STATE OF NEW YORK

861--A

2017-2018 Regular Sessions

IN ASSEMBLY

January 9, 2017

Introduced by M. of A. BRAUNSTEIN, PALMESANO, MONTESANO, SCHIMMINGER, OAKS, TITONE, ABINANTI, McDONOUGH -- Multi-Sponsored by -- M. of A. THIELE -- read once and referred to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil rights law, in relation to establishing private right of action for unwarranted video imaging of residential premises

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The civil rights law is amended by adding a new section 52-a to read as follows:

§ 52-a. Private right of action for unwarranted video imaging of residential premises. 1. Any owner or tenant of residential real property shall have a private right of action for damages against any person who installs or affixes a video imaging device on property adjoining such residential real property for the purpose of video taping or taking moving digital images of the recreational activities which occur in the backyard of the residential real property without the written consent thereto of such owner and/or tenant with intent to harass, annoy or alarm another person, or with intent to threaten the person or property of another person. The provisions of this section shall not apply to any law enforcement personnel engaged in the conduct of their authorized duties.

2. For the purposes of this section, "backyard" shall mean that portion of the parcel on which residential real property is located which extends beyond the rear footprint of the residential dwelling situated thereon, and to the side and rear boundaries of such parcel extending beyond the rear footprint of such residential dwelling.

§ 2. This act shall take effect on the thirtieth day after it shall have become a law, and shall apply to acts occurring on or after such date.

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

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