



NEW YORK STATE SENATOR

John C. Liu

State Senator John Liu announces new laws to protect business owners against retail theft

JOHN C. LIU April 29, 2024

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Flushing, NY – State Senator John Liu today joined with the small business owners in downtown Flushing to announce new laws passed in the state budget that will protect business owners and workers against retail theft. The adopted FY 25 budget creates four new

laws to address the post-pandemic surge in shoplifting incidents across the state. Statistics show that while other crime rates were declining, retail thefts continued to rise about 81 percent leading businesses to call for greater protections from shoplifting. The new laws include the following:

- **Commercial Security Tax Credit Program** - Small business tax credit for businesses with 50 employees who incur costs for security measures like cameras to protect against retail theft. Qualified expenses include any combination of retail theft prevention measure costs paid or incurred exceeding \$4,000 for a company with 25 or fewer employees or \$6,000 for companies with 25 or more employees. This includes security officers, cameras, perimeter lighting, interior or exterior locking or hardening measures, alarms systems, access control systems or other anti-theft devices.
- **Aggregate larceny charges** - Prosecutors are now allowed to combine multiple petit larceny retail theft charges to get to grand larceny. Petit larceny is a misdemeanor valued below \$1,000 whereas felony grand larceny exceeds \$1,000. This would allow for repeat offenders to be charged for the total value they have stolen over time.
- **Foster the sale of stolen goods** - Shoplifters can be charged with fostering the sale of stolen goods if they sell what they stole.

- **Felony assault of a retail worker** - Assaulting a retail worker is now considered a felony if they cause physical injury.

State Senator John Liu stated, “Our small business community has been relentlessly dogged by shoplifters in recent years, and the state legislature made sure to provide new protections in this year’s budget that will offer financial relief and additional security. Retail theft has led many stores to lock up their goods, affecting not only the customer experience, but their bottom line. These new protections in the state budget look to shift the power back into the hands of our business owners and shoppers, and I’m grateful to my colleagues in the legislature for fighting on behalf of our retail workers and business community.”

State Senator Shelley B. Mayer stated, “I am proud New York is taking action to address the challenge of persistent retail theft by establishing new laws that provide prosecutors and police with the tools to crack down on retail theft, keep New Yorkers safe, and provide small businesses with resources to support their stores. I am particularly pleased that the language I introduced to aggregate the cost of stolen goods over multiple offenses was included, so repeat offenders can be charged properly for the magnitude of their crimes. I thank my colleagues and law enforcement for their commitment to addressing these challenges and protecting New Yorkers.”

Senator Brad Hoylman-Sigal stated, “Shoplifting and organized retail theft have plagued countless small businesses in my district and across New York City. While penalties previously existed for possessing stolen goods, until now there was no specific law that targeted fencing through reselling stolen items online. With the inclusion of our bill (S1644) to establish a criminal offense for fostering the sale of stolen goods, we’ve given our district attorneys an important tool to tackle this growing problem. I’m grateful to Governor Hochul,

Senate Majority Leader Stewart-Cousins, Manhattan District Attorney Bragg and Assembly Sponsor Rosenthal for their support of this important legislation.”

U.S. Rep. Grace Meng stated, “In Congress, I have championed efforts to provide small businesses with the resources they need to succeed. We must also ensure that the necessary tools are available to combat retail theft and I’m glad to see that this issue is addressed in New York State’s new budget. Thank you to the state legislature for cracking down on this problem.”

Council Member Sandra Ung stated, “The recent surge in brazen thefts in our stores and attacks on retail workers not only threatens the livelihoods of our hard working entrepreneurs, but also compromises the safety and security of our communities, including right here in downtown Flushing. These measures passed by the New York State legislature represent a crucial step forward in safeguarding our retail corridors and ensuring a thriving environment for businesses to flourish. Every New Yorker deserves the opportunity to work and shop without fear or intimidation.”

Dian Yu, Executive Director of the Flushing Business Improvement District stated, “As a hub for commerce and transit, we welcome new laws to protect small businesses. Finally, merchants can focus on their operations and grow.”

Queens Chamber of Commerce President and CEO Tom Grech stated, “We applaud the Governor and the legislature for listening to the concerns of small business owners, and taking action to curb retail theft. By enhancing protections for retail workers, improving accountability and offering a tax break so businesses can upgrade their security systems, this year's budget supports businesses, workers and consumers here in Queens throughout the state. We thank our legislative leaders for their leadership on this issue, and for being a steadfast champion of small businesses.”

Jing Jing Bao, General Manager of US 1 Supermarket stated, “Our business opened only three years ago, and we are very proud of the role we play in contributing to a healthy and economically strong community. Shoplifting and retail theft has affected our business in too many ways, so we are very thankful that our state lawmakers have acted decisively to protect business in New York.”