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

1982--C

Cal. No. 750

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- 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 -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading -- amended and ordered reprinted, retaining its place in 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:

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

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

5. FOR HIS OR HER OWN, OR ANOTHER INDIVIDUAL'S AMUSEMENT, ENTERTAINMENT, PROFIT, SEXUAL AROUSAL OR GRATIFICATION, OR FOR THE PURPOSE OF DEGRADING OR ABUSING A PERSON, THE ACTOR INTENTIONALLY USES OR INSTALLS OR PERMITS THE UTILIZATION OR INSTALLATION OF AN IMAGING DEVICE TO SURREPTITIOUSLY VIEW, BROADCAST, OR RECORD SUCH PERSON IN AN IDENTIFIABLE MANNER:

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

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

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

LBD05070-06-4

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

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

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

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

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

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

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

S 4. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.