

# STATE OF NEW YORK

3089

2021-2022 Regular Sessions

## IN ASSEMBLY

January 22, 2021

Introduced by M. of A. DINOWITZ, NOLAN, STERN, DeSTEFANO, MORINELLO, LAVINE, SIMON, SEAWRIGHT, COLTON, BRABENEC, ENGLEBRIGHT, GALEF, CUSICK, B. MILLER, OTIS, McDONOUGH -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the public officers law, the penal law and the civil rights law, in relation to prohibiting the disclosure and publication of the home address or unpublished home telephone number of any active or retired judge or prosecutor

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

1 Section 1. Section 89 of the public officers law is amended by adding  
2 a new subdivision 7-a to read as follows:

3 7-a. Nothing in this article shall permit the disclosure or publica-  
4 tion of the home address or unpublished home telephone number of any  
5 active or retired judge or state or local prosecutor.

6 § 2. The penal law is amended by adding two new sections 250.61 and  
7 250.62 to read as follows:

8 § 250.61 Unlawful disclosure of the address or telephone number of any  
9 active or retired judge or prosecutor in the second degree.

10 No person shall not knowingly, with reckless disregard for the proba-  
11 bility of exposure of another to harassment or risk of harm to life or  
12 property, disclose or post or publish on the internet the home address  
13 or unpublished home telephone number of any active or retired judge of  
14 any court of law of this state, or state, county or municipal prosecu-  
15 tor, or the spouse or child thereof.

16 Unlawful disclosure of the address or telephone number of any active  
17 or retired judge or prosecutor in the second degree is a class A misde-  
18 meanor.

19 § 250.62 Unlawful disclosure of the address or telephone number of any  
20 active or retired judge or prosecutor in the first degree.

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

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1 A person shall not knowingly, with intent to expose another to harass-  
2 ment or risk of harm to life or property, disclose, post or publish on  
3 the internet the home address or unpublished home telephone number of  
4 any active or retired judge of any court of law of this state, or state,  
5 county or municipal prosecutor, or the spouse or child thereof.

6 Unlawful disclosure of the address or telephone number of any active  
7 or retired judge or prosecutor in the first degree is a class E felony.

8 § 3. The civil rights law is amended by adding a new section 50-g to  
9 read as follows:

10 § 50-g. Disclosure of address or telephone number of any active or  
11 retired judge or prosecutor prohibited. 1. No person, business, or asso-  
12 ciation shall disclose or post or publish on the internet the home  
13 address or unpublished home telephone number of an active or retired  
14 judge of any court of law of this state, or any active or retired state,  
15 county or municipal prosecutor, or spouse or child thereof under circum-  
16 stances in which a reasonable person would believe that providing that  
17 information would expose another to harassment or risk of harm to life  
18 or property.

19 2. A person, business, or association that violates subdivision one of  
20 this section shall be liable to the active or retired judge or prosecu-  
21 tor, or any other person residing at the home address of such active or  
22 retired judge or prosecutor, who may bring a civil action in the supreme  
23 court.

24 3. The court may award:

25 (a) actual damages, but not less than liquidated damages computed at  
26 the rate of one thousand dollars for each violation of this section;

27 (b) punitive damages upon proof of willful or reckless disregard of  
28 the law;

29 (c) reasonable attorney's fees and other litigation costs reasonably  
30 incurred; and

31 (d) any other preliminary and equitable relief as the court determines  
32 to be appropriate.

33 4. For the purposes of this section, "disclose" shall mean to solicit,  
34 sell, manufacture, give, provide, lend, trade, mail, deliver, transfer,  
35 publish, distribute, circulate, disseminate, present, exhibit, advertise  
36 or offer.

37 § 4. This act shall take effect immediately.