

S. -----  
Senate  
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IN SENATE--Introduced by Sen

--read twice and ordered printed,  
and when printed to be committed  
to the Committee on

----- A.  
Assembly  
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IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the  
Committee on

\*GENEOBLA\*

(Requires mercantile establishments  
to cease collections upon a court  
finding of not guilty of larceny in  
mercantile establishments)

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Gen Ob. collect not guilty larcen

#### AN ACT

to amend the general obligations  
law, in relation to requiring  
mercantile establishments to cease  
collections upon a court finding of  
not guilty of larceny in mercantile  
establishments

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

#### IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship  
of this proposal

s20 Adams	s17 Felder	s63 Kennedy	s25 Montgomery	s23 Savino
s15 Addabbo	s02 Flanagan	s34 Klein	s54 Nozzolio	s29 Serrano
s11 Avella	s08 Fuschillo	s28 Krueger	s55 O'Brien	s51 Seward
s40 Ball	s59 Gallivan	s24 Lanza	s58 O'Mara	s09 Skelos
s42 Bonacic	s12 Gianaris	s39 Larkin	s21 Parker	s14 Smith
s04 Boyle	s41 Gipson	s37 Latimer	s13 Peralta	s26 Squadron
s44 Breslin	s22 Golden	s01 LaValle	s30 Perkins	s16 Stavisky
s38 Carlucci	s47 Griffo	s52 Libous	s61 Ranzenhofer	s35 Stewart-
s50 DeFrancisco	s60 Grisanti	s45 Little	s48 Ritchie	Cousins
s32 Diaz	s06 Hannon	s05 Marcellino	s33 Rivera	s46 Tkaczyk
s18 Dilan	s36 Hassell-	s43 Marchione	s56 Robach	s53 Valesky
s31 Espallat	Thompson	s07 Martins	s19 Sampson	s57 Young
s49 Farley	s27 Hoylman	s62 Maziarz	s10 Sanders	s03 Zeldin

#### IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the  
multi-sponsorship of this proposal:

a049 Abbate	a081 Dinowitz	a135 Johns	a133 Nojay	a140 Schimminger
a092 Abinanti	a147 DiPietro	a113 Jordan	a037 Nolan	a087 Sepulveda
a084 Arroyo	a115 Duprey	a094 Katz	a130 Oaks	a065 Silver
a035 Aubry	a004 Englebright	a074 Kavanagh	a069 O'Donnell	a027 Simanowitz
a120 Barclay	a054 Espinal	a142 Kearns	a051 Ortiz	a036 Simotas
a106 Barrett	a109 Fahy	a076 Kellner	a091 Otis	a104 Skartados
a060 Barron	a071 Farrell	a040 Kim	a132 Palmesano	a099 Skoufis
a082 Benedetto	a126 Finch	a131 Kolb	a088 Paulin	a022 Solages
a117 Blankenbush	a008 Fitzpatrick	a105 Lalor	a141 Peoples-	a114 Stec
a062 Borelli	a124 Friend	a013 Lavine	Stokes	a110 Steck
a055 Boyland	a143 Gabryszak	a050 Lentol	a058 Perry	a079 Stevenson
a026 Braunstein	a095 Galef	a125 Lifton	a089 Pretlow	a127 Stirpe
a044 Brennan	a137 Gannt	a102 Lopez, P.	a073 Quart	a011 Sweeney
a119 Brindisi	a007 Garbarino	a123 Lupardo	a019 Ra	a112 Tedisco
a138 Bronson	a077 Gibson	a010 Lupinacci	a098 Rabbitt	a101 Tenney
a046 Brook-Krasny	a148 Giglio	a121 Magee	a012 Raia	a001 Thiele
a093 Buchwald	a080 Gjonaj	a129 Magnarelli	a006 Ramos	a061 Titone
a118 Butler	a066 Glick	a059 Maisel	a134 Reilich	a031 Titus
a103 Cahill	a023 Goldfeder	a064 Malliotakis	a078 Rivera	a146 Walter
a043 Camara	a150 Goodell	a030 Markey	a128 Roberts	a041 Weinstein
a145 Ceretto	a075 Gottfried	a090 Mayer	a056 Robinson	a020 Weisenberg
a033 Clark	a005 Graf	a108 McDonald	a068 Rodriguez	a024 Weprin
a047 Colton	a100 Gunther	a014 McDonough	a072 Rosa	a070 Wright
a032 Cook	a139 Hawley	a017 McKevitt	a067 Rosenthal	a096 Zebrowski
a144 Corwin	a083 Heastie	a107 McLaughlin	a025 Rozic	a002
a085 Crespo	a003 Hennessey	a038 Miller	a116 Russell	a053
a122 Crouch	a028 Hevesi	a052 Millman	a149 Ryan	a086
a021 Curran	a048 Hiskind	a015 Montesano	a009 Saladino	
a063 Cusick	a018 Hooper	a136 Morelle	a111 Santabarbara	
a045 Cymbrowitz	a042 Jacobs	a057 Mosley	a029 Scarborough	
a034 DenDekker	a097 Jaffee	a039 Moya	a016 Schimel	

