

# STATE OF NEW YORK

7469

2025-2026 Regular Sessions

## IN SENATE

April 17, 2025

Introduced by Sens. HOYLMAN-SIGAL, BROUK, COMRIE, FERNANDEZ, GIANARIS, PARKER, SCARCELLA-SPANTON, 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 criminalizing the harassment of a child; and to amend the civil rights law, in relation to establishing a private right of action for harassment of a child

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 260.16 to  
2 read as follows:

3 § 260.16 Criminal harassment of a child.

4 1. A person is guilty of criminal harassment of a child when such  
5 person intentionally harasses, annoys or alarms the child of any other  
6 person by knowingly and willfully engaging in conduct directed at a  
7 specific child that seriously alarms, annoys, torments or terrorizes the  
8 child, serves no legitimate purpose, would cause a reasonable child to  
9 suffer substantial emotional distress, and actually causes the child to  
10 suffer substantial emotional distress. Such conduct includes, but is not  
11 limited to:

12 a. striking, shoving, kicking, or otherwise subjecting such child to  
13 physical contact, or attempting or threatening to do the same;

14 b. following or lying in wait of a child, provided that for the  
15 purposes of this section, "lying in wait" means holding oneself in a  
16 concealed position to watch and wait for a child;

17 c. recording or attempting to record a child's image or voice, after  
18 the child, or, if the child is younger than fourteen years old, the  
19 parent or legal guardian of the child has expressed that they do not  
20 consent to the child being recorded, unless the person acts in a reason-  
21 able manner and the recording is of the child;

22 (i) engaging in public speech or demonstration; or

23 (ii) attending or participating in a newsworthy public event;

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

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1 d. engaging in a course of conduct or repeatedly committing acts which  
2 alarm, seriously annoy, or cause emotional distress of a child which  
3 serve no legitimate purpose; or

4 e. publishing identifying or contact information about the child with-  
5 out the express consent of the parent or legal guardian of the child,  
6 or, if the child is fourteen years old or older, the express consent of  
7 the child.

8 2. The provisions of this section shall not apply with respect to any  
9 law enforcement personnel engaged in the conduct of their authorized  
10 duties or to any person engaged in otherwise legally mandated activ-  
11 ities.

12 Criminal harassment of a child is a class A misdemeanor.

13 § 2. The civil rights law is amended by adding a new section 52-e to  
14 read as follows:

15 § 52-e. Private right of action for harassment of a child. 1. A  
16 parent or legal guardian whose child was subject to conduct which  
17 constitutes harassment pursuant to subdivision two of this section, may  
18 bring a civil action against the individual that engaged in such conduct  
19 on behalf of the child. The remedies in that civil action shall be  
20 limited to one or more of the following: actual damages, punitive  
21 damages, reasonable attorney's fees, costs, discouragement of any  
22 compensation from the sale, license, or dissemination of the child's  
23 image or voice received by the individual, and injunctive relief. The  
24 rights and remedies conferred in this section shall be cumulative and in  
25 addition to and not in lieu of any other rights or remedies available  
26 under law.

27 2. For the purposes of this section, a person, other than law enforce-  
28 ment personnel engaged in the conduct of their authorized duties or a  
29 person engaged in otherwise legally mandated activity, harasses a child  
30 when such person intentionally or knowingly harasses, annoys or alarms a  
31 child or a child's parent or guardian by:

32 a. striking, shoving, kicking, or otherwise subjecting such child to  
33 physical contact, or attempting or threatening to do the same;

34 b. following or lying in wait of a child, provided that for the  
35 purposes of this section, "lying in wait" means holding oneself in a  
36 concealed position to watch and wait for a child;

37 c. recording or attempting to record a child's image or voice, after  
38 the child, or, if the child is younger than fourteen years old, the  
39 parent or legal guardian of the child has expressed that they do not  
40 consent to the child being recorded, unless the person acts in a reason-  
41 able manner and the recording is of the child:

42 (i) engaging in public speech or demonstration; or

43 (ii) attending or participating in a newsworthy public event;

44 d. engaging in a course of conduct or repeatedly committing acts which  
45 alarm, seriously annoy, or cause emotional distress of a child which  
46 serve no legitimate purpose; or

47 e. publishing identifying or contact information about the child with-  
48 out the express consent of the parent or legal guardian of the child,  
49 or, if the child is fourteen years old or older, the express consent of  
50 the child.

51 § 3. This act shall take effect on the thirtieth day after it shall  
52 have become a law.