

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:

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

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

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

14 3. FOR PURPOSES OF THIS SECTION, "SHOPPING MALL" OR "SHOPPING CENTER"
15 SHALL MEAN PRIVATELY OWNED PROPERTY USED FOR COMMERCIAL ACTIVITY THAT
16 CONSISTS OF AN AGGREGATE OF BUILDINGS, SHOPS, STORES, RESTAURANTS, CINE-
17 MAS AND/OR OTHER COMMERCIAL ESTABLISHMENTS DESIGNED TO ATTRACT MEMBERS
18 OF THE PUBLIC FOR THE PURPOSE OF MERCHANDISING, AND WHICH ARE CONNECTED
19 BY PUBLIC AREAS OR COMMON WALKWAYS, PLAZAS, PARKING LOTS OR BUILDINGS
20 DESIGNED TO PROVIDE THE PUBLIC WITH ACCESS TO THESE COMMERCIAL ESTAB-
21 LISHMENTS AND/OR TO PROVIDE THE PUBLIC WITH AN OPPORTUNITY TO SIT,
22 LINGER, RELAX, GATHER OR SOCIALIZE WHILE VISITING FOR THE PURPOSE OF
23 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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1 4. A VIOLATION OF ANY OF THE PROVISIONS OF THIS SECTION SHALL BE
2 PUNISHABLE BY THE IMPOSITION OF A CIVIL PENALTY OF NOT LESS THAN ONE
3 HUNDRED DOLLARS NOR MORE THAN FIVE HUNDRED DOLLARS.
4 S 2. This act shall take effect on the first of September next
5 succeeding the date on which it shall have become a law.