1) Single House Bill (introduced and printed separately in either or both  
houses). Uni-Bill (introduced simultaneously in both houses and printed as one  
bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2 signed  
copies of bill and 4 copies of memorandum in support (single house); or 4 signed  
copies of bill and 8 copies of memorandum in support (uni-bill).

1 Section 1. Section 11-105 of the general obligations law is amended by  
2 adding a new subdivision 13 to read as follows:

3 13. Cessation of collections upon finding of not guilty. An adult,  
4 emancipated minor, or the parents or legal guardians of an unemancipated  
5 minor who is found not guilty in any proceeding brought under this  
6 section shall not be civilly liable to the operator of the mercantile  
7 establishment bringing the proceeding and any attempts to collect money  
8 or recover merchandise from the adult, emancipated minor, or the parents  
9 or legal guardians of an unemancipated minor shall immediately cease.

10 § 2. This act shall take effect immediately.

**SPONSORS MEMO:**

**NEW YORK STATE SENATE  
INTRODUCER'S MEMORANDUM IN SUPPORT  
submitted in accordance with Senate Rule VI. Sec 1**

**BILL NUMBER:**

**SPONSOR:** DIAZ

**TITLE OF BILL:**

An act to amend the general obligations law, in relation to requiring mercantile establishments to cease collections upon a court finding of not guilty of larceny in mercantile establishments

**PURPOSE OR GENERAL IDEA OF BILL:**

Provides for the immediate cessation of collections upon a finding of not guilty.

**SUMMARY OF SPECIFIC PROVISIONS:**

Section 1. Amends section 11-105 of the general obligations law by adding a new subdivision 13. Provides that a person who is found not guilty of larceny shall not be civilly liable to the operator of a mercantile establishment. Requires that any attempt to collect money or recover merchandise shall immediately cease.

Section 2. Effective Date

**EXISTING LAW**

Section 11-105 of the General Obligations law establishes civil penalties in cases of larceny.

**JUSTIFICATION:**

While the General Obligations law, section 11-105 provides ample protection for mercantile establishments in cases of larceny, there is no protection for someone who has been accused of larceny, but found not guilty by the court.

A situation occurred at Macy's whereby a shopper was accused of stealing a coat he had purchased and attempted to return the following day, along with the receipt to verify the purchase. The shopper was arrested by the NYPD and taken to midtown criminal court. The judge, upon hearing the case and determining the facts, dismissed the charges. The shopper's attorney filed a civil suit against Macy's, and of course Macy's settled.

However, the case did not end with the finding of not guilty and the civil suit. A collection agency, attempting to collect a "debt" contacted the shopper and insisted that the shopper still owed Macy's the purchase price of the coat.

This bill would prohibit a mercantile establishment from initiating civil liability upon a finding of not guilty and would further require any attempt to collect money or recover merchandise to immediately cease.

**PRIOR LEGISLATIVE HISTORY:**

New Bill

**FISCAL IMPLICATIONS:**

None

**EFFECTIVE DATE:**

Immediately