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penal law and the civil rights law, in relation to prohibiting the disclosure and publication of the home address or unpublished home telephone number of any active or retired judge or prosecutor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

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

7-a. Nothing in this article shall permit the disclosure or publication of the home address or unpublished home telephone number of any active or retired judge or state or local prosecutor.

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

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

No person shall not knowingly, with reckless disregard for the probability of exposure of another to harassment or risk of harm to life or property, disclose or post or publish on the internet the home address or unpublished home telephone number of any active or retired judge of any court of law of this state, or state, county or municipal prosecutor, or the spouse or child thereof.

Unlawful disclosure of the address or telephone number of any active or retired judge or prosecutor in the second degree is a class A misdemeanor.

§ 250.62 Unlawful disclosure of the address or telephone number of any 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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A person shall not knowingly, with intent to expose another to harassment or risk of harm to life or property, disclose, post or publish on the internet the home address or unpublished home telephone number of any active or retired judge of any court of law of this state, or state, county or municipal prosecutor, or the spouse or child thereof.

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

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

§ 50-g. Disclosure of address or telephone number of any active or retired judge or prosecutor prohibited. 1. No person, business, or association shall disclose or post or publish on the internet the home address or unpublished home telephone number of an active or retired judge of any court of law of this state, or any active or retired state, county or municipal prosecutor, or spouse or child thereof under circumstances in which a reasonable person would believe that providing that information would expose another to harassment or risk of harm to life or property.

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

3. The court may award:

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

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

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

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

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

§ 4. This act shall take effect immediately.