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

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The general municipal law is amended by adding a new section 79 to read as follows:

S 79. DISCLOSURE OF RECORDS AND REGISTRATION INFORMATION BY LIBRARIES. 1. ANY LIBRARY WHICH IS IN WHOLE OR IN PART SUPPORTED BY PUBLIC FUNDS, INCLUDING, BUT NOT LIMITED TO, PUBLIC, ACADEMIC, SCHOOL OR SPECIAL LIBRARIES, AND HAVING RECORDS INDICATING WHICH OF ITS DOCUMENTS OR OTHER MATERIALS, REGARDLESS OF FORMAT, HAVE BEEN LOANED TO OR USED BY AN IDENTIFIABLE INDIVIDUAL OR GROUP SHALL NOT DISCLOSE SUCH RECORDS TO ANY PERSON EXCEPT:

A. PERSONS ACTING WITHIN THE SCOPE OF THEIR DUTIES IN THE ADMINISTRATION OF THE LIBRARY;

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

C. BY ORDER OF A COURT OF LAW.

2. THE REQUIREMENTS OF THIS SECTION SHALL NOT PROHIBIT MIDDLE AND ELEMENTARY SCHOOL LIBRARIES FROM MAINTAINING A SYSTEM OF RECORDS THAT IDENTIFIES THE INDIVIDUAL OR GROUP TO WHOM LIBRARY MATERIALS HAVE BEEN LOANED EVEN IF SUCH SYSTEM PERMITS A DETERMINATION, INDEPENDENT OF ANY DISCLOSURE OF SUCH INFORMATION BY THE LIBRARY, THAT DOCUMENTS OR MATERIALS HAVE BEEN LOANED TO AN INDIVIDUAL OR GROUP.

3. ALL REGISTRATION INFORMATION OF MINORS COLLECTED BY ANY LIBRARY WHICH IS SUPPORTED IN WHOLE OR IN PART BY PUBLIC FUNDS, INCLUDING, BUT NOT LIMITED TO, PUBLIC, ACADEMIC, SCHOOL OR SPECIAL LIBRARIES SHALL NOT 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

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

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

C. BY ORDER OF A COURT OF LAW.

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

5. ANY SUSPICIOUS REQUESTS FOR RECORDS OF MINORS THAT MAY BE INDICATIVE OF CRIMINAL INTENT SHALL BE REPORTED IMMEDIATELY TO APPROPRIATE LAW ENFORCEMENT AUTHORITIES.

S 2. This act shall take effect immediately.