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

5371

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. HASSELL-THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business

AN ACT to amend the alcoholic beverage control law, in relation to mandating the installation of security cameras in cabaret establishments

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

Section 1. Short title. This act shall be known and may be cited as "Imette's Law".

S 2. The alcoholic beverage control law is amended by adding a new section 64-e to read as follows:

S 64-E. INSTALLATION OF SECURITY CAMERAS IN CABARET ESTABLISHMENTS. 1. NO ONE SHALL OPERATE A CABARET LICENSED PURSUANT TO THIS SECTION UNLESS ALL ENTRANCES AND EXITS USED BY PATRONS ARE EQUIPPED WITH DIGITAL VIDEO SURVEILLANCE CAMERAS, PROVIDED, HOWEVER, THAT THIS SECTION SHALL NOT APPLY TO AN ESTABLISHMENT THAT OPERATES PRIMARILY AS A RESTAURANT, AS DEFINED BY SECTION SIXTY-FOUR-C OF THIS ARTICLE, DURING ALL HOURS OF OPERATION.

2. DIGITAL VIDEO SURVEILLANCE SYSTEMS SHALL COMPLY WITH THE FOLLOWING PROVISIONS AND WITH THE RULES OF THE AUTHORITY:

(A) THE VIDEO SURVEILLANCE CAMERAS SHALL BE DIGITAL IN NATURE AND SHALL BE OF SUFFICIENT NUMBER, TYPE, PLACEMENT AND LOCATION TO VIEW AND RECORD ALL ACTIVITY IN FRONT OF AND WITHIN FIFTEEN FEET OF EITHER SIDE OF EACH ENTRANCE OR EXIT;

(B) THE VIDEO SURVEILLANCE CAMERAS SHALL BE SUFFICIENTLY LIGHT SENSITIVE AND PROVIDE SUFFICIENT IMAGE RESOLUTION (SUPPORTED BY ADDITIONAL LIGHTING IF NECESSARY) TO PRODUCE EASILY DISCERNIBLE IMAGES RECORDED AT ALL TIMES;

(C) THE VIDEO SURVEILLANCE CAMERAS SHALL RECORD AT A MINIMUM SPEED OF FIFTEEN FRAMES PER SECOND;

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

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(D) THE VIDEO SURVEILLANCE CAMERA IMAGES SHALL BE CAPABLE OF BEING VIEWED THROUGH USE OF APPROPRIATE TECHNOLOGY, INCLUDING BUT NOT LIMITED TO A COMPUTER SCREEN OR CLOSED CIRCUIT TELEVISION MONITOR;

(E) THE VIDEO SURVEILLANCE CAMERA SYSTEM SHALL BE CAPABLE OF TRANSFERRING THE RECORDED IMAGES TO A PORTABLE FORM OF MEDIA, INCLUDING BUT NOT LIMITED TO COMPACT DISC OR DIGITAL VIDEO DISC;

(F) THE VIDEO SURVEILLANCE CAMERAS SHALL NOT HAVE AN AUDIO CAPABILITY;

(G) THE VIDEO SURVEILLANCE CAMERAS SHALL BE MAINTAINED IN GOOD WORKING CONDITION;

(H) EXCEPT AS OTHERWISE PROVIDED BY RULE, THE VIDEO SURVEILLANCE CAMERAS SHALL BE IN OPERATION AND RECORDING CONTINUOUSLY DURING ALL HOURS OF OPERATION OF THE CABARET AND FOR TWO HOURS AFTER THE CABARET CLOSES;

(I) THE RECORDINGS MADE BY VIDEO SURVEILLANCE CAMERAS INSTALLED AND MAINTAINED PURSUANT TO THIS SECTION SHALL BE INDEXED BY DATES AND TIMES AND PRESERVED FOR A MINIMUM OF THIRTY DAYS SO THAT THEY MAY BE MADE AVAILABLE TO THE AUTHORITY, THE POLICE DEPARTMENT AND OTHER GOVERNMENT AGENCIES ACTING IN FURTHERANCE OF A CRIMINAL INVESTIGATION OR A CIVIL OR ADMINISTRATIVE LAW ENFORCEMENT PURPOSE;

