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

7123

I N S E N A T E

March 30, 2016

Introduced by Sen. SANDERS -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to requiring certain cabarets and public dance halls to install video surveillance cameras at all entrances and exits

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

Section 1. The general business law is amended by adding a new section 399-hh to read as follows:

S 399-HH. ADDITIONAL SECURITY MEASURES FOR CABARETS AND PUBLIC DANCE HALLS. 1. FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

A. "DEPARTMENT" SHALL MEAN THE DEPARTMENT OF STATE;

B. "SECRETARY" SHALL MEAN THE SECRETARY OF STATE;

C. "CABARET" SHALL MEAN ANY ROOM, PLACE OR SPACE IN WHICH ANY MUSICAL ENTERTAINMENT, SINGING, DANCING OR OTHER FORM OF AMUSEMENT IS PERMITTED IN CONNECTION WITH THE RESTAURANT BUSINESS OR THE BUSINESS OF DIRECTLY OR INDIRECTLY SELLING TO THE PUBLIC FOOD OR DRINK, EXCEPT EATING OR DRINKING PLACES, WHICH PROVIDE INCIDENTAL MUSICAL ENTERTAINMENT, WITHOUT DANCING, EITHER BY MECHANICAL DEVICES, OR BY NOT MORE THAN THREE PERSONS; AND

D. "PUBLIC DANCE HALL" SHALL MEAN ANY ROOM, PLACE OR SPACE IN THE CITY IN WHICH DANCING IS CARRIED ON AND TO WHICH THE PUBLIC MAY GAIN ADMISSION, EITHER WITH OR WITHOUT THE PAYMENT OF A FEE.

2. A. NO ONE SHALL OPERATE A CABARET OR PUBLIC DANCE HALL UNLESS ALL ENTRANCES AND EXITS USED BY PATRONS ARE EQUIPPED WITH DIGITAL VIDEO SURVEILLANCE CAMERAS, PROVIDED, HOWEVER, THAT THIS SECTION SHALL NOT APPLY TO AN ESTABLISHMENT THAT OPERATES PRIMARILY AS A RESTAURANT, AS DEFINED BY SECTION THREE OF THE ALCOHOLIC BEVERAGE CONTROL LAW, DURING ALL HOURS OF OPERATION.

B. DIGITAL VIDEO SURVEILLANCE SYSTEMS SHALL COMPLY WITH THE FOLLOWING PROVISIONS AND WITH THE RULES OF THE SECRETARY:

(I) THE VIDEO SURVEILLANCE CAMERAS SHALL BE DIGITAL IN NATURE AND SHALL BE OF SUFFICIENT NUMBER, TYPE, PLACEMENT AND LOCATION TO VIEW AND

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

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RECORD ALL ACTIVITY IN FRONT OF AND WITHIN FIFTEEN FEET OF EITHER SIDE OF EACH ENTRANCE OR EXIT;

(II) THE VIDEO SURVEILLANCE CAMERAS SHALL BE SUFFICIENTLY LIGHT SENSITIVE AND PROVIDE SUFFICIENT IMAGE RESOLUTION (SUPPORTED BY ADDITIONAL LIGHTING IF NECESSARY) TO PRODUCE EASILY DISCERNIBLE IMAGES RECORDED AT ALL TIMES;

(III) THE VIDEO SURVEILLANCE CAMERAS SHALL RECORD AT A MINIMUM SPEED OF FIFTEEN FRAMES PER SECOND;

(IV) THE VIDEO SURVEILLANCE CAMERA IMAGES SHALL BE CAPABLE OF BEING VIEWED THROUGH USE OF APPROPRIATE TECHNOLOGY, INCLUDING BUT NOT LIMITED TO A COMPUTER SCREEN OR CLOSED CIRCUIT TELEVISION MONITOR;

(V) THE VIDEO SURVEILLANCE CAMERA SYSTEM SHALL BE CAPABLE OF TRANSFERRING THE RECORDED IMAGES TO A PORTABLE FORM OF MEDIA, INCLUDING BUT NOT LIMITED TO COMPACT DISC OR DIGITAL VIDEO DISC;

(VI) THE VIDEO SURVEILLANCE CAMERAS SHALL NOT HAVE AN AUDIO CAPABILITY;

(VII) THE VIDEO SURVEILLANCE CAMERAS SHALL BE MAINTAINED IN GOOD WORKING CONDITION;

(VIII) EXCEPT AS OTHERWISE PROVIDED BY RULE, THE VIDEO SURVEILLANCE CAMERAS SHALL BE IN OPERATION AND RECORDING CONTINUOUSLY DURING ALL HOURS OF OPERATION OF THE CABARET OR PUBLIC DANCE HALL AND FOR TWO HOURS AFTER THE CABARET OR PUBLIC DANCE HALL CLOSES;

