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

209

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the civil rights law, in relation to the right of free speech in shopping malls

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

Section 1. The civil rights law is amended by adding a new section 16 to read as follows:

S 16. RIGHT OF FREE SPEECH IN SHOPPING MALLS. 1. NO PERSON, FIRM OR CORPORATION OWNING, OPERATING, MANAGING, OR OTHERWISE CONTROLLING THE ADMINISTRATION OF A SHOPPING MALL OR SHOPPING CENTER SHALL UNREASONABLY RESTRICT ANY PERSON OR PERSONS FROM FREELY SPEAKING OR DISTRIBUTING WRITTEN MATERIALS WITHIN THE PREMISES OF THE SHOPPING MALL OR SHOPPING CENTER, PROVIDED THAT SUCH PERSON SHALL BE RESPONSIBLE FOR THE ABUSE OF THIS RIGHT.

2. THE OWNER OF A SHOPPING MALL OR SHOPPING CENTER SHALL ADOPT WRITTEN GUIDELINES WHICH SHALL PRESCRIBE PERMISSIBLE TIMES, PLACES AND MANNER OF RESTRICTIONS ON ANY EXPRESSIVE ACTIVITY PURSUANT TO SUBDIVISION ONE OF THIS SECTION.

3. FOR PURPOSES OF THIS SECTION, "SHOPPING MALL" OR "SHOPPING CENTER" SHALL MEAN PRIVATELY OWNED PROPERTY USED FOR COMMERCIAL ACTIVITY THAT CONSISTS OF AN AGGREGATE OF BUILDINGS, SHOPS, STORES, RESTAURANTS, CINEMAS AND/OR OTHER COMMERCIAL ESTABLISHMENTS DESIGNED TO ATTRACT MEMBERS OF THE PUBLIC FOR THE PURPOSE OF MERCHANDISING, AND WHICH ARE CONNECTED BY PUBLIC AREAS OR COMMON WALKWAYS, PLAZAS, PARKING LOTS OR BUILDINGS DESIGNED TO PROVIDE THE PUBLIC WITH ACCESS TO THESE COMMERCIAL ESTABLISHMENTS AND/OR TO PROVIDE THE PUBLIC WITH AN OPPORTUNITY TO SIT, LINGER, RELAX, GATHER OR SOCIALIZE WHILE VISITING FOR THE PURPOSE OF PATRONIZING THE COMMERCIAL ESTABLISHMENTS DURING SHOPPING HOURS.

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

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4. A VIOLATION OF ANY OF THE PROVISIONS OF THIS SECTION SHALL BE PUNISHABLE BY THE IMPOSITION OF A CIVIL PENALTY OF NOT LESS THAN ONE HUNDRED DOLLARS NOR MORE THAN FIVE HUNDRED DOLLARS.

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