

8173

I N S E N A T E

August 3, 2016

Introduced by Sens. KLEIN, SAVINO, AVELLA, CARLUCCI, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the general business law, in relation to augmented reality games

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

1 Section 1. The general business law is amended by adding a new section  
2 391-u to read as follows:

3 S 391-U. AUGMENTED REALITY GAME. 1. FOR THE PURPOSES OF THIS SECTION,  
4 THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

5 (A) "AUGMENTED REALITY GAME" SHALL BE A DIGITAL APPLICATION OR GAME,  
6 TYPICALLY ACCESSED ON MOBILE DEVICES, INCLUDING BUT NOT LIMITED TO:  
7 SMARTPHONES; TABLETS; OR AUGMENTED REALITY GLASSES; WHICH CAUSES USERS  
8 TO PHYSICALLY MOVE TO AND/OR PERSONALLY INTERACT WITH LOCATIONS OUTSIDE  
9 THE USER'S PLACE OF RESIDENCE FOR THE PURPOSE OF ACHIEVING GOALS OR  
10 MOVING FROM PLACE TO PLACE WITHIN THE GAME.

11 (B) "IN-GAME OBJECTIVE" SHALL BE ANY ELEMENT OF THE GAME WHICH IS  
12 ACCESSIBLE AT A SPECIFIC DIGITAL LOCATION OR MULTIPLE DIGITAL LOCATIONS.

13 (C) "DIGITAL LOCATION" SHALL BE THE IN-GAME LOCATION ANALOGUE TO AN  
14 EXISTING PHYSICAL ADDRESS IN THE REAL WORLD, MAPPED BY MEANS OF DIGITAL  
15 INFORMATION PROCESSED WITHIN THE GAME THAT CORRESPONDS TO ACTUAL  
16 ADDRESSES AND/OR GPS COORDINATES.

17 (D) "AUGMENTED REALITY GAME DEVELOPER" SHALL MEAN ANY INDIVIDUAL OR  
18 BUSINESS ENTITY WHICH HAS DEVELOPED AND OWNS THE RIGHTS TO AN AUGMENTED  
19 REALITY GAME. IN THE EVENT THAT A DEVELOPER SELLS THE CONTROLLING  
20 INTELLECTUAL PROPERTY RIGHTS TO ANOTHER ENTITY AND NO LONGER MAINTAINS  
21 CONTROL OF THE DEVELOPMENT OF THE AUGMENTED REALITY GAME, THE NEW  
22 CONTROLLING ENTITY SHALL BE CONSIDERED THE DEVELOPER.

23 2. NO AUGMENTED REALITY GAME DEVELOPER SHALL CAUSE OR ALLOW ANY  
24 IN-GAME OBJECTIVE TO BE LOCATED AT, OR ACCESSIBLE WITHIN A ONE HUNDRED  
25 FOOT RADIUS OF THE DIGITAL LOCATION CORRESPONDING WITH THE REPORTED  
26 PLACE OF RESIDENCE OF A SEX OFFENDER SUBJECT TO LIFETIME REGISTRATION AS  
27 DEFINED IN ARTICLE SIX-C OF THE CORRECTION LAW, AS REPORTED ON THE

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

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1 INTERNET SUBDIRECTORY OF LEVEL TWO AND LEVEL THREE SEX OFFENDERS MAIN-  
2 TAINED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES.

3 3. AN AUGMENTED REALITY GAME DEVELOPER SHALL UPDATE ITS IN-GAME OBJEC-  
4 TIVE DIGITAL LOCATION EXCLUSIONS WITHIN THE GAME AT LEAST ONCE PER  
5 MONTH.

6 4. THE ATTORNEY GENERAL SHALL HAVE THE AUTHORITY TO INSTITUTE A CIVIL  
7 ACTION OR PROCEEDING TO ENFORCE THE PROVISIONS OF THIS SECTION. ANY  
8 PERSON OR ENTITY THAT KNOWINGLY VIOLATES THIS SECTION SHALL BE SUBJECT  
9 TO A DAILY FINE OF UP TO ONE HUNDRED DOLLARS EACH DAY FOR EACH DIGITAL  
10 LOCATION WITHIN THE AUGMENTED REALITY GAME THAT IS NOT IN COMPLIANCE  
11 WITH THIS SECTION.

12 S 2. This act shall take effect on the sixtieth day after it shall  
13 have become a law.