

STATE OF NEW YORK

6306

2025-2026 Regular Sessions

IN SENATE

March 10, 2025

Introduced by Sen. SANDERS -- 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 unlawful surveillance

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivisions 4 and 5 of section 250.45 of the penal law,
2 subdivision 4 as amended and subdivision 5 as added by chapter 193 of
3 the laws of 2014, are amended and a new subdivision 6 is added to read
4 as follows:

5 4. Without the knowledge or consent of [~~a person~~] an individual, [~~he~~
6 ~~or she~~] such person intentionally uses or installs, or permits the
7 utilization or installation of an imaging device to surreptitiously
8 view, broadcast or record, under the clothing being worn by such person,
9 the sexual or other intimate parts of such person; [~~or~~]

10 5. For [~~his or her~~] such person's own, or another individual's amuse-
11 ment, entertainment, profit, sexual arousal or gratification, or for the
12 purpose of degrading or abusing a person, the actor intentionally uses
13 or installs or permits the utilization or installation of an imaging
14 device to surreptitiously view, broadcast, or record such person in an
15 identifiable manner:

16 (a) engaging in sexual conduct, as defined in subdivision ten of
17 section 130.00 of this part;

18 (b) in the same image with the sexual or intimate part of any other
19 person; and

20 (c) at a place and time when such person has a reasonable expectation
21 of privacy, without such person's knowledge or consent[~~-~~] ; or

22 6. For such person's own sexual arousal or gratification, such person
23 commits trespass, as provided in section 140.05 of this part, and
24 observes, in other than a casual or cursory manner, another person (a)
25 without the knowledge or consent of such other person, (b) while such
26 other person is inside a dwelling, as defined in section 140.00 of this

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

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1 part, and not in plain view, and (c) under circumstances where such
2 other person has a reasonable expectation of privacy.

3 § 2. Section 250.50 of the penal law, as added by chapter 69 of the
4 laws of 2003, is amended to read as follows:

5 § 250.50 Unlawful surveillance in the first degree.

6 A person is guilty of unlawful surveillance in the first degree when
7 [~~he or she~~]:

8 1. such person commits the crime of unlawful surveillance in the
9 second degree and has been previously convicted within the past ten
10 years of unlawful surveillance in the first or second degree; or

11 2. such person commits the crime of unlawful surveillance in the
12 second degree and (a) such person has been previously convicted of an
13 offense under article one hundred thirty or two hundred thirty of this
14 chapter or (b) the intended subject of the offense is a person under
15 sixteen years of age.

16 Unlawful surveillance in the first degree is a class D felony.

17 § 3. This act shall take effect on the ninetieth day after it shall
18 have become a law.