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

4886--A

2011-2012 Regular Sessions

I N S E N A T E

April 28, 2011

Introduced by Sen. ROBACH -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law and the executive law, in relation to offenses relating to unauthorized recordings

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

Section 1. Subdivision 6 of section 275.00 of the penal law, as added by chapter 460 of the laws of 1990, is amended to read as follows:

6. "Recording" means an original phonograph record, disc, tape, audio or video cassette, wire, film, HARD DRIVE, FLASH DRIVE, MEMORY CARD OR OTHER DATA STORAGE DEVICE or any other medium on WHICH such sounds, images, or both sounds and images are or can be recorded or otherwise stored, or a copy or reproduction that duplicates in whole or in part the original.

S 2. Paragraph (b) of subdivision 4 of section 60.27 of the penal law, as amended by section 41 of part A-1 of chapter 56 of the laws of 2010, is amended to read as follows:

(b) the term "victim" shall include the victim of the offense, the representative of a crime victim as defined in subdivision six of section six hundred twenty-one of the executive law, an individual whose identity was assumed or whose personal identifying information was used in violation of section 190.78, 190.79 or 190.80 of this chapter, or any person who has suffered a financial loss as a direct result of the acts of a defendant in violation of section 190.78, 190.79, 190.80, 190.82 or 190.83 of this chapter, a good samaritan as defined in section six hundred twenty-one of the executive law and the office of victim services or other governmental agency that has received an application for or has provided financial assistance or compensation to the victim. A VICTIM SHALL ALSO MEAN ANY OWNER OR LAWFUL PRODUCER OF A MASTER

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

LBD10698-04-1

RECORDING THAT HAS SUFFERED INJURY AS A RESULT OF AN OFFENSE AS DEFINED IN SECTION 275.00 OF THIS CHAPTER.

S 3. Subdivision 6 of section 621 of the executive law, as added by chapter 445 of the laws of 1981, is amended to read as follows:

6. "Representative" shall mean one who represents or stands in the place of another person, including but not limited to an agent, an assignee, an attorney, a guardian, a committee, a conservator, a partner, a receiver, an administrator, an executor or an heir of another person, [or] a parent of a minor; OR A TRADE ASSOCIATION THAT REPRESENTS AN OWNER OR LAWFUL PRODUCER OF A MASTER RECORDING.

S 4. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.