STATE OF NEW YORK

1648

2017-2018 Regular Sessions

IN SENATE

January 10, 2017

Introduced by Sen. CARLUCCI -- 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 capturing the visual image of a person within a dwelling when such person has a reasonable expectation of privacy

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

Section 1. The opening paragraph of section 50 of the civil rights law is designated subdivision 1 and a new subdivision 2 is added to read as follows:

2. A person who, while located outside a dwelling, knowingly records or captures a visual image of another person within a dwelling and having a reasonable expectation of privacy therein, shall be guilty of a misdemeanor. For the purposes of this subdivision, "dwelling" shall have the same meaning as provided in subdivision three of section 140.00 of the penal law.

§ 2. The opening paragraph of section 51 of the civil rights law is designated subdivision 1 and a new subdivision 2 is added to read as follows:

2. Any person whose visual image is recorded or captured in violation of subdivision two of section fifty of this article may maintain an equitable action in the supreme court of this state against any person recording, capturing or disseminating such visual image, to prevent the viewing or dissemination thereof; and may also sue and recover damages for any injuries sustained by reason of such viewing or dissemination and if the defendant shall have knowingly viewed or disseminated such person's visual image captured or recorded in violation of subdivision two of section fifty of this article, the jury, in its discretion, may award exemplary damages.

§ 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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