(J) ALL RECORDINGS MADE BY VIDEO SURVEILLANCE CAMERAS INSTALLED AND MAINTAINED PURSUANT TO THIS SECTION WHILE IN THE POSSESSION OF THE CABARET SHALL BE STORED IN A LOCKED RECEPTACLE LOCATED IN A CONTROLLED ACCESS AREA, TO WHICH ONLY AUTHORIZED PERSONNEL HAVE ACCESS, OR SHALL OTHERWISE BE SECURED SO THAT ONLY AUTHORIZED PERSONNEL MAY ACCESS SUCH VIDEO RECORDINGS. ALL PERSONNEL AUTHORIZED TO ACCESS SUCH VIDEO RECORDINGS MUST CERTIFY IN WRITING THAT THEY HAVE BEEN INFORMED ON THE APPROPRIATE USE AND RETENTION OF RECORDINGS AS SET FORTH IN THIS SECTION, AND ON THE LEGAL ISSUES ASSOCIATED WITH VIDEO SURVEILLANCE AND THE USE AND RETENTION OF RECORDINGS. THE CABARET SHALL KEEP A LOG OF ALL INSTANCES OF REQUESTS FOR ACCESS TO, AND DISSEMINATION AND USE OF, RECORDED MATERIALS MADE BY VIDEO SURVEILLANCE CAMERAS INSTALLED AND MAINTAINED PURSUANT TO THIS SECTION. COPIES OF THE CERTIFICATIONS BY AUTHORIZED EMPLOYEES AND OF THE ACCESS LOG SHALL BE PROVIDED TO THE AUTHORITY IN ACCORDANCE WITH ITS RULES;

(K) THE USE OR DISSEMINATION OF RECORDINGS MADE BY VIDEO SURVEILLANCE CAMERAS INSTALLED AND MAINTAINED PURSUANT TO THIS SECTION IN VIOLATION OF THE PENAL LAW OR SECTION FIFTY OF THE CIVIL RIGHTS LAW SHALL RESULT IN SUSPENSION OR REVOCATION OF A LICENSE AND A FINE OF NOT LESS THAN FIVE THOUSAND DOLLARS NOR MORE THAN FIFTY THOUSAND DOLLARS; AND

(L) THE CABARET SHALL POST SIGNAGE AT APPROPRIATE LOCATIONS, AS DETERMINED BY RULE OF THE AUTHORITY, TO NOTIFY THE PUBLIC OF ITS USE OF VIDEO SURVEILLANCE EQUIPMENT AND THE LOCATIONS OF VIDEO SURVEILLANCE EQUIPMENT SO THAT THE PUBLIC HAS SUFFICIENT WARNING THAT SURVEILLANCE IS IN OPERATION.

3. EACH PERSON SUBJECT TO THE PROVISIONS OF THIS SECTION SHALL SUBMIT, OR ENSURE THE SUBMISSION OF, A REPORT TO THE AUTHORITY WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION, OR, IN THE CASE OF A NEW CABARET WITHIN THIRTY DAYS AFTER THE ESTABLISHMENT OF SUCH CABARET. SUCH REPORT SHALL CERTIFY THAT THE CABARET IS IN COMPLIANCE WITH THIS SECTION. REPORTS FILED PURSUANT TO THIS SUBDIVISION SHALL BE SUBMITTED IN SUCH FORM AND MANNER AND CONTAINING SUCH INFORMATION AS SHALL BE PROVIDED BY RULE OF THE AUTHORITY.

4. THE AUTHORITY SHALL CONDUCT PERIODIC INSPECTIONS OF LICENSEES TO ENSURE COMPLIANCE WITH THE USE AND RETENTION POLICIES SET FORTH IN THIS SECTION.

S 3. Rules and regulations. The chairman of the state liquor authority is hereby authorized and directed to promulgate rules and regulations necessary for the implementation of this act on or before the effective date of this act.

S 4. This act shall take effect on the ninetieth day after it shall have become a law.