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

9606

I N A S S E M B L Y

March 20, 2012

Introduced by M. of A. MORELLE -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to unlawfully installing or maintaining a two-way mirror or other viewing device

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

Section 1. Subdivisions 2, 2-a and 5 of section 395-b of the general business law, subdivision 2 as added by chapter 88 of the laws of 1982, subdivision 2-a as added and subdivision 5 as amended by chapter 391 of the laws of 1996, are amended to read as follows:

2. A person is guilty of unlawfully installing or maintaining a two-way mirror or other viewing device when, being the owner or manager of any premises, he knowingly permits or allows such a device to be installed or maintained in or upon such premises, for the purpose of surreptitiously observing the interior of any fitting room, CHANGING ROOM, restroom, toilet, bathroom, washroom, shower, or any room assigned to guests or patrons in a motel, hotel or inn.

2-a. A person is guilty of unlawfully installing or maintaining a video recording device when, being the owner or manager of any premises, he knowingly permits or allows such a device to be installed or maintained in or upon such premises, for purpose of surreptitiously recording a visual image of the interior of any fitting room, CHANGING ROOM, restroom, toilet, bathroom, washroom, shower, or any other room assigned to guests or patrons in a motel, hotel or inn.

5. A violation of the provisions of this section shall constitute a violation, and upon conviction thereof shall be punishable by a term of imprisonment not to exceed fifteen days, or by a fine of not more than three hundred dollars FOR EACH DAY SUCH TWO-WAY MIRROR OR OTHER RECORDING DEVICE IS RECORDING OR TRANSMITTING, or by both such fine and imprisonment, except that a violation of subdivision two-a of this section shall constitute a felony. In addition, a violation of the provisions of this section shall be punishable by a civil penalty of not more than three hundred dollars FOR EACH DAY SUCH TWO-WAY MIRROR OR OTHER RECORDING DEVICE IS RECORDING OR TRANSMITTING recoverable in an action by the

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

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attorney general in the name of the people of the state or by the corporation counsel for any city or by the appropriate attorney of any other political subdivision as shall be designated by the governing body of such political subdivision. Each unlawfully installed or maintained mirror or viewing or recording device shall constitute a separate and distinct violation.

S 2. This act shall take effect on the sixtieth day after it shall have become a law.