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

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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:

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

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

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

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

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

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

2. NO AUGMENTED REALITY GAME DEVELOPER SHALL CAUSE OR ALLOW ANY IN-GAME OBJECTIVE TO BE LOCATED AT, OR ACCESSIBLE WITHIN A ONE HUNDRED FOOT RADIUS OF THE DIGITAL LOCATION CORRESPONDING WITH THE REPORTED PLACE OF RESIDENCE OF A SEX OFFENDER SUBJECT TO LIFETIME REGISTRATION AS 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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INTERNET SUBDIRECTORY OF LEVEL TWO AND LEVEL THREE SEX OFFENDERS MAINTAINED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES.

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

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

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