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

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I N  A S S E M B L Y

January 7, 2010

Introduced by M. of A. BING, TITONE, CHRISTENSEN, BENJAMIN, JAFFEE, CASTRO -- Multi-Sponsored by -- M. of A. DelMONTE, REILLY, SKARTADOS, SWEENEY, THIELE -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to establishing the crimes of possession of an unauthorized recording in the first and second degrees

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

Section 1. The penal law is amended by adding two new sections 275.41 and 275.42 to read as follows:

S 275.41 POSSESSION OF AN UNAUTHORIZED RECORDING IN THE SECOND DEGREE.

A PERSON IS GUILTY OF POSSESSION OF AN UNAUTHORIZED RECORDING IN THE SECOND DEGREE WHEN THE PERSON POSSESSES A RECORDING KNOWING IT TO HAVE BEEN RECORDED IN VIOLATION OF SECTION 275.32 OF THIS ARTICLE, WITH THE INTENT TO OFFER SUCH RECORDING FOR SALE OR RENTAL.

POSSESSION OF AN UNAUTHORIZED RECORDING IN THE SECOND DEGREE IS A CLASS A MISDEMEANOR.

S 275.42 POSSESSION OF AN UNAUTHORIZED RECORDING IN THE FIRST DEGREE.

A PERSON IS GUILTY OF POSSESSION OF AN UNAUTHORIZED RECORDING IN THE FIRST DEGREE WHEN THE PERSON POSSESSES MORE THAN TEN RECORDINGS KNOWING THEM TO HAVE BEEN RECORDED IN VIOLATION OF SECTION 275.32 OF THIS ARTICLE, WITH THE INTENT TO OFFER SUCH RECORDINGS FOR SALE OR RENTAL.

POSSESSION OF AN UNAUTHORIZED RECORDING IN THE FIRST DEGREE IS A CLASS E FELONY.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

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

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