S T A T E O F N E W Y O R K

6796--A

I N S E N A T E

March 22, 2012

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 voluntary surveillance access database

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

Section 1. The executive law is amended by adding a new section 718 to read as follows:

S 718. VOLUNTARY SURVEILLANCE ACCESS DATABASE. 1. THE DIVISION SHALL ESTABLISH A VOLUNTARY SURVEILLANCE ACCESS DATABASE TO BE MADE ACCESSIBLE, UPON REQUEST, TO ANY LAW ENFORCEMENT AGENCY FOR CRIMINAL INVESTIGATIVE PURPOSES.

2. RESIDENTIAL HOME OWNERS AND BUSINESS OWNERS WHO MAINTAIN A CLOSED-CIRCUIT TELEVISION OR OTHER ELECTRONIC SURVEILLANCE SYSTEM MAY ELECT TO MAKE SUCH INFORMATION AND/OR IMAGES OBTAINED FROM SUCH SYSTEM AVAILABLE TO LAW ENFORCEMENT AGENCIES THROUGH SUCH DATABASE; PROVIDED, HOWEVER, SUCH LAW ENFORCEMENT AGENCY SHALL OBTAIN SUCH OWNER'S PERMISSION, PRIOR TO EACH INSTANCE IN WHICH SUCH AGENCY SEEKS TO OBTAIN ACCESS TO SUCH OWNER'S SURVEILLANCE SYSTEM. SUCH OWNERS MAY WITHDRAW FROM THE DATABASE AT ANY TIME.

3. ANY INFORMATION OR IMAGE OBTAINED FROM SUCH DATABASE SHALL BE KEPT CONFIDENTIAL AND SHALL NOT BE MADE AVAILABLE FOR DISCLOSURE OR INSPECTION UNDER THE STATE FREEDOM OF INFORMATION LAW UNLESS A SUBPOENA OR OTHER COURT ORDER DIRECTS THE OWNER TO RELEASE SUCH INFORMATION OR IMAGE.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.

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

LBD14235-06-2