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2009-2010 Regular Sessions

I N A S S E M B L Y

January 21, 2009

Introduced by M. of A. ORTIZ, P. RIVERA, LATIMER, ARROYO, GREENE --
Multi-Sponsored by -- M. of A. BOYLAND, MAYERSOHN, ROBINSON, WEISEN-
BERG -- read once and referred to the Committee on Economic Develop-
ment, Job Creation, Commerce and Industry

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

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

1 Section 1. Short title. This act shall be known and may be cited as
2 "Imette's Law".
3 S 2. The alcoholic beverage control law is amended by adding a new
4 section 64-e to read as follows:
5 S 64-E. INSTALLATION OF SECURITY CAMERAS IN CABARET ESTABLISHMENTS. 1.
6 NO ONE SHALL OPERATE A CABARET LICENSED PURSUANT TO THIS SECTION UNLESS
7 ALL ENTRANCES AND EXITS USED BY PATRONS ARE EQUIPPED WITH DIGITAL VIDEO
8 SURVEILLANCE CAMERAS, PROVIDED, HOWEVER, THAT THIS SECTION SHALL NOT
9 APPLY TO AN ESTABLISHMENT THAT OPERATES PRIMARILY AS A RESTAURANT, AS
10 DEFINED BY SECTION SIXTY-FOUR-C OF THIS ARTICLE, DURING ALL HOURS OF
11 OPERATION.
12 2. DIGITAL VIDEO SURVEILLANCE SYSTEMS SHALL COMPLY WITH THE FOLLOWING
13 PROVISIONS AND WITH THE RULES OF THE AUTHORITY:
14 (A) THE VIDEO SURVEILLANCE CAMERAS SHALL BE DIGITAL IN NATURE AND
15 SHALL BE OF SUFFICIENT NUMBER, TYPE, PLACEMENT AND LOCATION TO VIEW AND
16 RECORD ALL ACTIVITY IN FRONT OF AND WITHIN FIFTEEN FEET OF EITHER SIDE
17 OF EACH ENTRANCE OR EXIT;
18 (B) THE VIDEO SURVEILLANCE CAMERAS SHALL BE SUFFICIENTLY LIGHT SENSI-
19 TIVE AND PROVIDE SUFFICIENT IMAGE RESOLUTION (SUPPORTED BY ADDITIONAL
20 LIGHTING IF NECESSARY) TO PRODUCE EASILY DISCERNIBLE IMAGES RECORDED AT
21 ALL TIMES;

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

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

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

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

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

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

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

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

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

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

42 (L) THE CABARET SHALL POST SIGNAGE AT APPROPRIATE LOCATIONS, AS DETER-
43 MINED BY RULE OF THE AUTHORITY, TO NOTIFY THE PUBLIC OF ITS USE OF VIDEO
44 SURVEILLANCE EQUIPMENT AND THE LOCATIONS OF VIDEO SURVEILLANCE EQUIPMENT
45 SO THAT THE PUBLIC HAS SUFFICIENT WARNING THAT SURVEILLANCE IS IN OPERA-
46 TION.

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

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

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

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