STATE OF NEW YORK

3988--A

2021-2022 Regular Sessions

IN SENATE

February 1, 2021

Introduced by Sen. REICHLIN-MELNICK -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- recommitted to the Committee on Investigations and Government Operations in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public officers law, in relation to the ability of government agencies in New York to claim copyright protection

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 11 to read as follows:

11. Any copyright in a record prepared by an agency that is required to be disclosed pursuant to the provisions of this article is waived, except where the record reflects or includes artistic, creative or scholarly works of authorship, academic course materials, or scientific or academic research, or if the copyright owner intends to distribute the record or a derivative work based on it to the public by sale or other transfer of ownership, or by rental, lease, or license. If any of the foregoing exceptions apply, the copyright owner may in its discretion elect to waive any such copyright.

§ 2. This act shall take effect on the sixtieth day after it shall have become a law.

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

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