

4856

2013-2014 Regular Sessions

I N S E N A T E

April 26, 2013

Introduced by Sen. DeFRANCISCO -- read twice and ordered printed, and
when printed to be committed to the Committee on Local Government

AN ACT to amend the general municipal law, in relation to the disclosure
of records and registration information by libraries

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

1 Section 1. The general municipal law is amended by adding a new
2 section 79 to read as follows:
3 S 79. DISCLOSURE OF RECORDS AND REGISTRATION INFORMATION BY LIBRARIES.
4 1. ANY LIBRARY WHICH IS IN WHOLE OR IN PART SUPPORTED BY PUBLIC FUNDS,
5 INCLUDING, BUT NOT LIMITED TO, PUBLIC, ACADEMIC, SCHOOL OR SPECIAL
6 LIBRARIES, AND HAVING RECORDS INDICATING WHICH OF ITS DOCUMENTS OR OTHER
7 MATERIALS, REGARDLESS OF FORMAT, HAVE BEEN LOANED TO OR USED BY AN IDEN-
8 TIFIABLE INDIVIDUAL OR GROUP SHALL NOT DISCLOSE SUCH RECORDS TO ANY
9 PERSON EXCEPT:
10 A. PERSONS ACTING WITHIN THE SCOPE OF THEIR DUTIES IN THE ADMINIS-
11 TRATION OF THE LIBRARY;
12 B. PERSONS AUTHORIZED TO INSPECT SUCH RECORDS, IN WRITING, BY THE
13 INDIVIDUAL OR GROUP; OR
14 C. BY ORDER OF A COURT OF LAW.
15 2. THE REQUIREMENTS OF THIS SECTION SHALL NOT PROHIBIT MIDDLE AND
16 ELEMENTARY SCHOOL LIBRARIES FROM MAINTAINING A SYSTEM OF RECORDS THAT
17 IDENTIFIES THE INDIVIDUAL OR GROUP TO WHOM LIBRARY MATERIALS HAVE BEEN
18 LOANED EVEN IF SUCH SYSTEM PERMITS A DETERMINATION, INDEPENDENT OF ANY
19 DISCLOSURE OF SUCH INFORMATION BY THE LIBRARY, THAT DOCUMENTS OR MATERI-
20 ALS HAVE BEEN LOANED TO AN INDIVIDUAL OR GROUP.
21 3. ALL REGISTRATION INFORMATION OF MINORS COLLECTED BY ANY LIBRARY
22 WHICH IS SUPPORTED IN WHOLE OR IN PART BY PUBLIC FUNDS, INCLUDING, BUT
23 NOT LIMITED TO, PUBLIC, ACADEMIC, SCHOOL OR SPECIAL LIBRARIES SHALL NOT
24 BE DISCLOSED TO ANY PERSON EXCEPT:

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

LBD10623-01-3

1 A. PERSONS ACTING ONLY WITHIN THE LEGITIMATE SCOPE OF THEIR DUTIES IN
2 THE ADMINISTRATION OF THE LIBRARY;

3 B. PERSONS AUTHORIZED TO INSPECT SUCH RECORDS, IN WRITING, BY THE
4 INDIVIDUAL; OR

5 C. BY ORDER OF A COURT OF LAW.

6 4. FOR PURPOSES OF THIS SECTION, "REGISTRATION INFORMATION" INCLUDES
7 ANY INFORMATION REQUIRED OF A MINOR IN ORDER TO BECOME ELIGIBLE TO
8 BORROW BOOKS, UTILIZE LIBRARY SERVICES, AND OTHER MATERIALS.

9 5. ANY SUSPICIOUS REQUESTS FOR RECORDS OF MINORS THAT MAY BE INDIC-
10 ATIVE OF CRIMINAL INTENT SHALL BE REPORTED IMMEDIATELY TO APPROPRIATE
11 LAW ENFORCEMENT AUTHORITIES.

12 S 2. This act shall take effect immediately.