



NEW YORK STATE SENATOR

Kathleen A. Marchione

Senator Kathy Marchione announces Senate passage of her legislation cracking down on professional shoplifters who use “booster bags” in the commission of their crimes

KATHLEEN A. MARCHIONE June 20, 2017

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Albany, NY – Senator Kathy Marchione (R,C,I,Reform-Halfmoon), Chair of the Senate Local Government Committee, today announced the Senate’s passage of her legislation that would increase criminal penalties on professional shoplifters who use so-called “booster bags” in the commission of their crimes.

Senator Marchione’s legislation, Senate Bill S.176, would amend the State Penal Law to make it a class A misdemeanor to possess an anti-security device, such as a booster bag, that is specifically designed to block or override security markings, tags, or attachments with the intent to steal property. The measure passed the Senate during today’s Session by a vote of 57-1.

Organized retail theft – aka shoplifting – is a serious security issue facing many retail merchants, including apparel and accessory retailers, mass merchandisers, do-it-yourself stores, drug stores, and supermarkets. The crime of retail theft has grown substantially over the past decade with estimates from retail and law enforcement suggesting the annual loss to organized retail theft in all retail sectors combined is approximately \$25 billion. Retailers are forced to offset these significant losses and costs through higher prices, meaning that honest, law-abiding consumers bear the impact of organized retail theft and the criminal actions of professional shoplifters.

Professional shoplifters who steal apparel and accessories usually shoplift for a "fence" that either sells the goods to a higher-level fence or sells the goods in a business-like setting. Theft rings tend to focus on over-the-counter drugs, pain relievers, health and beauty aids, and clothing of all kinds. These items have considerable value and are easily resold to other retailers or in stores that criminal fences operate. The merchandise is always in demand and most of the stolen items are fairly small and thus easy to conceal on the person or in so-called booster bags.

Booster bags are crafted for the express purpose of hiding stolen merchandise from security devices, theft sensors, and similar units installed by retailers to guard against the theft of merchandise. The bags can be as rudimentary as a simple shopping bag lined with aluminum foil, or fashioned to be much more complex and difficult to detect. Whatever their quality, the bags are specifically crafted for criminal activity so that they will block or otherwise

override the store's security system, hiding the stolen merchandise and allowing the shoplifter a "clean" exit from the store.

Senator Marchione's legislation would enhance the criminal penalty against a shoplifter who uses a booster bag or other such item designed to override a retail establishment's security system in order to steal merchandise from that store. The measure is an important step forward in helping New York State retailers curtail the growing problem of organized retail theft and professional shoplifting estimated to cost retailers – and ultimately consumers – \$25 billion annually.

"Shoplifting is not a victimless crime. In fact, it is a serious crime costing retail businesses approximately \$25 billion, significantly driving up costs for law-abiding consumers.

Professional shoplifting is a real problem that is only getting worse as criminals continually devise new ways to circumvent security, such as using booster bags that allow stolen merchandise to avoid detection. My legislation would increase the criminal penalties on professional shoplifters who use booster bags in the commission of their crimes. This measure is intended to help curtail professional shoplifters and better protect retail businesses from these criminals," Senator Marchione said.

Senator Marchione's legislation has an Assembly companion measure, Assembly Bill A.7472, sponsored by Assemblyman Matthew Titone (D-North Shore), and was last referred to the Assembly Codes Committee.

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2017-S176

- Introduced
- - In Committee Assembly
 - In Committee Senate
- - On Floor Calendar Assembly
 - On Floor Calendar Senate
- - Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Establishes a person is guilty of grand larceny in the fourth degree when he or she steals property and is in possession of an anti-security item

December 29, 2016

In Senate Committee [Codes](#)

Sponsored by [Kathleen A. Marchione](#)

Do you support this bill?

NAY