

972

2011-2012 Regular Sessions

I N   S E N A T E

(PREFILED)

January 5, 2011

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Introduced by Sens. HASSELL-THOMPSON, DIAZ -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business

AN ACT to amend the alcoholic beverage control law, in relation to mandating the installation of security cameras in cabaret establishments

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

1     Section 1. Short title. This act shall be known and may be cited as  
2     "Imette's Law".  
3     S 2.     The alcoholic beverage control law is amended by adding a new  
4     section 64-e to read as follows:  
5     S 64-E. INSTALLATION OF SECURITY CAMERAS IN CABARET ESTABLISHMENTS. 1.  
6     NO ONE SHALL OPERATE A CABARET LICENSED PURSUANT TO THIS SECTION UNLESS  
7     ALL ENTRANCES AND EXITS USED BY PATRONS ARE EQUIPPED WITH DIGITAL VIDEO  
8     SURVEILLANCE CAMERAS, PROVIDED, HOWEVER, THAT THIS SECTION SHALL NOT  
9     APPLY TO AN ESTABLISHMENT THAT OPERATES PRIMARILY AS A RESTAURANT, AS  
10    DEFINED BY SECTION SIXTY-FOUR-C OF THIS ARTICLE, DURING ALL HOURS OF  
11    OPERATION.  
12    2.     DIGITAL VIDEO SURVEILLANCE SYSTEMS SHALL COMPLY WITH THE FOLLOWING  
13    PROVISIONS AND WITH THE RULES OF THE AUTHORITY:  
14    (A) THE VIDEO SURVEILLANCE CAMERAS SHALL BE DIGITAL IN NATURE AND  
15    SHALL BE OF SUFFICIENT NUMBER, TYPE, PLACEMENT AND LOCATION TO VIEW AND  
16    RECORD ALL ACTIVITY IN FRONT OF AND WITHIN FIFTEEN FEET OF EITHER SIDE  
17    OF EACH ENTRANCE OR EXIT;  
18    (B) THE VIDEO SURVEILLANCE CAMERAS SHALL BE SUFFICIENTLY LIGHT SENSI-  
19    TIVE AND PROVIDE SUFFICIENT IMAGE RESOLUTION (SUPPORTED BY ADDITIONAL  
20    LIGHTING IF NECESSARY) TO PRODUCE EASILY DISCERNIBLE IMAGES RECORDED AT  
21    ALL TIMES;

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

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1 (C) THE VIDEO SURVEILLANCE CAMERAS SHALL RECORD AT A MINIMUM SPEED OF  
2 FIFTEEN FRAMES PER SECOND;

3 (D) THE VIDEO SURVEILLANCE CAMERA IMAGES SHALL BE CAPABLE OF BEING  
4 VIEWED THROUGH USE OF APPROPRIATE TECHNOLOGY, INCLUDING BUT NOT LIMITED  
5 TO A COMPUTER SCREEN OR CLOSED CIRCUIT TELEVISION MONITOR;

6 (E) THE VIDEO SURVEILLANCE CAMERA SYSTEM SHALL BE CAPABLE OF TRANS-  
7 FERRING THE RECORDED IMAGES TO A PORTABLE FORM OF MEDIA, INCLUDING BUT  
8 NOT LIMITED TO COMPACT DISC OR DIGITAL VIDEO DISC;

9 (F) THE VIDEO SURVEILLANCE CAMERAS SHALL NOT HAVE AN AUDIO CAPABILITY;

10 (G) THE VIDEO SURVEILLANCE CAMERAS SHALL BE MAINTAINED IN GOOD WORKING  
11 CONDITION;

12 (H) EXCEPT AS OTHERWISE PROVIDED BY RULE, THE VIDEO SURVEILLANCE  
13 CAMERAS SHALL BE IN OPERATION AND RECORDING CONTINUOUSLY DURING ALL  
14 HOURS OF OPERATION OF THE CABARET AND FOR TWO HOURS AFTER THE CABARET  
15 CLOSES;

16 (I) THE RECORDINGS MADE BY VIDEO SURVEILLANCE CAMERAS INSTALLED AND  
17 MAINTAINED PURSUANT TO THIS SECTION SHALL BE INDEXED BY DATES AND TIMES  
18 AND PRESERVED FOR A MINIMUM OF THIRTY DAYS SO THAT THEY MAY BE MADE  
19 AVAILABLE TO THE AUTHORITY, THE POLICE DEPARTMENT AND OTHER GOVERNMENT  
20 AGENCIES ACTING IN FURTHERANCE OF A CRIMINAL INVESTIGATION OR A CIVIL OR  
21 ADMINISTRATIVE LAW ENFORCEMENT PURPOSE;