(IX) THE RECORDINGS MADE BY VIDEO SURVEILLANCE CAMERAS INSTALLED AND MAINTAINED PURSUANT TO THIS SECTION SHALL BE INDEXED BY DATES AND TIMES AND PRESERVED FOR A MINIMUM OF THIRTY DAYS SO THAT THEY MAY BE MADE AVAILABLE TO THE DEPARTMENT, THE POLICE DEPARTMENT AND OTHER GOVERNMENT AGENCIES ACTING IN FURTHERANCE OF A CRIMINAL INVESTIGATION OR A CIVIL OR ADMINISTRATIVE LAW ENFORCEMENT PURPOSE;

(X) ALL RECORDING MADE BY VIDEO SURVEILLANCE CAMERAS INSTALLED AND MAINTAINED PURSUANT TO THIS SECTION WHILE IN THE POSSESSION OF THE CABARET OR PUBLIC DANCE HALL SHALL BE STORED IN A LOCKED RECEPTACLE LOCATED IN A CONTROLLED ACCESS AREA, TO WHICH ONLY AUTHORIZED PERSONNEL HAVE ACCESS, OR SHALL OTHERWISE BE SECURED SO THAT ONLY AUTHORIZED PERSONNEL MAY ACCESS SUCH VIDEO RECORDINGS. ALL PERSONNEL AUTHORIZED TO ACCESS SUCH VIDEO RECORDINGS MUST CERTIFY IN WRITING THAT THEY HAVE BEEN INFORMED ON THE APPROPRIATE USE AND RETENTION OF RECORDINGS AS SET FORTH IN THIS SECTION, AND ON THE LEGAL ISSUES ASSOCIATED WITH VIDEO SURVEILLANCE AND THE USE AND RETENTION OF RECORDINGS. THE CABARET OR PUBLIC DANCE HALL SHALL KEEP A LOG OF ALL INSTANCES OF REQUESTS FOR, ACCESS TO, DISSEMINATION AND USE OF, RECORDED MATERIALS MADE BY VIDEO SURVEILLANCE CAMERAS INSTALLED AND MAINTAINED PURSUANT TO THIS SECTION. COPIES OF THE CERTIFICATIONS BY AUTHORIZED EMPLOYEES AND OF THE ACCESS LOG SHALL BE PROVIDED TO THE DEPARTMENT IN ACCORDANCE WITH ITS RULES;

(XI) THE USE OF DISSEMINATION OF RECORDINGS MADE BY VIDEO SURVEILLANCE CAMERAS INSTALLED AND MAINTAINED PURSUANT TO THIS SECTION IN VIOLATION OF THE PENAL LAW OR SECTION FIFTY OF THE CIVIL RIGHTS LAW SHALL RESULT IN SUSPENSION OR REVOCATION OF A LICENSE AND A FINE OF NOT LESS THAN FIVE THOUSAND DOLLARS NOR MORE THAN FIFTY THOUSAND DOLLARS; AND

(XII) THE CABARET OR PUBLIC DANCE HALL SHALL POST SIGNAGE AT APPROPRIATE LOCATIONS, AS DETERMINED BY RULE OF THE SECRETARY, TO NOTIFY THE PUBLIC OF ITS USE OF VIDEO SURVEILLANCE EQUIPMENT AND THE LOCATIONS OF VIDEO SURVEILLANCE EQUIPMENT SO THAT THE PUBLIC HAS SUFFICIENT WARNING THAT SURVEILLANCE IS IN OPERATION.

C. EACH PERSON SUBJECT TO THE PROVISIONS OF THIS SECTION SHALL SUBMIT, OR ENSURE THE SUBMISSION OF, A REPORT TO THE DEPARTMENT WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION, OR, IN THE CASE OF A NEW

CABARET OR PUBLIC DANCE HALL, WITHIN THIRTY DAYS AFTER THE ESTABLISHMENT OF SUCH CABARET OR PUBLIC DANCE HALL. SUCH REPORT SHALL CERTIFY THAT THE CABARET OR PUBLIC DANCE HALL IS IN COMPLIANCE WITH THIS SECTION. REPORTS FILED PURSUANT TO THIS PARAGRAPH SHALL BE SUBMITTED IN SUCH FORM AND MANNER AND CONTAINING SUCH INFORMATION AS SHALL BE PROVIDED BY RULE OF THE SECRETARY.

D. THE DEPARTMENT SHALL CONDUCT PERIODIC INSPECTIONS OF LICENSEES TO ENSURE COMPLIANCE WITH THE USE AND RETENTION POLICIES SET FORTH IN THIS SECTION.

E. THE SECRETARY MAY SUSPEND OR REVOKE A CABARET OR PUBLIC DANCE HALL LICENSE IF THE LICENSEE VIOLATES THE REQUIREMENTS OF THIS SECTION AND, IN ADDITION, SHALL IMPOSE A FINE OF ONE THOUSAND DOLLARS FOR EACH VIOLATION OF SUBPARAGRAPH (IX), (X) OR (XII) OF PARAGRAPH B OF THIS SUBDIVISION, AND ANY ADDITIONAL PENALTIES AND FINES AS REQUIRED BY SUBPARAGRAPH (XI) OF PARAGRAPH B OF THIS SUBDIVISION.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.