



NEW YORK STATE SENATOR

Shelley B. Mayer

State Senate Majority Leader Andrea Stewart-Cousins and State Senator Shelley Mayer Announce New Laws to Combat Retail Theft and Crack Down on Illicit Cannabis Shops in Adopted State Budget

SENATOR SHELLEY B. MAYER April 23, 2024

| ISSUE: **CRIME, RETAIL THEFT, CANNABIS**

(Yonkers, NY) – New York State Majority Leader Andrea Stewart-Cousins and Senator Shelley B. Mayer announced today that the FY 2024-2025 New York State Budget provides resources to police, prosecutors and small businesses to combat retail theft and crack down on illicit cannabis shops. Included within the budget were the following new provisions:

Assault of a Retail Worker: Creates a new class E felony of assault of a retail worker. A person is guilty of assault on a retail worker if they cause physical injury to a person whose usual workplace is a retail establishment, while they are performing a task within the scope of their duties, with the intent of preventing them from performing said duties.

Larceny Aggregation: Allows prosecutors to aggregate the cost of stolen merchandise over multiple offenses if there is a single, ongoing criminal intent. A person found guilty with \$1,000 in total stolen value can be charged with larceny in the 4th degree, a class E felony; a person found guilty with \$3,000 in total stolen value can be charged with larceny in the 3rd degree, a class D felony; a person found guilty with \$50,000 in total stolen value can be charged with larceny in the 2nd degree, a class C felony; and when a person is found guilty of

\$1 million in stolen value they can be charged with larceny in the 1st degree, a class B felony.

Fostering the Sale of Stolen Goods: Creates the crime of fostering the sale of a stolen good; a class A misdemeanor.

Tax Credits for Small Businesses: Provides a commercial security tax credit to businesses with 50 employees or fewer that have at least one physical retail location in New York State. Businesses with fewer than 25 employees are eligible to receive a tax credit if they spend more than \$4,000 on security expenses within the last year; and businesses with more than 25 employees are eligible if they spend more than \$6,000. Eligible businesses can claim up to \$3,000 per location.

Shutting Down Illicit Cannabis Shops: Provides new tools for local governments to establish their own local laws to shut down illicit cannabis stores, seize products and impose civil penalties.

Majority Leader Stewart-Cousins and Senator Mayer were joined by County Executive George Latimer, Yonkers Mayor Mike Spano, Deputy County Executive Ken Jenkins, and President of the Retail Council of New York, Melissa O'Connor.

Senate Majority Leader Andrea Stewart-Cousins said, “Through decisive action in the State Budget, we're equipping local law enforcement with the necessary resources to combat retail theft and eradicate illicit cannabis shops, safeguarding both our communities and our economy. These new measures affirm our commitment to protecting our local businesses and ensuring the safety of both retail workers and consumers. I am proud to have led the Senate in the passage of these budget measures, and to stand with Governor Hochul and Speaker Heastie in prioritizing the safety and prosperity of all New Yorkers.”

State Senator Shelley B. Mayer said, “I am proud New York is taking action to address the ongoing challenge of persistent retail theft and illicit cannabis sales. The budget passed this year provides prosecutors and police with the tools necessary to crack down on retail theft and illicit cannabis shops, keeping New Yorkers safe and giving businesses the tools necessary to support and grow their stores. I thank Majority Leader Stewart-Cousins for her leadership and dedication to protecting New Yorkers and I thank our local leaders and law enforcement for working with us to find the appropriate measures to address these challenges.”

Assemblymember Nader Sayegh said, “Passing the 2024-2025 New York State Budget with new legislation to combat retail theft and assault on retail workers sends a clear message: New York prioritizes the safety and prosperity of its neighborhoods. These new measures not only protect both small and large businesses from the economic strain of theft, but also safeguard consumers and employees, fostering an environment where everyone can thrive. With these new laws in place, New York is taking decisive action to protect and preserve our retail sector whilst ensuring that justice is served. I am happy to have joined my colleagues in both the Assembly and Senate in voting for this Budget and thank Governor Hochul for signing these bills into law. It is a step in the right direction to keep our communities safer and quality of life high.”

Assemblymember Gary Pretlow said, “I stand united with my fellow lawmakers in our endorsement of provisions within the 2024 state budget aimed at addressing larceny aggregation and safeguarding business owners and retail workers from assault. It is crucial to combat these incidents by aggregating stolen retail goods to meet a higher larceny threshold, thereby dissuading such offenses. Furthermore, elevating the offense of assaulting a retail worker from a misdemeanor to a felony will serve as a significant deterrent and enhance the protection of our valued workforce.”

Melissa O'Connor, President and CEO of the Retail Council of New York State said, "On behalf of thousands of stores in New York State, I want to thank the Legislature, Executive, district attorneys, and state and local police for listening to the concerns of business owners and employees. As a result of consistent collaboration among all stakeholders, including the Senate Majority Leader and Senator Mayer, New York will soon have new laws and related funding to address organized retail crime and habitual retail theft. The retail industry will continue our work with community leaders to ensure a safe shopping environment for all New Yorkers, including those in Westchester County."

Westchester County Executive George Latimer said, "I want to thank my partners in government for coming together to combat an issue we have all seen facing our communities. The retail thieves who are behind crime sprees like smash-and-grabs, or those trying to profit from the sale of stolen goods deserve to face harsher penalties. They are cheating not only store owners, but the hard-working people who pay for the goods they purchase. By the same token, our business owners and retail workers should receive the support of additional patrols and tax credits if they incur costs from further securing their stores. We want to back our retail community, help reestablish a sense of trust, and put an end to retail theft in Westchester County."

Yonkers Mayor Mike Spano said, "I commend State Senate Majority Leader Stewart-Cousins and State Senator Shelley Mayor for taking action on cracking down on illegal smoke shops. We have long advocated for better state regulation of cannabis. We are not against legalization but rather direct marketing to children and its impact on the quality of life of the residents of our City."

Yonkers Police Commissioner Christopher Sapienza said, "In Yonkers, we take the quality of life of our residents seriously. The Yonkers Police Department continues to aggressively combat all forms of retail theft and the unregulated sale of illegal marijuana, both of which are a

detriment to our local businesses, shoppers, and residents. Thank you to Senate Majority Leader Stewart-Cousins and Senator Mayer for advocating for these important resources that will aid our Police Department in continuing our success with these local issues.”

Westchester County District Attorney Miriam E. Rocah said, “We applaud the legislature for providing necessary updates to the laws that will help prosecutors across the state hold individuals accountable for retail theft, which has greatly impacted businesses, merchants, workers and shoppers.”

Michael O’Meara, President of the Police Conference of New York, said, “The Police Conference of New York, the largest police organization in New York, with many members who live and work in Westchester County, would like to commend Senator Shelley Mayer, and her colleagues in the Senate, for making positive common sense changes to our laws to combat the ongoing scourge of retail theft, and assaults on retail workers. Senator Mayer has proven once again that the safety and well-being of the citizens of New York are her top priority. We thank Senator Mayer for taking positive steps in tackling some of New York’s most pressing issues and ensuring the safety of those that live and work here.”

You can watch the press conference [here](#).