

3958

2011-2012 Regular Sessions

I N S E N A T E

March 10, 2011

Introduced by Sens. SAVINO, CARLUCCI, KLEIN, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to prohibiting the dissemination of a crime scene by public servants

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

1 Section 1. This act shall be known and may be cited as "Caroline's
2 Law".
3 S 2. The penal law is amended by adding a new section 250.70 to read
4 as follows:
5 S 250.70 DISSEMINATION OF A CRIME SCENE.
6 1. A PERSON IS GUILTY OF DISSEMINATION OF A CRIME SCENE WHERE (A) THE
7 PERSON IS A PUBLIC SERVANT; (B) WHILE IN THE COURSE OF HIS OR HER OFFI-
8 CIAL DUTIES, RECORDS A STILL IMAGE OR MOTION PICTURE OF A CRIME SCENE;
9 AND (C) BROADCASTS OR PUBLISHES SUCH IMAGES OR MOTION PICTURES OUTSIDE
10 OF THE COURSE OF CONDUCT OF THE PUBLIC SERVANT'S OFFICIAL DUTIES.
11 2. FOR PURPOSES OF THIS SECTION:
12 (A) "BROADCAST" MEANS ELECTRONICALLY TRANSMITTING A VISUAL IMAGE WITH
13 THE INTENT THAT IT BE VIEWED BY A PERSON.
14 (B) "DISSEMINATE" MEANS TO GIVE, PROVIDE, LEND, DELIVER, MAIL, SEND,
15 FORWARD, TRANSFER OR TRANSMIT, ELECTRONICALLY OR OTHERWISE TO ANOTHER
16 PERSON.
17 (C) "PUBLISH" MEANS TO (I) POST, PRESENT, DISPLAY, EXHIBIT, CIRCULATE,
18 ADVERTISE OR ALLOW ACCESS, ELECTRONICALLY OR OTHERWISE, SO AS TO MAKE AN
19 IMAGE OR IMAGES AVAILABLE TO THE PUBLIC; OR (II) DISSEMINATE WITH THE
20 INTENT THAT AN IMAGE OR IMAGES BE POSTED, PRESENTED, DISPLAYED, EXHIB-
21 ITED, CIRCULATED, ADVERTISED OR MADE ACCESSIBLE, ELECTRONICALLY OR
22 OTHERWISE AND TO MAKE SUCH IMAGE OR IMAGES AVAILABLE TO THE PUBLIC.
23 DISSEMINATION OF A CRIME SCENE IS A CLASS E FELONY.
24 S 3. This act shall take effect on the one hundred eightieth day after
25 it shall have become a law.

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

LBD08550-02-1