

# STATE OF NEW YORK

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5144

2017-2018 Regular Sessions

## IN SENATE

March 9, 2017

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Introduced by Sen. LANZA -- 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 limiting who may bring a private right of action for identifying a victim of a sex offense

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

1 Section 1. Subdivision 1 of section 50-b of the civil rights law, as  
2 amended by chapter 320 of the laws of 2006, is amended to read as  
3 follows:

4 1. The identity of any victim of a sex offense, as defined in article  
5 one hundred thirty or section 255.25, 255.26 or 255.27 of the penal law,  
6 or of an offense involving the alleged transmission of the human immuno-  
7 deficiency virus, shall be confidential. No portion of any report,  
8 paper, picture, photograph, court file or other documents, in the custo-  
9 dy or possession of any public officer or employee, which identifies  
10 such a victim shall be made available for public inspection. No such  
11 public officer or employee shall disclose any portion of any police  
12 report, court file, or other document, which tends to identify such a  
13 victim except as provided in subdivision two of this section.

14 § 2. Section 50-c of the civil rights law, as amended by chapter 643  
15 of the laws of 1999, is amended to read as follows:

16 § 50-c. Private right of action. If the identity of the victim of an  
17 offense defined in subdivision one of section fifty-b of this article is  
18 disclosed in violation of such section, [~~any person injured by such~~  
19 ~~disclosure~~] and has not otherwise been publicly disclosed, such victim  
20 may bring an action to recover damages suffered by reason of such wrong-  
21 ful disclosure. In any action brought under this section, the court may  
22 award reasonable attorney's fees to a prevailing plaintiff.

23 § 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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