

7811--B

2011-2012 Regular Sessions

I N   A S S E M B L Y

May 17, 2011

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Introduced by M. of A. MORELLE -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal 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:

1     Section 1. Subdivision 6 of section 275.00 of the penal law, as added  
2 by chapter 460 of the laws of 1990, is amended to read as follows:  
3     6. "Recording" means an original phonograph record, disc, tape, audio  
4 or video cassette, wire, film, HARD DRIVE, FLASH DRIVE, MEMORY CARD OR  
5 OTHER DATA STORAGE DEVICE or any other medium on WHICH such sounds,  
6 images, or both sounds and images are or can be recorded or otherwise  
7 stored, or a copy or reproduction that duplicates in whole or in part  
8 the original.  
9     S 2. Paragraph (b) of subdivision 4 of section 60.27 of the penal  
10 law, as amended by section 41 of part A-1 of chapter 56 of the laws of  
11 2010, is amended to read as follows:  
12     (b) the term "victim" shall include the victim of the offense, the  
13 representative of a crime victim as defined in subdivision six of  
14 section six hundred twenty-one of the executive law, an individual whose  
15 identity was assumed or whose personal identifying information was used  
16 in violation of section 190.78, 190.79 or 190.80 of this chapter, or any  
17 person who has suffered a financial loss as a direct result of the acts  
18 of a defendant in violation of section 190.78, 190.79, 190.80, 190.82 or  
19 190.83 of this chapter, a good samaritan as defined in section six  
20 hundred twenty-one of the executive law and the office of victim  
21 services or other governmental agency that has received an application  
22 for or has provided financial assistance or compensation to the victim.

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

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1 A VICTIM SHALL ALSO MEAN ANY OWNER OR LAWFUL PRODUCER OF A MASTER  
2 RECORDING, OR A TRADE ASSOCIATION THAT REPRESENTS SUCH OWNER OR LAWFUL  
3 PRODUCER, THAT HAS SUFFERED INJURY AS A RESULT OF AN OFFENSE AS DEFINED  
4 IN ARTICLE TWO HUNDRED SEVENTY-FIVE OF THIS CHAPTER.

5 S 3. This act shall take effect on the first of November next succeed-  
6 ing the date on which it shall have become a law.