STATE OF NEW YORK

8649

2019-2020 Regular Sessions

IN ASSEMBLY

October 2, 2019

Introduced by M. of A. FAHY -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to establishing the crime of voyeurism in the first and second degree

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

Section 1. The penal law is amended by adding two new sections 250.51 and 250.52 to read as follows:

§ 250.51 Voyeurism in the second degree.

A person is guilty of voyeurism in the second degree when:

1. For his or her own amusement, entertainment, profit, sexual arousal or sexual gratification, or for the purpose of degrading or abusing a person, he or she intentionally views, without the use of an imaging device, a person dressing or undressing or the sexual or other intimate parts of such person at a place and time when such person has a reasonable expectation of privacy, without such person's knowledge or consent; or

2. (a) For no legitimate purpose, he or she intentionally views, without the use of an imaging device, a person in a bedroom, changing room, fitting room, restroom, toilet, bathroom, washroom, shower or any room assigned to guests or patrons in a motel, hotel or inn, without such person's knowledge or consent.

(b) For the purposes of this subdivision, when a person views a person without the use of an imaging device in a bedroom, changing room, fitting room, restroom, toilet, bathroom, washroom, shower or any room assigned to guests or patrons in a hotel, motel or inn, there is a rebuttable presumption that such person did so for no legitimate purpose; or

3. For his or her own amusement, entertainment, profit, sexual arousal or gratification, or for the purpose of degrading or abusing a person, the actor intentionally views, without the use of an imaging device,

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

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such person in an identifiable manner engaging in sexual conduct, as defined in subdivision ten of section 130.00 of this part, at a place and time when such person has a reasonable expectation of privacy without such person's knowledge or consent.

Voyeurism in the second degree is a class B misdemeanor.

§ 250.52 Voyeurism in the first degree.

A person is guilty of voyeurism in the first degree when he or she commits the crime of voyeurism in the second degree and has been previously convicted within the past ten years of voyeurism in the first or second degree.

Voyeurism in the first degree is a class A misdemeanor.

§ 2. Subdivision 1 of section 250.65 of the penal law, as added by chapter 69 of the laws of 2003, is amended to read as follows:

1. The provisions of sections 250.45, 250.50, **250.51, 250.52,** 250.55 and 250.60 of this article do not apply with respect to any: (a) law enforcement personnel**, firefighters, healthcare professionals or correctional facility personnel** engaged in the conduct of their authorized duties; (b) security system wherein a written notice is conspicuously posted on the premises stating that a video surveillance system has been installed for the purpose of security; or (c) video surveillance devices installed in such a manner that their presence is clearly and immediately obvious.

§ 3. This act shall take effect immediately.