

2641

2015-2016 Regular Sessions

I N S E N A T E

January 27, 2015

Introduced by Sen. SAVINO -- 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 prohibiting the dissemination of an image of a crime victim by public servants

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

1 Section 1. This act shall be known and may be cited as "Caroline's
2 Law".

3 S 2. The penal law is amended by adding a new section 250.70 to read
4 as follows:

5 S 250.70 DISSEMINATION OF AN IMAGE OF A CRIME VICTIM.

6 1. A PERSON IS GUILTY OF DISSEMINATION OF AN IMAGE OF A CRIME VICTIM
7 WHERE (A) THE PERSON IS A PUBLIC SERVANT OR IS PERFORMING THE DUTIES OF
8 A PUBLIC SERVANT IN RESPONDING TO AN EMERGENCY CALL; (B) WHILE IN THE
9 COURSE OF HIS OR HER OFFICIAL DUTIES, RECORDS A STILL IMAGE OR MOTION
10 PICTURE OF A CRIME VICTIM; AND (C) INTENTIONALLY BROADCASTS OR PUBLISHES
11 SUCH IMAGES OR MOTION PICTURES OUTSIDE OF THE COURSE OF CONDUCT OF THE
12 PUBLIC SERVANT'S OFFICIAL DUTIES; EXCEPT, THAT NOTHING HEREIN SHALL BE
13 CONSTRUED TO IMPAIR OR DIMINISH THE RIGHT TO USE SUCH IMAGES OR MOTION
14 PICTURES FOR OFFICIAL TRAINING PURPOSES.

15 2. FOR PURPOSES OF THIS SECTION:

16 (A) "BROADCAST" MEANS ELECTRONICALLY TRANSMITTING A VISUAL IMAGE WITH
17 THE INTENT THAT IT BE VIEWED BY A PERSON.

18 (B) "DISSEMINATE" MEANS TO GIVE, PROVIDE, LEND, DELIVER, MAIL, SEND,
19 FORWARD, TRANSFER OR TRANSMIT, ELECTRONICALLY OR OTHERWISE TO ANOTHER
20 PERSON.

21 (C) "PUBLISH" MEANS TO (I) POST, PRESENT, DISPLAY, EXHIBIT, CIRCULATE,
22 ADVERTISE OR ALLOW ACCESS, ELECTRONICALLY OR OTHERWISE, SO AS TO MAKE AN
23 IMAGE OR IMAGES AVAILABLE TO THE PUBLIC; OR (II) DISSEMINATE WITH THE
24 INTENT THAT AN IMAGE OR IMAGES BE POSTED, PRESENTED, DISPLAYED, EXHIB-

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

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1 ITED, CIRCULATED, ADVERTISED OR MADE ACCESSIBLE, ELECTRONICALLY OR
2 OTHERWISE AND TO MAKE SUCH IMAGE OR IMAGES AVAILABLE TO THE PUBLIC.
3 DISSEMINATION OF AN IMAGE OF A CRIME VICTIM IS A CLASS A MISDEMEANOR.
4 S 3. This act shall take effect on the one hundred eightieth day after
5 it shall have become a law.