

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

3958--B

2011-2012 Regular Sessions

I N S E N A T E

March 10, 2011

Introduced by Sens. SAVINO, ADAMS, CARLUCCI, ESPAILLAT, GOLDEN, JOHNSON, KLEIN, LANZA, LARKIN, PERKINS, VALESKY -- 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 -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- 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:

1 Section 1. This act shall be known and may be cited as "Caroline's
2 Law".
3 S 2. The penal law is amended by adding a new section 250.70 to read
4 as follows:
5 S 250.70 DISSEMINATION OF AN IMAGE OF A CRIME VICTIM.
6 1. A PERSON IS GUILTY OF DISSEMINATION OF AN IMAGE OF A CRIME VICTIM
7 WHERE (A) THE PERSON IS A PUBLIC SERVANT OR IS PERFORMING THE DUTIES OF
8 A PUBLIC SERVANT IN RESPONDING TO AN EMERGENCY CALL; (B) WHILE IN THE
9 COURSE OF HIS OR HER OFFICIAL DUTIES, RECORDS A STILL IMAGE OR MOTION
10 PICTURE OF A CRIME VICTIM; AND (C) BROADCASTS OR PUBLISHES SUCH IMAGES
11 OR MOTION PICTURES OUTSIDE OF THE COURSE OF CONDUCT OF THE PUBLIC SERV-
12 ANT'S OFFICIAL DUTIES.
13 2. FOR PURPOSES OF THIS SECTION:
14 (A) "BROADCAST" MEANS ELECTRONICALLY TRANSMITTING A VISUAL IMAGE WITH
15 THE INTENT THAT IT BE VIEWED BY A PERSON.
16 (B) "DISSEMINATE" MEANS TO GIVE, PROVIDE, LEND, DELIVER, MAIL, SEND,
17 FORWARD, TRANSFER OR TRANSMIT, ELECTRONICALLY OR OTHERWISE TO ANOTHER
18 PERSON.

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

LBD08550-05-2

1 (C) "PUBLISH" MEANS TO (I) POST, PRESENT, DISPLAY, EXHIBIT, CIRCULATE,
2 ADVERTISE OR ALLOW ACCESS, ELECTRONICALLY OR OTHERWISE, SO AS TO MAKE AN
3 IMAGE OR IMAGES AVAILABLE TO THE PUBLIC; OR (II) DISSEMINATE WITH THE
4 INTENT THAT AN IMAGE OR IMAGES BE POSTED, PRESENTED, DISPLAYED, EXHIB-
5 ITED, CIRCULATED, ADVERTISED OR MADE ACCESSIBLE, ELECTRONICALLY OR
6 OTHERWISE AND TO MAKE SUCH IMAGE OR IMAGES AVAILABLE TO THE PUBLIC.
7 DISSEMINATION OF AN IMAGE OF A CRIME VICTIM IS A CLASS A MISDEMEANOR.
8 S 3. This act shall take effect on the one hundred eightieth day after
9 it shall have become a law.