

# 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:

1 Section 1. The civil rights law is amended by adding a new section  
2 52-a to read as follows:

3 § 52-a. Private right of action for unwarranted video imaging of resi-  
4 dential premises. 1. Any owner or tenant of residential real property  
5 shall have a private right of action for damages against any person who  
6 installs or affixes a video imaging device on property adjoining such  
7 residential real property for the purpose of video taping or taking  
8 moving digital images of the recreational activities which occur in the  
9 backyard of the residential real property without the written consent  
10 thereto of such owner and/or tenant with intent to harass, annoy or  
11 alarm another person, or with intent to threaten the person or property  
12 of another person. The provisions of this section shall not apply to  
13 any law enforcement personnel engaged in the conduct of their authorized  
14 duties.

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

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

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

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