

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:

1 Section 1. The penal law is amended by adding a new section 250.75 to
2 read as follows:

3 § 250.75 Unlawful surveillance of school property.

4 1. As used in this section:

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

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

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

14 (a) broadcasts or records the entrance to a school ground or the
15 entrance to a property that contains school grounds within its bounda-
16 ries; or

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

23 3. Nothing in this section shall apply to conduct described in subdi-
24 vision two of this section when such conduct is committed by:

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

26 (b) a person under contract with or otherwise acting under the direc-
27 tion or on behalf of the federal government, this state, or a govern-
28 mental entity;

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

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1 (c) a person who has the prior written consent of the school adminis-
2 trator or their designee;

3 (d) a law enforcement agency; or

4 (e) a person under contract with or otherwise acting under the direc-
5 tion or on behalf of a law enforcement agency.

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

8 § 2. This act shall take effect on the first of November next succeed-
9 ing the date on which it shall have become a law.