STATE OF NEW YORK

5458

2025-2026 Regular Sessions

IN SENATE

February 21, 2025

Introduced by Sens. COMRIE, SCARCELLA-SPANTON -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

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:

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

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

2. The office of organized retail theft may request and receive from the division of homeland security and emergency services, the division 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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commission or other agency of the state, or of any political subdivision thereof, cooperation and assistance in the performance of its duties. Additionally, the office of organized retail theft may provide technical and other assistance to any district attorney or other local law enforcement official requesting such assistance in the investigation or prosecution of cases involving offenses described in subdivision one of this section.

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

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

5. The attorney general shall designate a deputy attorney general for organized retail theft to exercise the powers and duties of the office of retail theft, who shall be in the exempt class of the civil service. The deputy attorney general may designate deputies or assistants, who shall be in the exempt class of the civil service, as necessary and appropriate. The other employees of the office of organized retail theft within the department of law, who are not otherwise exempt, shall all be in the competitive class of the civil service and shall be considered for purposes of article fourteen of the civil service law to be public employees in the civil service of the state, and shall be assigned to the appropriate collective bargaining unit. Employees serving in positions in newly created titles shall be assigned to the same collective bargaining units as they would have been assigned to if such titles were created prior to the establishment of the office of organized retail theft within the department of law pursuant to this section. The deputy attorney general for organized retail theft may appear and conduct proceedings in person or by their deputy or assistant before any court or grand jury in connection with proceedings under this section.

6. One year after this section takes effect, and annually thereafter, the office of organized retail theft shall issue a report, which shall be made available to the public and posted on the website of the department of law, which shall summarize the activities of the office of organized retail theft and recommend specific changes to state law to further the investigations and prosecutions of the office of organized retail theft.

7. The office of organized retail theft may perform any other functions and duties that are necessary or appropriate to fulfill the duties and responsibilities of such office.

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

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

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