# STATE OF NEW YORK

9390

# IN ASSEMBLY

March 6, 2024

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

AN ACT to amend the penal law, in relation to prohibiting recording of the entrance of a school ground

**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 a new section 250.75 to read as follows:

**§ 250.75 Unlawful surveillance of school property.**

**1. As used in this section:**

**(a) "School ground" means in or on or within any building, structure, athletic playing field, playground or land contained within the real property boundary line of a public or private elementary, parochial, intermediate, junior high, vocational or high school.**

**(b) "School administrator" shall have the same meaning as defined by subdivision six of section one thousand one hundred twenty-five of the education law.**

**2. A person is guilty of unlawful surveillance of school property when they, intentionally or knowingly:**

**(a) broadcasts or records the entrance to a school ground or the entrance to a property that contains school grounds within its boundaries; or**

**(b) uses or installs, or permits the utilization or installation of a mechanical, digital or electronic viewing device, camera, cellular phone or any other instrument capable of recording, storing or transmitting visual images to view, broadcast or record an entrance to a school ground or an entry to a property that contains school grounds within its boundaries.**

**3. Nothing in this section shall apply to conduct described in subdivision two of this section when such conduct is committed by:**

**(a) the federal government, this state, or a governmental agency;**

**(b) a person under contract with or otherwise acting under the direction or on behalf of the federal government, this state, or a governmental entity;**

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

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**(c) a person who has the prior written consent of the school administrator or their designee;**

**(d) a law enforcement agency; or**

**(e) a person under contract with or otherwise acting under the direction or on behalf of a law enforcement agency.**

**Unlawful surveillance of school property shall be punishable only by a fine of not more than one thousand dollars per day.**

§ 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.