

5383

2015-2016 Regular Sessions

I N   S E N A T E

May 14, 2015

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Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the civil rights law, in relation to capturing the visual image of a person within a dwelling when such person has a reasonable expectation of privacy

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

- 1     Section 1. The opening paragraph of section 50 of the civil rights law  
2     is designated subdivision 1 and a new subdivision 2 is added to read as  
3     follows:  
4     2. A PERSON WHO, WHILE LOCATED OUTSIDE A DWELLING, KNOWINGLY RECORDS  
5     OR CAPTURES A VISUAL IMAGE OF ANOTHER PERSON WITHIN A DWELLING AND  
6     HAVING A REASONABLE EXPECTATION OF PRIVACY THEREIN, SHALL BE GUILTY OF A  
7     MISDEMEANOR. FOR THE PURPOSES OF THIS SUBDIVISION, "DWELLING" SHALL HAVE  
8     THE SAME MEANING AS PROVIDED IN SUBDIVISION THREE OF SECTION 140.00 OF  
9     THE PENAL LAW.
- 10    S 2. The opening paragraph of section 51 of the civil rights law is  
11    designated subdivision 1 and a new subdivision 2 is added to read as  
12    follows:  
13    2. ANY PERSON WHOSE VISUAL IMAGE IS RECORDED OR CAPTURED IN VIOLATION  
14    OF SUBDIVISION TWO OF SECTION FIFTY OF THIS ARTICLE MAY MAINTAIN AN  
15    EQUITABLE ACTION IN THE SUPREME COURT OF THIS STATE AGAINST ANY PERSON  
16    RECORDING, CAPTURING OR DISSEMINATING SUCH VISUAL IMAGE, TO PREVENT THE  
17    VIEWING OR DISSEMINATION THEREOF; AND MAY ALSO SUE AND RECOVER DAMAGES  
18    FOR ANY INJURIES SUSTAINED BY REASON OF SUCH VIEWING OR DISSEMINATION  
19    AND IF THE DEFENDANT SHALL HAVE KNOWINGLY VIEWED OR DISSEMINATED SUCH  
20    PERSON'S VISUAL IMAGE CAPTURED OR RECORDED IN VIOLATION OF SUBDIVISION  
21    TWO OF SECTION FIFTY OF THIS ARTICLE, THE JURY, IN ITS DISCRETION, MAY  
22    AWARD EXEMPLARY DAMAGES.
- 23    S 3. This act shall take effect immediately.

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

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