STATE OF NEW YORK

2386--A

2021-2022 Regular Sessions

IN ASSEMBLY

January 19, 2021

Introduced by M. of A. FAHY -- read once and referred to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 trespasses, as defined in section 140.05 of this part, for the purpose of viewing 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, as defined in subdivision one of section 250.40 of this article, without such person's knowledge or consent; or

2. For his or her own amusement, entertainment, profit, sexual arousal or sexual gratification, or for the purpose of degrading or abusing a person, the actor trespasses, as defined in section 140.05 of this part, for the purpose of viewing a 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, as defined in subdivision one of section 250.40 of this article, without such person's knowledge or consent.

Voyeurism in the second degree is a class B misdemeanor.

§ 250.52 Voyeurism in the first degree.

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

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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.