STATE OF NEW YORK

8217

2025-2026 Regular Sessions

IN SENATE

May 21, 2025

Introduced by Sen. HINCHEY -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to requiring certain covered platforms to provide a process for law enforcement agencies to contact such platform and to comply with search warrants within seventy-two hours

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

Section 1. The criminal procedure law is amended by adding a new section 690.60 to read as follows:

§ 690.60 Search warrants; covered platforms.

1. For the purposes of this section, the following terms shall have the following meanings:

(a) "Adverse result" shall mean any of the following:

(i) danger to the life or physical safety of an individual;

(ii) flight from prosecution;

(iii) destruction of or tampering with evidence;

(iv) intimidation of potential witnesses; or

(v) serious jeopardy to an investigation.

(b) "Covered minor" shall mean any user who is determined by an operator, via one or more commercially reasonable age verification methods, to be under the age of eighteen.

(c) "Covered platform" shall mean a public or semi-public website, online service, online application, or mobile application that (i) is used by covered minors in this state, (ii) allows users to construct a public or semi-public profile for the purposes of using such website, service, or application, and (iii) allows users to create or post content that is viewable by other users, including but not limited to, on message boards, in chat rooms, or through a landing page or main feed that presents the user with content generated by other users or artificial intelligence.

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

LBD11652-03-5

(d) "Law enforcement agency" shall mean any agency which is empowered by law to conduct an investigation or make an arrest for an offense under the penal law, and an agency which is authorized by law to prosecute or participate in the prosecution of an offense under the penal law.

(e) "Law enforcement officer" shall mean any public servant who is empowered by law to conduct an investigation of or to make an arrest for an offense under the penal law, and any attorney authorized by law to prosecute or participate in the prosecution of an offense under penal law.

(f) "Operator" shall mean any person, business, or other legal entity who operates or provides a covered platform.

(g) "Search warrant" shall mean a search warrant duly executed pursuant to the provisions of this article.

(h) "User" shall mean a user of a covered platform in New York not acting as an operator, or agent or affiliate of such operator, of such platform or any portion thereof.

2. An operator that provides a covered platform shall ensure that its covered platform provides a streamlined process to allow law enforcement agencies to contact such covered platform. Such process shall, at a minimum:

(a) Make available a staffed hotline for law enforcement officers for the purposes of:

(i) receiving and responding to questions about search warrants twenty-four hours a day;

(ii) acknowledging receipt of a search warrant within eight hours of receipt; and

(iii) providing status updates on search warrant compliance to a requesting law enforcement agency, which shall include:

(1) a method to provide regular status updates to a requesting law enforcement agency in response to a question pertaining to a search warrant;

(2) an acknowledgement of receipt of a search warrant in compliance with subparagraph (ii) of this paragraph; and

(3) the status of fulfilling a request of a search warrant; and

(b) Provide continuous availability of such process to law enforcement agencies.

3. Except as provided in subdivision four of this section or any other law, an operator that provides a covered platform shall comply with a search warrant within seventy-two hours after receiving such search warrant if all of the following apply:

(a) such search warrant is provided to such operator or covered platform by a law enforcement agency;

(b) the subject of such search warrant is information associated with a user's account on the covered platform operated by such operator; and

(c) the information is controlled by a user or provider of the covered platform.

4. A court may reasonably extend the time required to comply with a search warrant pursuant to subdivision three of this section, if the court makes a written finding that the operator or covered platform has shown good cause for the extension and that an extension would not cause an adverse result.

5. The provisions of this section shall not apply to an online platform with fewer than one million discrete monthly users.

6. On or after the effective date of this section, whenever it appears to the attorney general, upon complaint or otherwise, that any person,

within or outside the state, has violated the provisions of this section, the attorney general may bring an action or special proceeding in the name and on behalf of the people of the state of New York to:

(a) enjoin any such violation;

(b) obtain restitution of any moneys or property obtained directly or indirectly by any such violation;

(c) obtain disgorgement of any profits or gains obtained directly or indirectly by any such violation;

(d) obtain damages caused directly or indirectly by any such violation;

(e) obtain civil penalties of up to five thousand dollars per violation; and

(f) obtain any such other and further relief as the court may deem proper, including preliminary relief.

§ 2. This act shall take effect immediately.