STATE OF NEW YORK

8422

IN SENATE

January 29, 2024

Introduced by Sen. SKOUFIS -- read twice and ordered printed, and when printed to be committed 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.