



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

Fuschillo Legislation Creating Stronger Penalties for Professional Shoplifters Passed by Senate

CHARLES J. FUSCHILLO JR. January 31, 2012

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

“Billions of dollars in merchandise are being stolen from store shelves each year by professional shoplifters using booster bags. This is not a victimless crime; law abiding consumers end up paying for these thefts through higher prices. Current penalties are inadequate in deterring professional shoplifters from using booster bags to plunder store shelves. That needs to change, and that’s exactly what this legislation would do,” 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 legislation was also approved by the Senate in 2011, but the Assembly failed to act on it.

The legislation is "strongly supported" by the Retail Council of New York State. In a memo of support, the Council stated that organized retail crime is the most serious security issue facing merchants of all sizes, costing them \$30 billion each year which is passed on directly to customers. The Council further stated "thieves caught using booster bags must receive a penalty reflective of the serious nature of the crime and the broad impact it has on consumers throughout New York State" and that Senator Fuschillo's legislation "takes a significant step forward in that regard."

The legislation has again been sent to the Assembly for consideration.