



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

Fuschillo Bill to Create Stronger Penalties for Professional Shoplifters Approved by Senate Codes Committee

CHARLES J. FUSCHILLO JR. January 28, 2011

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Senator Charles J. Fuschillo, Jr. (R-Merrick) announced that the Senate Codes Committee has approved legislation he sponsored to raise penalties for criminals who use “booster bags” and other anti-security devices to steal merchandise from store shelves.

“Professional shoplifters are using booster bags to steal billions of dollars worth of merchandise from store shelves each year. Ultimately, we’re the ones who get stuck with the bill because businesses are forced to raise their prices to pay for these criminals’ illegal shopping sprees. This is a serious crime which needs a more serious penalty. I’m pleased that this legislation is moving forward and I urge both the Senate and Assembly to pass it,” said Senator Fuschillo.

“Booster bags” are crafted to hide stolen merchandise from security devices, theft sensors, and similar units installed by retailers to guard against the theft of merchandise. The bags, which can be as rudimentary as a simple shopping bag lined with aluminum foil, are designed to block or override a store’s security system, allowing the shoplifter to exit the store with hundreds or thousands of dollars in stolen merchandise undetected. Items such as clothing, over-the-counter drugs, pain relievers, and health and beauty aids are the biggest targets and are often resold or fenced by the criminals.

Under Senator Fuschillo’s legislation (S527), criminals who use a booster bag or other anti-security device to steal merchandise would be guilty of grand larceny in the fourth degree, a class E felony which is punishable by up to four years in jail. Shoplifters who use booster bags to steal face only misdemeanor charges under current law, unless the value of the stolen goods is more than \$1,000.

In addition, the proposed law would raise the penalty for criminally possessing a booster bag or other anti-security device from up to three months in jail to up to one year in jail, in addition to any other applicable charges.

The Retail Council of New York State, which strongly supports this legislation, noted in a memorandum in support of the legislation that organized retail crime is the most serious security issue facing merchants of all sizes, costing them \$30 billion each year. The costs of organized retail theft are passed on directly to customers.

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