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

6376--B

2011-2012 Regular Sessions

I N A S S E M B L Y

March 16, 2011

Introduced by M. of A. CUSICK, TITONE, MALLIOTAKIS, TOBACCO -- Multi-Sponsored by -- M. of A. BARCLAY -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to prohibiting the dissemination of an image of a crime victim by public servants

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

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

S 2. The penal law is amended by adding a new section 250.70 to read as follows:

S 250.70 DISSEMINATION OF AN IMAGE OF A CRIME VICTIM.

1. A PERSON IS GUILTY OF DISSEMINATION OF AN IMAGE OF A CRIME VICTIM WHERE (A) THE PERSON IS A PUBLIC SERVANT OR IS PERFORMING THE DUTIES OF A PUBLIC SERVANT IN RESPONDING TO AN EMERGENCY CALL; (B) WHILE IN THE COURSE OF HIS OR HER OFFICIAL DUTIES, RECORDS A STILL IMAGE OR MOTION PICTURE OF A CRIME VICTIM; AND (C) BROADCASTS OR PUBLISHES SUCH IMAGES OR MOTION PICTURES OUTSIDE OF THE COURSE OF CONDUCT OF THE PUBLIC SERVANT'S OFFICIAL DUTIES.

2. FOR PURPOSES OF THIS SECTION:

(A) "BROADCAST" MEANS ELECTRONICALLY TRANSMITTING A VISUAL IMAGE WITH THE INTENT THAT IT BE VIEWED BY A PERSON.

(B) "DISSEMINATE" MEANS TO GIVE, PROVIDE, LEND, DELIVER, MAIL, SEND, FORWARD, TRANSFER OR TRANSMIT, ELECTRONICALLY OR OTHERWISE TO ANOTHER PERSON.

(C) "PUBLISH" MEANS TO (I) POST, PRESENT, DISPLAY, EXHIBIT, CIRCULATE, ADVERTISE OR ALLOW ACCESS, ELECTRONICALLY OR OTHERWISE, SO AS TO MAKE AN

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

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IMAGE OR IMAGES AVAILABLE TO THE PUBLIC; OR (II) DISSEMINATE WITH THE INTENT THAT AN IMAGE OR IMAGES BE POSTED, PRESENTED, DISPLAYED, EXHIBITED, CIRCULATED, ADVERTISED OR MADE ACCESSIBLE, ELECTRONICALLY OR OTHERWISE AND TO MAKE SUCH IMAGE OR IMAGES AVAILABLE TO THE PUBLIC.

DISSEMINATION OF AN IMAGE OF A CRIME VICTIM IS A CLASS A MISDEMEANOR.

S 3. This act shall take effect on the one hundred eightieth day after it shall have become a law.