

2053--C

Cal. No. 793

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. PAULIN, WEPRIN -- read once and referred to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- 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 -- passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading

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:

1 Section 1. Subdivision 4 of section 250.45 of the penal law, as added
2 by chapter 69 of the laws of 2003, is amended and a new subdivision 5 is
3 added to read as follows:

4 4. Without the knowledge or consent of a person, he or she inten-
5 tionally uses or installs, or permits the utilization or installation of
6 an imaging device to surreptitiously view, broadcast or record, under
7 the clothing being worn by such person, the sexual or other intimate
8 parts of such person[.]; OR

9 5. FOR HIS OR HER OWN, OR ANOTHER INDIVIDUAL'S AMUSEMENT, ENTER-
10 TAINMENT, PROFIT, SEXUAL AROUSAL OR GRATIFICATION, OR FOR THE PURPOSE OF
11 DEGRADING OR ABUSING A PERSON, THE ACTOR INTENTIONALLY USES OR INSTALLS
12 OR PERMITS THE UTILIZATION OR INSTALLATION OF AN IMAGING DEVICE TO
13 SURREPTITIOUSLY VIEW, BROADCAST, OR RECORD SUCH PERSON IN AN IDENTIFI-
14 ABLE MANNER:

15 (A) ENGAGING IN SEXUAL CONDUCT, AS DEFINED IN SUBDIVISION TEN OF
16 SECTION 130.00 OF THIS PART;

17 (B) IN THE SAME IMAGE WITH THE SEXUAL OR INTIMATE PART OF ANY OTHER
18 PERSON; AND

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

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1 (C) AT A PLACE AND TIME WHEN SUCH PERSON HAS A REASONABLE EXPECTATION
2 OF PRIVACY, WITHOUT SUCH PERSON'S KNOWLEDGE OR CONSENT.

3 S 2. Section 250.55 of the penal law, as added by chapter 69 of the
4 laws of 2003, is amended to read as follows:

5 S 250.55 Dissemination of an unlawful surveillance image in the second
6 degree.

7 A person is guilty of dissemination of an unlawful surveillance image
8 in the second degree when he or she, with knowledge of the unlawful
9 conduct by which an image or images of the sexual or other intimate
10 parts of another person or persons were obtained and such unlawful
11 conduct would satisfy the essential elements of the crime of unlawful
12 surveillance in the first or second degree, AS DEFINED, RESPECTIVELY, IN
13 SECTION 250.50 OR 250.45 OF THIS ARTICLE, intentionally disseminates
14 such image or images.

15 Dissemination of an unlawful surveillance image in the second degree
16 is a class A misdemeanor.

17 S 3. Subdivision 1 of section 250.60 of the penal law, as amended by
18 chapter 157 of the laws of 2003, is amended to read as follows:

19 1. He or she, with knowledge of the unlawful conduct by which an image
20 or images of the sexual or other intimate parts of another person or
21 persons were obtained and such unlawful conduct would satisfy the essen-
22 tial elements of the crime of unlawful surveillance in the first or
23 second degree, AS DEFINED, RESPECTIVELY, IN SECTION 250.50 OR 250.45 OF
24 THIS ARTICLE, sells or publishes such image or images; or

25 S 4. This act shall take effect on the first of November next succeed-
26 ing the date on which it shall have become a law.