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

3504

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. BRADLEY -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to the issuance of a non-judicial subpoena for the identity of internet or e-mail subscriber information for a specific screen name

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

Section 1. Section 610.10 of the criminal procedure law is amended by adding a new subdivision 4 to read as follows:

4. A "NON-JUDICIAL SUBPOENA" IS A PROCESS ISSUED BY A DISTRICT ATTORNEY OR THE ATTORNEY GENERAL, WHERE APPROPRIATE, OR THE CHIEF EXECUTIVE OFFICER OF A POLICE DEPARTMENT, AS DEFINED IN SUBDIVISION A OF SECTION EIGHT HUNDRED THIRTY-SEVEN-C OF THE EXECUTIVE LAW, OR THE DESIGNEE OF SUCH CHIEF EXECUTIVE OFFICER, IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION FOUR OF SECTION 610.20 OF THIS ARTICLE.

S 2. Section 610.20 of the criminal procedure law is amended by adding a new subdivision 4 to read as follows:

4. IN THE INVESTIGATION OF AN OFFENSE AGAINST A MINOR OR AN ATTEMPT TO COMMIT AN OFFENSE AGAINST A MINOR, OR IN ANY INSTANCE WHERE THE LIFE OR SAFETY OF A PERSON IS IN IMMINENT DANGER, A NON-JUDICIAL SUBPOENA MAY BE ISSUED AND DIRECTED TO AN INTERNET SERVICE PROVIDER OR A PROVIDER OF E-MAIL SERVICES REQUIRING THE PROVIDER TO DISCLOSE THE IDENTITY AND ADDRESS OF A SUBSCRIBER RELATIVE TO A SCREEN NAME.

S 3. This act shall take effect immediately.

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

LBD03528-01-9