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

6228

I N S E N A T E

(PREFILED)

January 8, 2014

Introduced by Sen. RITCHIE -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to unlawful surveillance

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

Section 1. The penal law is amended by adding a new section 250.42 to read as follows:

S 250.42 UNLAWFUL SURVEILLANCE IN THE THIRD DEGREE.

1. ANY PERSON EIGHTEEN YEARS OF AGE OR OLDER IS GUILTY OF UNLAWFUL SURVEILLANCE IN THE THIRD DEGREE WHEN SUCH PERSON:

(A) USES AN IMAGING DEVICE TO VIEW, BROADCAST OR RECORD A CHILD UNDER THE AGE OF TWELVE, WITHOUT THE KNOWLEDGE OR CONSENT OF A PARENT OR GUARDIAN; AND

(B) DOES SO WITH CRIMINAL INTENT OF USING AND DISSEMINATING MATERIAL AS DESCRIBED IN PARAGRAPH (A) OF THIS SUBDIVISION, FOR AN UNLAWFUL PURPOSE.

2. THIS SECTION SHALL NOT APPLY TO:

(A) AN IMAGING DEVICE USED TO CAPTURE IMAGINES OR VIDEOS INCIDENTALLY AS A RESULT OF LAWFUL RECORDING AND DOES NOT HAVE THE CHILD AS THE INTENDED SUBJECT; OR

(B) AN IMAGE, VIDEO OR RECORDING THAT IS LAWFULLY CAPTURED BY A SECURITY CAMERA.

UNLAWFUL SURVEILLANCE IN THE THIRD DEGREE IS A CLASS A MISDEMEANOR.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become law.

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

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