22 (J) ALL RECORDINGS MADE BY VIDEO SURVEILLANCE CAMERAS INSTALLED AND  
23 MAINTAINED PURSUANT TO THIS SECTION WHILE IN THE POSSESSION OF THE  
24 CABARET SHALL BE STORED IN A LOCKED RECEPTACLE LOCATED IN A CONTROLLED  
25 ACCESS AREA, TO WHICH ONLY AUTHORIZED PERSONNEL HAVE ACCESS, OR SHALL  
26 OTHERWISE BE SECURED SO THAT ONLY AUTHORIZED PERSONNEL MAY ACCESS SUCH  
27 VIDEO RECORDINGS. ALL PERSONNEL AUTHORIZED TO ACCESS SUCH VIDEO  
28 RECORDINGS MUST CERTIFY IN WRITING THAT THEY HAVE BEEN INFORMED ON THE  
29 APPROPRIATE USE AND RETENTION OF RECORDINGS AS SET FORTH IN THIS  
30 SECTION, AND ON THE LEGAL ISSUES ASSOCIATED WITH VIDEO SURVEILLANCE AND  
31 THE USE AND RETENTION OF RECORDINGS. THE CABARET SHALL KEEP A LOG OF ALL  
32 INSTANCES OF REQUESTS FOR ACCESS TO, AND DISSEMINATION AND USE OF,  
33 RECORDED MATERIALS MADE BY VIDEO SURVEILLANCE CAMERAS INSTALLED AND  
34 MAINTAINED PURSUANT TO THIS SECTION. COPIES OF THE CERTIFICATIONS BY  
35 AUTHORIZED EMPLOYEES AND OF THE ACCESS LOG SHALL BE PROVIDED TO THE  
36 AUTHORITY IN ACCORDANCE WITH ITS RULES;

37 (K) THE USE OR DISSEMINATION OF RECORDINGS MADE BY VIDEO SURVEILLANCE  
38 CAMERAS INSTALLED AND MAINTAINED PURSUANT TO THIS SECTION IN VIOLATION  
39 OF THE PENAL LAW OR SECTION FIFTY OF THE CIVIL RIGHTS LAW SHALL RESULT  
40 IN SUSPENSION OR REVOCATION OF A LICENSE AND A FINE OF NOT LESS THAN  
41 FIVE THOUSAND DOLLARS NOR MORE THAN FIFTY THOUSAND DOLLARS; AND

42 (L) THE CABARET SHALL POST SIGNAGE AT APPROPRIATE LOCATIONS, AS DETER-  
43 MINED BY RULE OF THE AUTHORITY, TO NOTIFY THE PUBLIC OF ITS USE OF VIDEO  
44 SURVEILLANCE EQUIPMENT AND THE LOCATIONS OF VIDEO SURVEILLANCE EQUIPMENT  
45 SO THAT THE PUBLIC HAS SUFFICIENT WARNING THAT SURVEILLANCE IS IN OPERA-  
46 TION.

47 3. EACH PERSON SUBJECT TO THE PROVISIONS OF THIS SECTION SHALL SUBMIT,  
48 OR ENSURE THE SUBMISSION OF, A REPORT TO THE AUTHORITY WITHIN THIRTY  
49 DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION, OR, IN THE CASE OF A NEW  
50 CABARET WITHIN THIRTY DAYS AFTER THE ESTABLISHMENT OF SUCH CABARET. SUCH  
51 REPORT SHALL CERTIFY THAT THE CABARET IS IN COMPLIANCE WITH THIS  
52 SECTION. REPORTS FILED PURSUANT TO THIS SUBDIVISION SHALL BE SUBMITTED  
53 IN SUCH FORM AND MANNER AND CONTAINING SUCH INFORMATION AS SHALL BE  
54 PROVIDED BY RULE OF THE AUTHORITY.

1       4. THE AUTHORITY SHALL CONDUCT PERIODIC INSPECTIONS OF LICENSEES TO  
2 ENSURE COMPLIANCE WITH THE USE AND RETENTION POLICIES SET FORTH IN THIS  
3 SECTION.

4       S 3. Rules and regulations. The chairman of the state liquor authority  
5 is hereby authorized and directed to promulgate rules and regulations  
6 necessary for the implementation of this act on or before the effective  
7 date of this act.

8       S 4. This act shall take effect on the ninetieth day after it shall  
9 have become a law.