



NEW YORK STATE SENATOR

Joseph P. Addabbo Jr.

Addabbo co-sponsors legislation to address crimes against retail stores and fix discovery process

SENATOR JOSEPH P. ADDABBO, JR. April 3, 2023

| ISSUE: **PUBLIC SAFETY, BAIL REFORM, CRIMINAL JUSTICE, CRIME, ADDABBO**

In response to concerns from constituents and businesses in his district, Senator Joseph P. Addabbo, Jr. has co-sponsored legislation to increase crimes against retail stores, their workers, and to help ease the discovery process for district attorneys which has resulted in far too many dismissed criminal cases.

"As I've said before, it isn't uncommon for a plan designed to overhaul a deeply-rooted system like public safety to need modifications before fully achieving its intended purpose. These changes will help fairly address crime-related matters negatively impacting the safety of our neighborhoods," Addabbo added. "The legislation elevates the crime of stealing for repeat offenders, improves protections for retail workers, and helps to ease the burdens of the Discovery reforms for District Attorneys."

- **S.4448** - *Raises Petit Larceny crimes to Grand Larceny when the individual is convicted of Petit Larceny twice in two years.*

Retail stores have seen an increase in shoplifting incidents adversely affecting their businesses, including higher insurance rates, lost revenue due to theft and customers feeling unsafe to shop, loss of state sales tax revenue, and dangerous confrontations for retail workers.

- **S.5479** - Elevates the assault of a retail worker to a *Class D Felony* in the second degree.

During the height of the COVID-19 pandemic, retail workers and first responders were essential, so it is fitting that they receive the same protections, especially with the spike in verbal and physical assault against retail workers. Aside from serving as a deterrent for these crimes, this legislation would allow judges to set bail for the accused perpetrators because second-degree assault is among the crimes not covered by bail reform.

- **S.5885** - Modifies criminal justice law relating to the discovery of material, non-material, and impeachment information and the required timeframe for such discovery. The bill would stagger discovery into three phases to allow District Attorneys time to meet obligations while taking into consideration material or information not in their possession despite diligent efforts.

New York's 2019 discovery reforms created a substantial workload for district attorneys under tight deadlines. Discoverable information is usually voluminous, duplicative, and difficult to obtain from agencies possessing the materials, causing disclosure delays. This can be particularly problematic with law enforcement disciplinary records or civil proceedings. These tight timelines and difficulty obtaining information often result in the dismissal of cases.

"This bill improves the important reforms made to the criminal justice system by making the process fairer for victims while retaining the protections for criminal defendants," Addabbo explained. "The prosecution must still provide defendants with all the information relating to their cases, but the consequence of the current law has been an unprecedented dismissal of cases because it applies an 'all or nothing' timeframe to provide all the materials in the case — regardless of whether the information is critical or inconsequential. This bill recognizes the difference and sets realistic time frames that allow both victims and defendants to have their day in court," concluded Addabbo.

These bills are currently before the Senate Codes Committee.

RELATED LEGISLATION

2023-S4448

- 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
-

Relates to a prior conviction for petit larceny as an element of grand larceny

January 11, 2023

In Senate Committee [Codes](#)

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2023-S5479

- Introduced
 - ◦ In Committee Assembly
 - In Committee Senate
 - ◦ On Floor Calendar Assembly
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- Delivered to Governor
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Elevates an assault of a retail worker to the class D felony of assault in the second degree

March 06, 2023

In Senate Committee [Codes](#)

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2023-S5885

- 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

-

Relates to the discovery of material, non-material and impeachment information and the required time frame for such discovery

March 21, 2023

In Senate Committee [Codes](#)

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Do you support this bill?