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I N   S E N A T E

March 22, 2012
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Introduced by Sen. GOLDEN -- read twice and ordered printed, and when
  printed to be committed to the Committee on Finance -- committee
  discharged, bill amended, ordered reprinted as amended and recommitted
  to said committee

AN ACT to amend the executive law, in relation to establishing a volun-
  tary surveillance access database

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

 1   Section 1. The executive law is amended by adding a new section 718 to
 2 read as follows:
 3   S 718. VOLUNTARY SURVEILLANCE ACCESS DATABASE. 1. THE DIVISION SHALL
 4 ESTABLISH A VOLUNTARY SURVEILLANCE ACCESS DATABASE TO BE MADE ACCESSI-
 5 BLE, UPON REQUEST, TO ANY LAW ENFORCEMENT AGENCY FOR CRIMINAL INVESTI-
 6 GATIVE PURPOSES.
 7   2. RESIDENTIAL HOME OWNERS AND BUSINESS OWNERS WHO MAINTAIN A CLOSED-
 8 CIRCUIT TELEVISION OR OTHER ELECTRONIC SURVEILLANCE SYSTEM MAY ELECT TO
 9 MAKE SUCH INFORMATION AND/OR IMAGES OBTAINED FROM SUCH SYSTEM AVAILABLE
10 TO LAW ENFORCEMENT AGENCIES THROUGH SUCH DATABASE; PROVIDED, HOWEVER,
11 SUCH LAW ENFORCEMENT AGENCY SHALL OBTAIN SUCH OWNER'S PERMISSION, PRIOR
12 TO EACH INSTANCE IN WHICH SUCH AGENCY SEEKS TO OBTAIN ACCESS TO SUCH
13 OWNER'S SURVEILLANCE SYSTEM. SUCH OWNERS MAY WITHDRAW FROM THE DATABASE
14 AT ANY TIME.
15   3. ANY INFORMATION OR IMAGE OBTAINED FROM SUCH DATABASE SHALL BE KEPT
16 CONFIDENTIAL   AND   SHALL   NOT   BE MADE AVAILABLE FOR DISCLOSURE OR
17 INSPECTION UNDER THE STATE FREEDOM OF INFORMATION LAW UNLESS A SUBPOENA
18 OR OTHER COURT ORDER DIRECTS THE OWNER TO RELEASE SUCH INFORMATION OR
19 IMAGE.
20   S 2. This act shall take effect on the one hundred eightieth day after
21 it shall have become a law; provided, however, that effective immediate-
22 ly, the addition, amendment and/or repeal of any rule or regulation
23 necessary for the implementation of this act on its effective date are
24 authorized and directed to be made and completed on or before such
25 effective date.

      EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
                      [ ] is old law to be omitted.
                                                          LBD14235-06-2