

SENATE No. 1389

The Commonwealth of Massachusetts

PRESENTED BY:

Richard T. Moore

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to automated sales suppression devices.

PETITION OF:

NAME:

Richard T. Moore

DISTRICT/ADDRESS:

Worcester and Norfolk

SENATE No. 1389

By Mr. Richard T. Moore, a petition (accompanied by bill, Senate, No. 1389) of Richard T. Moore for legislation relative to automated sales suppression devices. Revenue.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to automated sales suppression devices.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of chapter 62C of the General Laws, as appearing in the 2010
2 Official Edition, is hereby amended by inserting at the end thereof the following definitions:-

3 “Automated sales suppression device” or “zapper”, a software program, carried on any
4 memory storage device, accessed through an Internet link or accessed through any other means,
5 that falsifies or manipulates the electronic records of point-of-sale systems for the purpose of tax
6 evasion;

7 “Electronic cash register”, a device that keeps a register or supporting documents through
8 the means of an electronic device or computer system designed to record transaction data for the
9 purpose of computing, compiling or processing retail sales transaction data in whatever manner;

10 “Phantom-ware”, a hidden programming option embedded in the operating system of an
11 electronic cash register that can be used to create a virtual second record or may eliminate or
12 manipulate records that may or may not be preserved in digital formats to represent the true or
13 manipulated record of transactions in the electronic cash register.

14 SECTION 2. Said chapter 62C of the General Laws is hereby further amended by
15 inserting at the end thereof the following new section:-

16 Section 90. It shall be unlawful to willfully and knowingly sell, purchase, install, transfer
17 or possess any automated sales suppression device, zapper, or phantom-ware. Any person found
18 to be in possession of or utilizing said device shall, in addition to other penalties provided by
19 law, be guilty of a felony and, upon conviction thereof, shall be fined not more than ten thousand

20 dollars or fifty thousand dollars in the case of a corporation, or by imprisonment for not more
21 than five years, or both such fine and imprisonment.