described in subdivision one of this
25 section.

26 5. The attorney general shall designate a deputy attorney general for
27 organized retail theft to exercise the powers and duties of the office
28 of retail theft, who shall be in the exempt class of the civil service.
29 The deputy attorney general may designate deputies or assistants, who
30 shall be in the exempt class of the civil service, as necessary and
31 appropriate. The other employees of the office of organized retail theft
32 within the department of law, who are not otherwise exempt, shall all be
33 in the competitive class of the civil service and shall be considered
34 for purposes of article fourteen of the civil service law to be public
35 employees in the civil service of the state, and shall be assigned to
36 the appropriate collective bargaining unit. Employees serving in posi-
37 tions in newly created titles shall be assigned to the same collective
38 bargaining units as they would have been assigned to if such titles were
39 created prior to the establishment of the office of organized retail
40 theft within the department of law pursuant to this section. The deputy
41 attorney general for organized retail theft may appear and conduct
42 proceedings in person or by his or her deputy or assistant before any
43 court or grand jury in connection with proceedings under this section.

44 6. One year after this section takes effect, and annually thereafter,
45 the office of organized retail theft shall issue a report, which shall
46 be made available to the public and posted on the website of the depart-
47 ment of law, which shall summarize the activities of the office of
48 organized retail theft and recommend specific changes to state law to
49 further the investigations and prosecutions of the office of organized
50 retail theft.

51 7. The office of organized retail theft may perform any other func-
52 tions and duties that are necessary or appropriate to fulfill the duties
53 and responsibilities of such office.

54 § 2. Severability. If any clause, sentence, paragraph, subdivision,
55 section or part of this act shall be adjudged by any court of competent
56 jurisdiction to be invalid, such judgment shall not affect, impair, or

1 invalidate the remainder thereof, but shall be confined in its operation
2 to the clause, sentence, paragraph, subdivision, section or part thereof
3 directly involved in the controversy in which such judgment shall have
4 been rendered. It is hereby declared to be the intent of the legislature
5 that this act would have been enacted even if such invalid provisions
6 had not been included herein.

7 § 3. This act shall take effect two years after it shall have become a
8 law.