

1686

2009-2010 Regular Sessions

I N   S E N A T E

February 5, 2009

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Introduced by Sens. FLANAGAN, LITTLE -- read twice and ordered printed,  
and when printed to be committed to the Committee on Investigations  
and Government Operations

AN ACT to amend the civil rights law, in relation to a private right of  
action for the intentional disclosure of the identity of a victim of a  
sex crime

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 1 of section 50-b of the civil rights law, as  
2     amended by chapter 320 of the laws of 2006, is amended to read as  
3     follows:  
4     1. The identity of any victim of a sex offense, as defined in article  
5     one hundred thirty or section 255.25, 255.26 or 255.27 of the penal law,  
6     or of an offense involving the alleged transmission of the human immuno-  
7     deficiency virus, shall be confidential. No report, paper, picture,  
8     photograph, court file or other documents, in the custody or possession  
9     of any public officer or employee, which identifies such a victim shall  
10    be made available for public inspection. No such public officer or  
11    employee shall disclose any portion of any police report, court file, or  
12    other document, which tends to identify such a victim except as provided  
13    in subdivision two of this section. WHERE ANY REPORT, PAPER, PICTURE,  
14    PHOTOGRAPH, COURT FILE, POLICE REPORT OR OTHER DOCUMENT WHICH IDENTIFIES  
15    OR TENDS TO IDENTIFY SUCH VICTIM MAY BE SUFFICIENTLY REDACTED TO INSURE  
16    SUCH VICTIM IS NOT IDENTIFIED SUCH DOCUMENT MAY BE DISCLOSED ONLY TO  
17    ASSIST LAW ENFORCEMENT AUTHORITIES IN INVESTIGATING AND PROSECUTING SUCH  
18    OFFENSE.  
19    S 2. The opening paragraph of section 50-c of the civil rights law is  
20    designated subdivision 1 and a new subdivision 2 is added to read as  
21    follows:  
22    2. IF THE IDENTITY OF THE VICTIM OF A SEX OFFENSE IS INTENTIONALLY  
23    DISCLOSED IN VIOLATION OF SECTION FIFTY-B OF THIS ARTICLE AND HAS NOT

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 OTHERWISE BEEN DISCLOSED, THE VICTIM, OR IF THE VICTIM IS DECEASED THE  
2 VICTIM'S FAMILY, WHOSE IDENTITY WAS DISCLOSED MAY BRING AN ACTION TO  
3 RECOVER DAMAGES ACTUALLY SUFFERED BY REASON OF SUCH WRONGFUL DISCLOSURE.  
4 IN ANY ACTION BROUGHT UNDER THIS SECTION, THE COURT MAY AWARD REASONABLE  
5 ATTORNEY'S FEES TO A PREVAILING PLAINTIFF.

6 S 3. This act shall take effect immediately.