

2482

2011-2012 Regular Sessions

I N S E N A T E

January 21, 2011

Introduced by Sen. FLANAGAN -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

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 ASSEMBLY, 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
24 OTHERWISE BEEN DISCLOSED, THE VICTIM, OR IF THE VICTIM IS DECEASED THE

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

LBD08457-01-1

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

5 S 3. This act shall take effect immediately.