

# STATE OF NEW YORK

3493

2017-2018 Regular Sessions

## IN SENATE

January 23, 2017

Introduced by Sen. BAILEY -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business

AN ACT to amend the alcoholic beverage control law, in relation to mandating the installation of security cameras in cabaret establishments

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 "Imette's Law".

3 § 2. The alcoholic beverage control law is amended by adding a new  
4 section 64-e to read as follows:

5 § 64-e. Installation of security cameras in cabaret establishments. 1.  
6 No one shall operate a cabaret licensed pursuant to this section unless  
7 all entrances and exits used by patrons are equipped with digital video  
8 surveillance cameras, provided, however, that this section shall not  
9 apply to an establishment that operates primarily as a restaurant, as  
10 defined by section sixty-four-c of this article, during all hours of  
11 operation.

12 2. Digital video surveillance systems shall comply with the following  
13 provisions and with the rules of the authority:

14 (a) the video surveillance cameras shall be digital in nature and  
15 shall be of sufficient number, type, placement and location to view and  
16 record all activity in front of and within fifteen feet of either side  
17 of each entrance or exit;

18 (b) the video surveillance cameras shall be sufficiently light sensi-  
19 tive and provide sufficient image resolution (supported by additional  
20 lighting if necessary) to produce easily discernible images recorded at  
21 all times;

22 (c) the video surveillance cameras shall record at a minimum speed of  
23 fifteen frames per second;

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

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1 (d) the video surveillance camera images shall be capable of being  
2 viewed through use of appropriate technology, including but not limited  
3 to a computer screen or closed circuit television monitor;

4 (e) the video surveillance camera system shall be capable of trans-  
5 ferring the recorded images to a portable form of media, including but  
6 not limited to compact disc or digital video disc;

7 (f) the video surveillance cameras shall not have an audio capability;

8 (g) the video surveillance cameras shall be maintained in good working  
9 condition;

10 (h) except as otherwise provided by rule, the video surveillance  
11 cameras shall be in operation and recording continuously during all  
12 hours of operation of the cabaret and for two hours after the cabaret  
13 closes;

14 (i) the recordings made by video surveillance cameras installed and  
15 maintained pursuant to this section shall be indexed by dates and times  
16 and preserved for a minimum of thirty days so that they may be made  
17 available to the authority, the police department and other government  
18 agencies acting in furtherance of a criminal investigation or a civil or  
19 administrative law enforcement purpose;

20 (j) all recordings made by video surveillance cameras installed and  
21 maintained pursuant to this section while in the possession of the  
22 cabaret shall be stored in a locked receptacle located in a controlled  
23 access area, to which only authorized personnel have access, or shall  
24 otherwise be secured so that only authorized personnel may access such  
25 video recordings. All personnel authorized to access such video  
26 recordings must certify in writing that they have been informed on the  
27 appropriate use and retention of recordings as set forth in this  
28 section, and on the legal issues associated with video surveillance and  
29 the use and retention of recordings. The cabaret shall keep a log of all  
30 instances of requests for access to, and dissemination and use of,  
31 recorded materials made by video surveillance cameras installed and  
32 maintained pursuant to this section. Copies of the certifications by  
33 authorized employees and of the access log shall be provided to the  
34 authority in accordance with its rules;

35 (k) the use or dissemination of recordings made by video surveillance  
36 cameras installed and maintained pursuant to this section in violation  
37 of the penal law or section fifty of the civil rights law shall result  
38 in suspension or revocation of a license and a fine of not less than  
39 five thousand dollars nor more than fifty thousand dollars; and

40 (l) the cabaret shall post signage at appropriate locations, as deter-  
41 mined by rule of the authority, to notify the public of its use of video  
42 surveillance equipment and the locations of video surveillance equipment  
43 so that the public has sufficient warning that surveillance is in opera-  
44 tion.

45 3. Each person subject to the provisions of this section shall submit,  
46 or ensure the submission of, a report to the authority within thirty  
47 days after the effective date of this section, or, in the case of a new  
48 cabaret within thirty days after the establishment of such cabaret. Such  
49 report shall certify that the cabaret is in compliance with this  
50 section. Reports filed pursuant to this subdivision shall be submitted  
51 in such form and manner and containing such information as shall be  
52 provided by rule of the authority.

53 4. The authority shall conduct periodic inspections of licensees to  
54 ensure compliance with the use and retention policies set forth in this  
55 section.

1     § 3. Rules and regulations. The chairman of the state liquor authority  
2 is hereby authorized and directed to promulgate rules and regulations  
3 necessary for the implementation of this act on or before the effective  
4 date of this act.

5     § 4. This act shall take effect on the ninetieth day after it shall  
6 have become a law.