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FOOD INDUSTRY ALLIANCE OF NEW YORK, INC.

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Joint Legislative Hearing Testimony Submission – Public Protection and General Government

S.8305/A.8805 – Parts A/B (Retail Theft Proposals)

January 25, 2024

The Food Industry Alliance of New York State, Inc., the premier trade association representing the full spectrum of the retail food industry in New York, appreciates the opportunity to offer our strong support on the above referenced proposals within the Governor’s proposed Executive Budget.

Instances of retail theft have reached record highs, threatening the viability of the retail food industry and the safety of both retail workers and customers. In New York City alone, stores have estimated nearly \$300 million in lost revenue due to theft with more than 63,000 complaints filed. Unfortunately, most of those complaints remain unresolved. Across New York, the proliferation of retail theft has continued to increase year after year, creating safety concerns for both employees and customers alike and has a critical industry for our state reeling.

With this dramatic rise, the retail food industry is strongly supportive of legislation which would increase the protection of our workforce, our customers and puts forth meaningful measures to address the retail theft crisis across the state. We are encouraged that Governor Hochul has included measures within the FY2025 Executive Budget proposal aimed at addressing this significant concern.

Specifically, we support Part A of this budget bill, which increases penalties for assault of retail workers. This legislation would elevate an assault of a retail worker to the class D felony of assault in the second degree.

Increasing the punishment should deter those who seek to physically harm retail employees in the furtherance of the latter’s lawful duties. This bill would aid in bringing offenders to justice, lowering recidivism rates, and preserving the safety of businesses and communities.

Throughout the recent global public health crisis, retail workers have persevered in the duties and responsibilities that have rightfully earned them the title of essential workers. Each day, they risked the health of their families and themselves to provide critical resources for their communities in times of unprecedented uncertainty. It is without merit that despite their lifesaving work, they are now forced to combat acts of violence and robbery with minimal protections under the law, particularly when compared to other essential personnel.

The Food Industry Alliance of New York State is also supportive of Part B, which would make it illegal to foster the sale of stolen goods, including online sales. This proposal would help protect retailers by creating a new class A misdemeanor offense for those who host, advertise, or assist in the sale of stolen goods.

While penalties exist for possessing stolen goods, there is no specific law in New York State that targets facilitating the sale of these items online. This proposal is a remedy to an existing loophole and provides a necessary disincentive to profit off items procured via theft.

Additionally, we are supportive of the additional measures aimed to combat retail theft that are proposed and/or appropriated throughout the other various Executive Budget Bills, including:

- Launching the Retail Theft Joint Operation to coordinate through New York's network of Crime Analysis Centers the response of law enforcement agencies and prosecutors.
- Deploying a specific New York State Police team to build cases against organized retail theft rings and a specialized State Police Smash and Grab Enforcement Unit.
- Expanding the work of the 11 Crime Analysis Centers (CACs) by providing a centralized intelligence gathering and evidence collection strategy across the State designed to receive intelligence from retailers victimized by organized crime theft.
- Establishing a Commercial Security Tax Credit to help business owners offset the costs of store security measures.
- Providing funding for dedicated teams in District Attorneys' offices across New York to primarily focus on organized retail theft.

The Food Industry Alliance of New York State strongly believe that our stores, employees and customers deserve to feel safe while working and shopping. These measures are a significant and necessary first step in stemming the dramatic increase in retail theft throughout New York. We strongly urge your support and that these measures are enacted in a final budget agreement. Our organization and our members are a willing partner in any effort which seeks to reduce the devastating impact this is having on the retail food industry.

Respectfully submitted,



Michael P. Durant
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