

STATE OF NEW YORK

3365

2017-2018 Regular Sessions

IN SENATE

January 23, 2017

Introduced by Sen. SANDERS -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to requiring certain cabarets and public dance halls to install video surveillance cameras at all entrances and exits

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The general business law is amended by adding a new section
2 399-hh to read as follows:

3 § 399-hh. Additional security measures for cabarets and public dance
4 halls. 1. For purposes of this section, the following terms shall have
5 the following meanings:

6 a. "department" shall mean the department of state;

7 b. "secretary" shall mean the secretary of state;

8 c. "cabaret" shall mean any room, place or space in which any musical
9 entertainment, singing, dancing or other form of amusement is permitted
10 in connection with the restaurant business or the business of directly
11 or indirectly selling to the public food or drink, except eating or
12 drinking places, which provide incidental musical entertainment, without
13 dancing, either by mechanical devices, or by not more than three
14 persons; and

15 d. "public dance hall" shall mean any room, place or space in the city
16 in which dancing is carried on and to which the public may gain admis-
17 sion, either with or without the payment of a fee.

18 2. a. No one shall operate a cabaret or public dance hall unless all
19 entrances and exits used by patrons are equipped with digital video
20 surveillance cameras, provided, however, that this section shall not
21 apply to an establishment that operates primarily as a restaurant, as
22 defined by section three of the alcoholic beverage control law, during
23 all hours of operation.

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

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1 b. Digital video surveillance systems shall comply with the following
2 provisions and with the rules of the secretary:

3 (i) the video surveillance cameras shall be digital in nature and
4 shall be of sufficient number, type, placement and location to view and
5 record all activity in front of and within fifteen feet of either side
6 of each entrance or exit;

7 (ii) the video surveillance cameras shall be sufficiently light sensi-
8 tive and provide sufficient image resolution (supported by additional
9 lighting if necessary) to produce easily discernible images recorded at
10 all times;

11 (iii) the video surveillance cameras shall record at a minimum speed
12 of fifteen frames per second;

13 (iv) the video surveillance camera images shall be capable of being
14 viewed through use of appropriate technology, including but not limited
15 to a computer screen or closed circuit television monitor;

16 (v) the video surveillance camera system shall be capable of trans-
17 ferring the recorded images to a portable form of media, including but
18 not limited to compact disc or digital video disc;

19 (vi) the video surveillance cameras shall not have an audio capabili-
20 ty;

21 (vii) the video surveillance cameras shall be maintained in good work-
22 ing condition;

23 (viii) except as otherwise provided by rule, the video surveillance
24 cameras shall be in operation and recording continuously during all
25 hours of operation of the cabaret or public dance hall and for two hours
26 after the cabaret or public dance hall closes;

27 (ix) the recordings made by video surveillance cameras installed and
28 maintained pursuant to this section shall be indexed by dates and times
29 and preserved for a minimum of thirty days so that they may be made
30 available to the department, the police department and other government
31 agencies acting in furtherance of a criminal investigation or a civil or
32 administrative law enforcement purpose;

33 (x) all recording made by video surveillance cameras installed and
34 maintained pursuant to this section while in the possession of the
35 cabaret or public dance hall shall be stored in a locked receptacle
36 located in a controlled access area, to which only authorized personnel
37 have access, or shall otherwise be secured so that only authorized
38 personnel may access such video recordings. All personnel authorized to
39 access such video recordings must certify in writing that they have been
40 informed on the appropriate use and retention of recordings as set forth
41 in this section, and on the legal issues associated with video surveil-
42 lance and the use and retention of recordings. The cabaret or public
43 dance hall shall keep a log of all instances of requests for, access to,
44 dissemination and use of, recorded materials made by video surveillance
45 cameras installed and maintained pursuant to this section. Copies of
46 the certifications by authorized employees and of the access log shall
47 be provided to the department in accordance with its rules;

48 (xi) the use of dissemination of recordings made by video surveillance
49 cameras installed and maintained pursuant to this section in violation
50 of the penal law or section fifty of the civil rights law shall result
51 in suspension or revocation of a license and a fine of not less than
52 five thousand dollars nor more than fifty thousand dollars; and

53 (xii) the cabaret or public dance hall shall post signage at appropri-
54 ate locations, as determined by rule of the secretary, to notify the
55 public of its use of video surveillance equipment and the locations of

1 video surveillance equipment so that the public has sufficient warning
2 that surveillance is in operation.

3 c. Each person subject to the provisions of this section shall submit,
4 or ensure the submission of, a report to the department within thirty
5 days after the effective date of this section, or, in the case of a new
6 cabaret or public dance hall, within thirty days after the establishment
7 of such cabaret or public dance hall. Such report shall certify that the
8 cabaret or public dance hall is in compliance with this section. Reports
9 filed pursuant to this paragraph shall be submitted in such form and
10 manner and containing such information as shall be provided by rule of
11 the secretary.

12 d. The department shall conduct periodic inspections of licensees to
13 ensure compliance with the use and retention policies set forth in this
14 section.

15 e. The secretary may suspend or revoke a cabaret or public dance hall
16 license if the licensee violates the requirements of this section and,
17 in addition, shall impose a fine of one thousand dollars for each
18 violation of subparagraph (ix), (x) or (xii) of paragraph b of this
19 subdivision, and any additional penalties and fines as required by
20 subparagraph (xi) of paragraph b of this subdivision.

21 § 2. This act shall take effect on the one hundred eightieth day after
22 it shall have become a law.